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# OSCE Yearbook 2000

Yearbook on the Organization for Security and  
Co-operation in Europe (OSCE)



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Dedicated to Prof. Dr. Kurt P. Tudyka  
Editor-in-Chief of the OSCE Yearbook  
1995-1999  
on His 65th Birthday

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## Preface

In the year 2000, the OSCE has a reason to celebrate. This year is marked by the 25th anniversary of the Helsinki Final Act - the document which became the foundation for the CSCE and later the OSCE. Under the auspices of the CSCE, the "Helsinki process" was used by participating States to promote compliance with their CSCE commitments including the field of human rights, thus contributing to the end of the totalitarian regimes in the East and the end of division of Europe.

Today, the OSCE operates in a different environment, and deals with a complex variety of challenges as well as old and new threats to European security. The Organization has also undergone rapid transition in the realm of field operations. Within just a few years, the OSCE has developed into an active field organization, with currently over 20 field activities, and several thousand national and international staff members in a number of countries and regions in Europe and Central Asia.

Yet also in this new environment, the philosophy of the OSCE has remained the same - compliance with and implementation in good faith of all OSCE principles, norms and commitments and by all OSCE participating States, accountability for these to their citizens, and responsibility to each other. Its strength continues to be its broad membership,<sup>1</sup> its early warning, conflict prevention, crisis management and post-conflict rehabilitation instruments, as well as its negotiations and consultations based on building a consensus.

These unique characteristics of the Organization were further emphasized and strengthened by the decisions taken at the OSCE Summit held in Istanbul in November 1999. The concept of common and comprehensive security, and of equal partnership, solidarity and transparency remain the guiding principle of the Organization. In Istanbul, participating States emphasized that the security of each participating State is inseparably linked to that of all others, and that the Organization will address the human, economic, political and military dimensions of security as an integral whole.

Recognizing that the post-Cold War era security challenges require close co-operation among the various international players, the OSCE participating States, in Istanbul, agreed to adopt the Platform for Co-operative Security, which addresses the need to strengthen co-operation between the OSCE and other international organizations and institutions, thereby making better use of the resources of the international community. To those organizations and institutions whose members adhere to OSCE principles and commitments and whose membership is based on openness and free will, the Platform pro-

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<sup>1</sup> After being suspended in 1992, the Federal Republic of Yugoslavia became the 55th OSCE participating State on 10 November 2000.

poses regular contacts, the identification of liaison officers or points of contact, cross-representation at appropriate meetings and other arrangements intended to increase understanding of their respective conflict prevention tools. In dealing with co-operation in response to specific crises, the Platform suggests a pragmatic ongoing exchange of information and the fostering of coordinated approaches to avoid duplication and to ensure efficient use of available resources. The OSCE offers to serve as a flexible framework for co-operation of the various mutually reinforcing efforts.

In fact, many steps have been taken in the last few years to improve co-operation among international organizations, and the Platform further emphasizes this priority of the Organization. A framework of regular consultation with partner organizations has been established, goal-oriented field co-operation has been developing steadily, and ensuring that international organizations are already involved at the planning stages of field activities has brought good results. For example, this year, the OSCE and Council of Europe signed a Common Catalogue of Co-operation Modalities - a depiction of the scope and modalities of co-operation aimed at preserving the institutional memory of co-operation efforts.

An innovative form of co-operation among international organizations is currently underway in Kosovo. The OSCE Mission in Kosovo (OSCE MIK) is a distinct component within the overall framework of the United Nations Interim Administration Mission in Kosovo (UNMIK). It has taken the leading role in matters relating to institution- and democracy-building, human rights and elections, the latter in co-operation with the UN. It has a number of responsibilities that are unprecedented in the context of the OSCE, such as training a new police service and judicial and administrative personnel, as well as providing a framework for media regulation and monitoring.

The OSCE Mission in Kosovo has also been tasked with the organization and supervision of the municipal elections in Kosovo. Together with the UN, the OSCE developed a citizens register, which is the basis for a credible voters list drawn up by the OSCE Mission in Kosovo. A joint "Registration Task Force" has been set up consisting of the "institution building pillar" (OSCE) and the "civil administration pillar" (UN), within the framework of UNMIK, with the joint task of planning and executing voter registration of the citizens of Kosovo.

A Human Rights Training Needs Assessment Mission visited Kosovo as part of an ongoing project between the OSCE, UN OHCHR, the European Commission and the Council of Europe, whose aim is to develop a common set of human rights training materials and programmes for all OSCE and UN field missions.

The OSCE Mission maintains close links with the Kosovo Force (KFOR), which provides a secure environment for OSCE activities in Kosovo. The Council of Europe has contributed seconded experts to the OSCE Mission in

Kosovo, on both short-term and long-term bases, in the fields of media affairs, police training, democratization, human rights and the rule of law.

OSCE MIK is itself important, but Kosovo cannot be isolated from the entire region. The OSCE has a vital role across all borders in South Eastern Europe through the Stability Pact for South Eastern Europe, placed under the auspices of the OSCE by the Cologne Ministerial Conference, convened by the European Union on 10 June 1999. The Stability Pact has proved to be another vital framework encouraging co-operation between the OSCE and other international organizations.

Another area where close co-ordination of efforts will be vital is Chechnya. As the OSCE is preparing for re-deployment of its Assistance Group in Chechnya, it follows the principle that it will need to co-operate closely on the ground with the Council of Europe, especially as the Council of Europe seconded personnel to the office of Mr. Kalamanov, Personal Representative of the President of the Russian Federation on Human Rights. In addition, the Office for Democratic Institutions and Human Rights (ODIHR) gives backing to the Personal Representative's office. The OSCE and the Council of Europe are consulting on this issue by utilizing the channels open for frequent contacts and exchange of information.

The growing responsibilities of the Organization in the realms of early warning, conflict prevention, conflict management, and post-conflict rehabilitation led to the decision of the participating States at the Istanbul Summit to give the Organization more operational capabilities. The decision was taken to create Rapid Expert Assistance and Co-operation Teams (REACT), thereby enabling the OSCE to respond quickly to demands for civilian expert assistance and for large civilian field operations and to shorten deployment time. The idea is to enable the OSCE to deploy civilian and police experts quickly to OSCE participating States to provide assistance, in compliance with OSCE norms, in conflict prevention, crisis management and post-conflict rehabilitation. The participating States have also agreed on studying ways on how to expand the ability of the OSCE to carry out police-related activities. In order to better prepare and manage OSCE field operations, an Operation Centre was established. Its role is to plan and deploy field operations, including those involving REACT resources. It liaises with other international organizations and institutions as appropriate in accordance with the Platform for Co-operative Security. The participating States also reconfirmed their determination to develop the OSCE's role in peacekeeping, an activity that has up to now not been undertaken by the Organization. Finally, the participating States decided to strengthen the consultation process within the OSCE by establishing the Preparatory Committee under the OSCE Permanent Council.

The OSCE has expanded the scale and substance of its efforts. This has greatly strengthened the OSCE's contribution to security and co-operation throughout the entire OSCE area. In Central Asia, the consolidation of the

presence of the OSCE in the region, and the work of Ambassador Höynck, and until the end of 2000 myself, as Personal Representative of the Chairman-in-Office for Central Asia,<sup>2</sup> are aimed at a better common OSCE response to the multitude of challenges facing the countries of Central Asia, at their further integration and the enhancement of the OSCE's co-operative activities in that region.

In Armenia, an OSCE Office in Yerevan has been opened. This Office promotes the implementation of OSCE principles and commitments as well as co-operation with the Republic of Armenia within the OSCE framework. It facilitates contacts with the OSCE Chairman-in-Office and other OSCE institutions. It also establishes and maintains contacts with local authorities, universities, research institutions and NGOs. In July 2000, an OSCE Office with a similar mandate opened in Baku, Azerbaijan.

In Georgia, on top of its regular mandate, the OSCE Mission has also been tasked with border observation. By deploying permanent observers, it was possible *inter alia* to lower tension between Georgia and the Russian Federation over allegations related to developments in and around Chechnya.

The activities level of OSCE institutions has also grown considerably. The Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media, the High Commissioner on National Minorities, but also the OSCE Parliamentary Assembly, active in the human dimension, have an increasingly important role and impact in the Organization's early warning, conflict prevention and post-conflict rehabilitation efforts. Similar activation is visible in the work of the Co-ordinator of OSCE Economic and Environmental Activities. The OSCE Secretariat has undergone restructuring intended to strengthen the operational capacity of the OSCE, notably with regard to the planning, deployment and management of field missions.

To conclude, let me say that Europe, from Vancouver to Vladivostok, requires the contribution of a strengthened OSCE to meet the risks and challenges facing the OSCE area, to improve human security and thereby to make a difference in the life of the individual.

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2 In 2001, Ambassador Höynck was re-appointed under the new title as Personal Representative for tasks in support of the participating States in Central Asia.

## Foreword

Where is the OSCE in the year 2000 - 25 years after the Helsinki Final Act and ten years after the Charter of Paris? It was a milestone in European post-war history that at the beginning of the seventies, 35 states of Europe and North America comprising not only the neutral and non-aligned states but also the members of seemingly non-reconcilable military blocs were then ready to start a dialogue on security and co-operation, on human rights and fundamental freedoms and on 1 August 1975 signed a common document directed towards the future. The Helsinki Final Act initiated a process that contributed substantially to the end of the European divide only 15 years later. This was recorded in the Charter of Paris, the second most significant CSCE document ever created.

The nineties began euphorically: Violence, war and conflict in Europe seemed to have come to an end; utopian times of peace and prosperity had been invoked. Many saw the CSCE as the future umbrella organization for all other organizations and alliances, which would guarantee its members security and define the European scenario decisively. However, what followed was much worse than pure disillusionment. Years of terrible war and human catastrophes struck the middle of Europe, which - as some argued - also demonstrated the failure of the CSCE/OSCE. It was said it had collapsed into insignificance, its "career was taking a downturn", or that it was just a "niche". High expectations were followed by malicious reproach.

Today the OSCE seems to have entered into a matter-of-fact, objective working phase. In an unspectacular but successful manner, it has been concentrating on the difficult tasks of conflict prevention and post-conflict peace-building, in Kosovo and Bosnia and Herzegovina with the largest long-term missions ever set up. In Istanbul, the OSCE adopted a Security Charter, which was once again "only" politically binding and disappointing to some. However, it also contained clear-cut goals. And finally, the Stability Pact for South Eastern Europe has been placed under the auspices of the OSCE. In Kosovo it works in close co-operation with the United Nations - not as an umbrella organization and not in a position above any other organization. On the contrary it is subordinated to the United Nations as "a distinct component within the overall framework of the United Nations Interim Administration Mission". Have disillusionment, modesty and "the dull routine of daily life" taken over once and for all?

Conflict prevention and post-conflict peace-building are not "niches". The promotion of human rights and democratization, and with this, the elimination of decisive conflict causes are not side issues. On the contrary, they are enormous and important tasks and are a part of the process of shaping peace,

security and stability in Europe. And moreover, they make the OSCE indispensable.

Furthermore co-operation and co-ordination with other organizations are by no means signs of insignificance or weakness. The question is not whether it is to be an "umbrella organization" or a "service agency". In view of the overwhelming tasks to be solved in the most varied areas and the diversity of conflict causes, co-operation and co-ordinations are signs of foresight and good sense.

And one cannot simply take for granted in this day and age that 55 states with the most multifarious interests and problems have been conducting a permanent dialogue, in which they hold discussions week after week in the OSCE Permanent Council, conferences and meetings, in seminars and workshops on security and co-operation, on human rights and violations of human rights, on war and conflicts, and also - this was unthinkable in the past - on so-called "internal affairs". This is another reason the OSCE is indispensable.

"Internal affairs" - human rights violations, the actual or alleged suppression of minorities, democracy deficits - proved to be the most frequent conflict causes in the last few years. Most wars have taken place within states or originated within states with the potential to escalate into inter-state conflict. This is when an organization with the explicit mandate to prevent conflicts and a right - although this is strictly limited - to intervene in the "internal affairs" of a country becomes important.

If the OSCE is indispensable on the one hand but apparently also awakens images of insignificance and signs of weakness on the other, the following conclusion must be drawn: The Organization must be strengthened. And that is true for all areas.

A great deal has been achieved in the area of setting norms, however even here there is still much to be done. There is still a lack of clear definitions on minority rights and they have not been adequately codified. There have been promising advances in the form of the Copenhagen Document and the Recommendations developed upon the request of the High Commissioner on National Minorities. Decisive points have yet to be clarified (forms of autonomy, individual or collective rights, citizenship issues). In this context, the unsolved (and perhaps never to be solved completely) issue of the relationship between two principles of the Helsinki Final Act, the territorial integrity of states and the people's right to self-determination, has to be mentioned. In addition, the debates on making OSCE commitments legally binding on a step-by-step or partial basis remain controversial. These discussions should be continued but not include ideals having no chance of being realized. Last but not least, participating States should finally be prepared to take advantage of the Court of Conciliation and Arbitration to be able to solve their disputes peacefully. These resources have not been completely exhausted.

Further progress has been made in strengthening operational capacities. In addition to increases in personnel and financial resources for the large mis-

sions, the concept of Rapid Expert Assistance and Co-operation Teams (REACT) has been developed, the Secretariat in Vienna was restructured and an Operation Centre was created. However, even here there is room for improvement: There are by no means enough personnel and financial resources available to fulfil the numerous tasks the OSCE must perform. This does not mean creating more bureaucracy, but better equipping the areas and instruments that directly effect conflict prevention: the missions and other forms of field activities, the offices of the High Commissioner on National Minorities, the OSCE Representative on Freedom of the Media or the Co-ordinator for OSCE Economic and Environmental Activities to name a few.

In this connection, an appeal should again be made to create the prerequisites as quickly as possible for the implementation of OSCE peacekeeping operations.

At the same time a further institutionalization should be considered, e.g. the instruments and methods for conflict prevention and management that have proven valuable should be made more independent of prolonged political decision-making processes. This could be achieved by transferring a series of facilities and capacities as well the right to start initiatives from the negotiating committees to the permanent institutions, e.g. the Conflict Prevention Centre and its Director. An analysis department for the systematic collection and evaluation of data relevant to conflicts would also be appropriate here.

One of the most important key words on the future of the OSCE was spoken by the former Chairman-in-Office, Federal Foreign Minister (ret.) Hans-Dietrich Genscher in a speech he held on the occasion of the ceremonies - which incidentally, were very modest to the detriment of the OSCE - on the 25th anniversary of the signing of the Helsinki Final Act: This key word was "repoliticization". The repoliticization of the Organization would be *the* task of the coming years. The OSCE is not a service agency, but a political actor and it has a political task: the shaping of peace, security and stability in Europe. The OSCE must again "recall its strengths as a predominantly political organization", as Wilhelm Höynck has written in this volume. This too certainly will require certain changes that will have to be discussed in future. Reflection should be made for example on the necessity of increased political continuity. In this context, the discussion on extended authority for the Secretary General should not be considered at an end. In addition, the role of the OSCE as a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations must be activated more fully. In the OSCE, political decisions will have to be made and met. In this context, the discussion on the consensus principle will have to be continued.

On balance, the conclusion is: Conflict prevention is not a "niche", but a basic prerequisite for peace and security in Europe. However, conflict prevention alone is not enough. It is only a part of the larger political task in creating peace, security and stability in Europe. This task demands as always that the OSCE be strengthened, but also primarily that it be repoliticized.



The claim for superiority or creating a hierarchy is no longer a topic for discussion. In view of the strengths and capabilities of other organizations, this would neither be feasible nor desirable. The exact text of this reads: co-operation and co-ordination.

Every organization is as strong as its members will it and allow it to be. This is surely a truism but an appropriate one. However, what exactly is necessary to strengthen the OSCE? It is necessary that there be confidence that the OSCE is the right arena to reach common political solutions to existing or future problems. It is necessary that the participating States have an interest in the OSCE and its reinforcement. Moreover public awareness of the OSCE is also necessary. Matter-of-fact, objective, persistent work does not make the headlines - neither do prevented conflicts.

Confidence has to be won, interest and awareness can be awoken. And as has been true every year, we would again like to contribute to this process through the OSCE Yearbook. If this has been successful then this is to the merit of our authors who have dedicated themselves to the numerous problems and tasks, achievements and perspectives of the OSCE as well as its capabilities and limits and have conducted the discussions addressed here in a lively and many-facetted manner. They are the ones we thank.

# I.

## The Situation



## OSCE: Developments and Prospects



## Principles and Pragmatism: Twenty-Five Years with the Helsinki Process

I feel that I have lived the last twenty-five years of my life in the shadow of the Helsinki process. I was Foreign Minister of the Netherlands during the discussions leading up to the signing of the Helsinki Final Act on 1 August 1975. I saw the impact that the Act had on the people of Eastern Europe when I visited Poland and Czechoslovakia in the mid 1970s. I was part of the Dutch delegation that took part in crucial human dimension meetings in the early 1990s. And since January 1993 I have been trying to prevent inter-ethnic conflict in the OSCE area as High Commissioner on National Minorities. Throughout this period I have tried to mix principles with pragmatism. I think the same can be said for the CSCE and now the OSCE. On the one hand, one must have a moral code to guide one's judgment and actions. Principles offer the parameters by which one should guide one's actions. These should not be sacrificed. On the other hand, one cannot be so inflexible as to be unable to make compromises. This does not mean compromising one's own principles but it does mean making them with one's counterparts. For the OSCE, that code has been defined by a growing body of standards, beginning with the Final Act. Its pragmatism has developed through consensus-building, and the flexibility that the Organization has developed in terms of adapting to the challenges of the day. This has become particularly evident in the growing operational capabilities of the OSCE since the early 1990s.

My pragmatism has been moulded by my involvement in politics for over twenty years. My moral code was shaped by my boyhood experience during the Nazi occupation of the Netherlands. The barbarity that I witnessed as a young man left the deep impression on me that it is worthwhile to fight for human rights. So too did my visits to Czechoslovakia in 1947 and 1948 when I experienced the undermining and finally the destruction of the democratic system in that country by the forces of communism.

East-West relations in the 1970s required both pragmatism and principle. Many foreign ministers of CSCE countries felt, like me, that the Helsinki process offered an opportunity not only to agree on common principles - itself a big step forward at that time - but also to make sure that there was an opportunity to make countries live up to those commitments. As I said at the time: "In the interest of laying the groundwork for a more intimate relationship between the participating States, on which a better more secure Europe can be built, we should elaborate the basic texts into something truly descriptive of the higher level of mutual respect and interrelation to which we aspire."

I think that we managed to do that in the Helsinki Final Act. Principle VII of the Decalogue, namely "Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief" was a major breakthrough. Furthermore, the commitments outlined in the chapter on Co-operation in Humanitarian and Other Fields are very specific as regards contacts, reunification of families, travel, tourism, information, culture, education and so on. This was détente with a human face. These types of person-to-person contacts were, in my opinion, the types of relationships that could become a strong undercurrent of East-West co-operation that could pull other bigger political issues along in their wake. Little did we realize how strong that current would be.

Of course, change was not achieved overnight. Agreeing on common principles was difficult. Getting countries to implement them required fighting every inch of the way. I well recall the resistance that we encountered from our Communist counterparts during discussions on human dimension issues at the Helsinki follow-up meetings in Belgrade (1977) and Madrid (1983).

It was crucial to keep the spotlight focused on human rights. Otherwise the Helsinki Final Act would have been little more than a recognition of the status quo with a few good intentions. Even so, we did not anticipate the impact that the "human dimension" aspects of "Basket Three" would have on eroding communism. We regarded the insistence on the respect for human rights as a way of keeping pressure on the Communist regimes to live up to their commitments, but we could not have predicted the extent to which those principles empowered the powerless (to paraphrase Vaclav Havel). It was inspiring to see how dissidents and human rights advocates used the commitments in the Act to prod their governments into opening up their closed and repressive societies.

During a visit to Czechoslovakia at the end of February 1977, I was struck by the courage of these dissidents. Charter 77 had only recently been formed. I was wary of meeting with any representatives of the movement. I did not want to risk the security of Charter members who were under constant surveillance. However, one day when I went back to my hotel a member of Charter 77 was waiting for me. In the presence of two journalists, he told me that his name was Patocka and that he was a representative of Charter 77. He did not ask me explicitly for support, but I knew that he was taking a big risk in meeting me so publicly. I was also aware of the symbolic significance of this visit. Here was a foreign minister of a Western European democracy in effect recognizing an opposition movement to a Communist government. With the tape recorders rolling, I said a government was not allowed to interfere in the affairs of another state, but that the government of the Netherlands supported the implementation of the Helsinki Final Act in all respects (...) and expects that the government of Czechoslovakia (a signatory of the Act) would do the same. He thanked me for this comment and said that it provided him with "valuable moral support".

This support was of great concern to the Communist authorities. After our short meeting, Professor Patocka was arrested and rigorously interrogated. He died of a heart attack the next day.

I believe that it was important for a representative of a Western European democracy to meet a member of the Charter (a practice which later became a matter of course for high-ranking visitors). It not only showed support for their courageous activities, but I think that it was important for us in the West to stand up for the things that we believed in. It was a matter of moral consistency. We could not merely agree on certain principles and then walk away. Sadly, the price paid by others in this fight was far greater than our own. But that was even greater reason for us to support them.

I kept up my links with the Czechoslovak underground movement. When I returned to Czechoslovakia in 1988, to participate in a conference as a private citizen, Vaclav Havel (who organized the conference) was arrested right before my eyes. But unlike my visits to Czechoslovakia in the 1970s, I felt that this time the winds of change were blowing in favour of democracy. The arrest of Havel and other Charter members in the late 1980s was the last gasp of air from a regime that was out of touch with its people and even out of step with the reform-minded Mikhail Gorbachev in Moscow. The Communist monolith was cracking. The human spirit, bolstered by the Helsinki process, had triumphed.

Those were heady days in 1989/90. Who could have thought that the world could be turned upside down so quickly, and so peacefully?

It was important to take the opportunity afforded by the collapse of communism to strengthen commitments regarding human rights. The ideals that the Western, neutral and non-aligned countries had fought to implement were now commitments that all OSCE States held in common. As was stated in the Copenhagen Document of June 1990, all CSCE States were now committed "to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law". The Copenhagen Document was a basis for many of the activities later carried out by the Office for Democratic Institutions and Human Rights (ODIHR). It also included, for the first time, important commitments (in Section IV, Articles 30-40) that deal specifically with the protection of persons belonging to national minorities.

Participating States went even further at the Moscow Meeting of the Conference on the Human Dimension of October 1991 when they "categorically and unequivocally" declared that "commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned." I doubt that this could be drafted so "categorically and unequivocally" today.

This was a revolutionary statement and had far-reaching consequences in terms of our traditional concepts of sovereignty. It also affected the way that



the CSCE could become involved in the internal affairs of a participating State. This intrusiveness was essential for by the early 1990s most conflicts were of an intra-state rather than inter-state character.

When I took part in CSCE meetings in the early 1990s as head of the delegation of the Netherlands to the Human Dimension meetings (in Paris 1989, Copenhagen 1990 and Moscow 1991) it was clear to me that we were blazing a new trail. Yet it was hard to anticipate that that trail would go through such rocky terrain. The explosion of nationalism, particularly in Yugoslavia and the former Soviet Union, demonstrated that the process of post-Communist transition would present us with challenges that Europe had not seen since the early part of the century. All of a sudden we were dealing with conflicts which had remained unresolved since the collapse of the Austro-Hungarian and Ottoman empires, compounded by the effects of the Second World War, several generations of communism and the collapse of the Soviet empire. The unexpected smoothness of the collapse of communism lulled us into a false sense of how easy it would be to deal with post-Communist transition.

In 1991 and 1992 the rise of extremist far-right movements, the crackdown by OMON special forces in Latvia and Estonia, outbreaks of fighting in Yugoslavia, Moldova and Georgia and ominous storm clouds over other former Soviet republics and parts of South-eastern Europe gave us a wake-up call. The thaw of the post-Cold War period had left a muddy stench of fear, hate and xenophobia. We had to do more to prevent inter-ethnic conflict. Little did I know at that time that I would become so involved in this process.

The CSCE process of the 1970s and 80s was not ideally suited to cope with the new realities of the early 1990s. New structures were needed. A process of institutionalization took place, ultimately transforming the CSCE into an organization. Part of this process was the creation of the position of High Commissioner on National Minorities. The proposal for this post was made by the Netherlands Minister for Foreign Affairs, Hans van den Broek, at the Helsinki follow-up meeting of April 1992. Later on, my name was put forward as a candidate. I was officially appointed as the first OSCE High Commissioner on National Minorities at the Ministerial Council meeting in Stockholm on 15 December 1992.

When I began the job of High Commissioner I was sailing into uncharted waters. I had no map, and my ship was pretty small. Frankly, I am not so sure whether some participating States were very keen on the idea of having a High Commissioner on National Minorities. Many states were also very hesitant about developing large structures along the lines of the United Nations. As a result, resources were limited. One must recall that in the early 1990s the CSCE Secretariat was a small office in Prague and the Office for Free Elections (later ODIHR) and the Parliamentary Assembly were also very small outfits. Of these, my facilities were probably the most modest. I started with a personal adviser and one secretary seconded by the Dutch government. An NGO provided me with another staff member and I was later

joined by seconded officials from Poland and Sweden. That was it. To compensate for the scant resources I created a Foundation on Inter-Ethnic Relations. This allowed us to raise money separately of the OSCE budget and to attract staff to help us with special projects.

There was no precedent for the type of work that my office carried out. Therefore I was careful to base my work on international standards and to gain the support of OSCE political bodies. This ensured that although I worked relatively independently, I had strong backing. This is what I sometimes refer to as quiet diplomacy "plus". I speak softly and carry a small stick, but when my interlocutors do not respond to discrete, quiet diplomacy, I have had recourse to the participating States and other levers of influence. Besides, because my work is of a co-operative nature, most states realize that I am trying to work with them rather than against them. I may not be popular in some states or with certain individuals, but during my period as High Commissioner I was only once denied access to a country (the Federal Republic of Yugoslavia as Personal Representative of the Chairman-in-Office for Kosovo).

From the beginning my approach has been defined by certain characteristics. As already noted, independence coupled with political support were crucial. Furthermore, I strove to be impartial (which is not always the same thing as being neutral), and I insisted on the condition of confidentiality. I also regarded incrementalism and follow-up as crucial. As I noted earlier, I have always taken a step-by-step approach in my work, and I have also suggested this technique to my interlocutors. Affecting change requires compromise and sometimes reconciliation - and this takes time. In order to monitor the steps taken - and to encourage the parties, particularly governments, to continue in the right direction - I have almost always followed up on a situation. In some cases, for example to the former Yugoslav Republic of Macedonia, I made over forty visits in seven years. Generally, the effective implementation of my mandate required a lot of time on the road. One can only grasp the subtleties of a situation and the position of the individuals and parties concerned if one is face to face with them. Furthermore, this frequent interface and follow-up emphasizes one's commitment to finding a successful resolution to an issue.

I leave it to others to assess my effectiveness in doing so over the past seven years. However, I would like to make a few observations from my experience in preventing inter-ethnic conflict.

The first point is the need for early warning and early action. The logic of preventive diplomacy is simple. Timely and effective action can help to avert a costly crisis. Instead of the hindsight view that "we should have seen it coming" and post-conflict rehabilitation that pours millions of Dollars into reconstruction, we should have more foresight and investment - particularly political capital - when it comes to preventing conflicts. More often than not

the warning signs are apparent. The problem is acting on them - in time. This lesson has still not been sufficiently learned.

Secondly, in order to address problems one must understand what the root causes are. Debates on the relationship between the majority and the minority often revolve around questions of "identity". Identity is such an abstract notion that one must break down its component parts in order to look at what is really at issue. One must try to strip away romanticized notions to get down to the questions of substance while at the same time being sensitive to questions of culture, history and symbolism. This is why I try to get the conflicting parties to be specific. Nationalism feeds off stereotypes and vague generalizations. If one can put these aside and look at the underlying considerations, one can begin to tackle pragmatically the concrete - and usually solvable - issues which, if left unaddressed, could blow up into emotive "nationalistic" debates.

In this context, it is important for all parties to realize that while certain basic standards must be maintained, political solutions require compromise. Again, it is a question of pragmatism based on principles. Parties that take a maximalist approach often meet maximum opposition, whereas parties that are willing to show some flexibility can make gains little by little. One must always bear in mind that there are usually at least two sides to every issue. Long-term solutions are best achieved through a pragmatic step-by-step approach based on politically possible objectives.

Once issues are raised, they should be discussed. A third general observation that I would like to make is that inter-ethnic tensions often stem from a lack of communication. Dialogue is an important process for dispelling misperceptions and building confidence between the parties. It is the first step in getting the parties to communicate directly, to articulate their concerns, and to seek co-operative and constructive solutions to their problems. Sometimes it takes a third party to help to initiate this process and/or move it along. I have been able to play a role in this respect in several OSCE countries. However, despite the fact that my involvement has often been long-term, it is up to the parties to eventually find ways of facilitating their own means of communication - on a permanent basis. Dialogue between the government and the minority is seldom limited to a single issue. It is therefore important to have adequate dialogue structures between the government and minorities in the longer term.

A fourth observation is that effective participation of national minorities in public life is an essential component of a peaceful society. Through effective participation in decision-making processes and bodies, representatives of minorities have the possibility to present their views to the authorities, which can help the authorities to understand minority concerns and take these into account in developing policies. At the same time the authorities are offered a platform to explain their policies and intentions. This can contribute to a more co-operative and less confrontational situation. Experience has shown

that integration through participation is an important element in forging links of mutual understanding and loyalty between the majority and minority communities within a state, and in giving minorities input to processes that directly effect them. It also improves overall governance, for if minorities feel that they have a stake in society, if they have input into discussion and decision-making bodies, if they have avenues of appeal, and if they feel that their identities are being protected and promoted, the chances of inter-ethnic tensions arising will be significantly reduced. These ideas are further elaborated in the *Lund Recommendations on the Effective Participation of National Minorities in Public Life*<sup>1</sup> which were drawn up by a group of international experts at my request in the spring of 1999.

The importance of ensuring the effective participation of minorities in public life - or more broadly speaking integrating diversity - is to look at what happens when this is not done. Tensions can arise that can destabilize internal stability and bilateral relations. When people's needs are not taken into account within the state, they sometimes look for other ways of protecting and promoting their interests. If these people define themselves as a distinct national or ethnic community, their dissatisfaction may result in calls for separation whether this be separate structures or even secession.

I would argue that, in an increasingly interdependent world, secession is seldom a viable option for achieving lasting peace, security and prosperity. The creation of new states leads to the creation of new minorities and the proliferation of fragile mini-states. Secession breeds secession. What is good for one minority is good for another. Bearing that in mind, I submit that ethnically pure territorial units are a myth, and efforts to achieve them cause conflict and are fraught with serious violations of human rights. We must respect the rights inherent in sovereignty and stick to the principle that frontiers can only be changed by peaceful means and by agreement.

We must therefore keep faith in the multi-ethnic and multi-cultural ideal. This requires us to move beyond the Westphalian concept of the nation-state, towards integrated societies within and between states. Building on our common interests and shared values, we can find a new way to accommodate varying and often multiple identities in our multi-ethnic states and world. We must change our notion of the state from the antiquated idea of the nation-state protecting the so-called "state-forming nation" into a new system and ideal where states, individually and collectively, protect and facilitate the diverse interests of all citizens on the basis of equality. At the foundation of this new system and ideal must be respect for human rights, including the rights of persons belonging to national minorities.

At the highest level, norm setting is crucial. In the past few years important standards have been developed by the OSCE and the Council of Europe, for example the Copenhagen Document and the Framework Convention for the Protection of National Minorities. For my part, in the past three years I have

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1 Reprinted in this volume, pp. 445-469.

commissioned international experts to come up with general recommendations regarding the education rights of national minorities, the linguistic rights of national minorities and the effective participation of minorities in public life. States, especially those in post-Communist transition, are showing a greater understanding for the need to develop legislation to protect minority rights, devise mechanisms to facilitate dialogue with minorities, and build frameworks in which minorities can more fully participate in decisions and activities that directly affect them. The fact that the respect for human rights, including the rights of persons belonging to national minorities, is part of the European Union's criteria for admission of new members has made an important impact on applicant states.

In addition to the protection of minority rights, another major contemporary challenge is to accommodate the needs and aspirations of minorities while maintaining the cohesiveness of states. There is a huge and relatively unexplored gap between forceful assimilation at one extreme and secession at the other. In my view, insufficient attention has been given to the possibilities of non-territorial autonomy. The toolbox relating to "internal" rather than "external" self-determination is full of interesting and relatively untested possibilities.

It is worth looking into this toolbox to find ways of reconciling some of the principles in the Helsinki Final Act, namely the inviolability of frontiers, respect for sovereignty and the territorial integrity of states on the one hand and the self-determination of peoples on the other. These are some of the most pressing issues of our time. This clash of principles is most evident in Kosovo, Bosnia and Herzegovina, Moldova (Trans-Dniestria), Nagorno-Karabakh, the Russian Federation (Chechnya) and Georgia (South Ossetia and Abkhazia). But it is also an issue in the United Kingdom (over questions of devolution), Canada (Quebec, federalism, and aboriginal claims), the Basque country, and even the relationship between state sovereignty and the European Union.

In some cases it may be appropriate for states to devote resources to self-governance. In this way, minorities may have a measure of control over specific matters which concern predominantly them or them alone. This may be achieved through regimes of territorial autonomy where minorities may be concentrated. Where minorities are dispersed, regimes of personal autonomy or cultural autonomy may achieve the same end. Such autonomies should not be confused with separatism, since they rely upon common understandings and the shared institutions of the rule of law, respect for human rights, common security and destiny within the state.

Sadly, examples of the failure to integrate diversity are numerous in the OSCE area, even within the last decade. The wars in the former Yugoslavia are a clear warning that intolerance can cause repercussions in multi-ethnic societies. The central characteristic of such wars is that they often stem from the blatant and persistent disregard of the rights of people who are of a differ-

ent ethnicity. Such conflicts feature the systematic exclusion and suppression of one or several groups by another, typically the majority who achieve their ends by force of numbers. Less violent, but equally troubling, are cases of discrimination. This is particularly manifest in relation to Europe's many Roma communities.

Many inter-ethnic disputes also feature competing interests over resources, power or prestige. They almost always indicate a failure of one or all sides to realize and value shared interests. Sometimes this lack of understanding is intentionally fuelled by elites. It is my experience that threats to identity - whether real or imagined - are often accentuated in order to promote narrow interests. Furthermore, in the contemporary world, facts can be manipulated - exacerbating insecurities - where information, especially the media, is controlled and education may not have reached a very advanced level. No doubt, when there is a general situation of economic and social insecurity, as is commonly the case in the transitional societies of the former Communist world, manipulation is all the more extensive.

We must fight against extreme nationalism in all its manifestations. We must forthrightly reject the arguments and language invoked by irresponsible and dangerous leaders. We must also establish regimes to protect against this, including strengthening the rule of law but also building tolerant and understanding societies. I know this may sound obvious to many. But to achieve this aim requires a major shift in thinking, supported with sufficient resources and political will. The twentieth century, even this past decade, has provided us with enough examples of what happens if we do not prevent inter-ethnic conflict.

The OSCE has its work cut out for it in this regard. Conflict prevention is our strength and we should continue to invest resources in this area.

I cannot speculate on what the next twenty-five years will bring for the OSCE. I would like to think that we will have less to do as the foundations of civil society become stronger and the mechanisms for preventing and solving conflicts within states or at the regional level become more entrenched. Sadly, in recent years there has been no diminution in the amount of work that my office has had to do. The same can be said for the OSCE. The pessimist would say that there are an increased number of problems in the OSCE area. The optimist would say that more states are interested in co-operative security and there is a higher degree of vigilance in terms of monitoring and seeking to implement OSCE commitments. As usual, the truth lies somewhere in between. What is clear is that the types of issues that the OSCE addresses are moving up the political agenda, and the OSCE is developing a catalogue of good practices and instruments that can confront some of the most pressing challenges of our time. Its comprehensive, co-operative approach to security has proved to be effective. In order to continue to be effective we must stick to what has made us successful in the twenty-five years since Helsinki: pragmatism based on principle.

## The OSCE in the European Concert

25 years ago, after years of tough negotiations, the founding document of the CSCE, the "Helsinki Final Act" was signed. In retrospect, this act represented the political zenith of the policy of détente and was a milestone on the way to the end of the Cold War. It was achieved through a combination of diplomatic flexibility, on the one hand, and maintaining the principles in defence of Western fundamental convictions on human rights, democracy and the rule of law, on the other. As the long tug-of-war in advance showed, the participating States were fully aware that the Final Act would not be empty rhetoric: Even a political document not binding under international law would have an effect. Needless to say the intentions of the participants were by no means identical: For the former Soviet Union and its allies, Helsinki 1975 was to legitimize definitively the status quo of its sphere of influence in power politics. For the West, in contrast, human rights and the development of co-operation between the systems were in the forefront despite contradictory military and power politics. The antagonism between the systems was not eliminated, but the growth of stabilizing common features across systems had liberating and influential consequences also in domestic policy matters.

In the signed documents, civil rights campaigners and reformers discovered a foundation to call for human rights, democracy and system transformation. There was no "concluding directive" formulated in Helsinki. On the contrary: A process began, which developed its own dynamics. For a few years this helped civil rights activists only to a limited degree, many remained locked up in prisons and were tortured. With time however human rights developed an inexorable force. Even the Soviet Union under Mikhail Gorbachev opened up to the "new thinking" in the perestroika programme, a transformation in consciousness that had already been expressed in the Helsinki Final Act.

The radical changes in Europe during the years 1989/1990 in no way made the CSCE superfluous. On the contrary: High-flying expectations were now being directed towards the CSCE that Europe would rediscover its common inheritance of a tradition for freedom and set up a stable and long-lasting peaceful order in an all-European project. An "era of democracy, peace and unity" seemed to have broken out as was quoted in 1990 in the "Charter of Paris for a New Europe", the CSCE document with the farthest-reaching statements ever made on human rights and fundamental freedoms, democracy and the rule of law. After the adoption of the Paris Charter, it was only logical to test its common normative basis in practice. Since then, the *implementation* of the commonly recognized norms of European "*ordre public*", which today we see as the essence of the documents from Helsinki and Paris, has been the *bona fide* key task of the OSCE. It took on an increasingly active

role in particular in managing conflicts and crises that reoccurred as a result of the political earthquake in Europe during 1989/90. In contrast to the UN, which was moulded from a conceptional cast after the Second World War, in the years following the Paris Charter, the CSCE went through a step-by-step transformation in that it reacted to new political challenges by developing its instruments and especially through the deployment of numerous missions in conflict areas. In this manner it gained a new profile as a functioning regional organization for prevention and crisis management - for the first time in 1992 in the former Yugoslavia, and then increasingly in the area of the former Soviet Union. With good reason, the Organization was finally in 1994 also given an apt new name. In addition, the number of instruments available has also increased: the Warsaw Office for Democratic Institutions and Human Rights (1992), the High Commissioner on National Minorities (1994), the Representative on Freedom of the Media (1997) as well as a total of 20 long-term missions in various conflict areas since 1990. OSCE leadership structure has essentially proved its worth: While maintaining the consensus principle, it nevertheless gives a lot of flexibility to the country holding the OSCE Chairmanship. In the OSCE, the culture of prevention has become a reality to such a degree already that it could be used as a model for other regions of the world. This is not to say that the principles of political conflict prevention are so strongly anchored in European security policy as could be hoped. On the contrary: One of the most important lessons of the Kosovo conflict was that we will have to use preventive measures much earlier and more intensively, that is as soon as the first signs of an impending storm are visible.

The balance sheet of this OSCE decade of transformation is on the whole noteworthy: A larger number of potential conflicts have been defused through outstanding OSCE work, the inner stability of certain countries has been strengthened, elections have through OSCE support and monitoring become more representative and less subject to doubt, the OSCE has ensured that state and non-state institutions of developed civil society and states based on the rule of law have been able to gain a proper foothold in certain countries, the rights of human beings and minorities have been made more secure by the OSCE where they were most endangered. There have also been setbacks and there are extensive deficits remaining, however these are being dealt with continually on the OSCE agenda. This substantial progress, which has made Europe more secure and civilized, should be taken into account when making an assessment of the OSCE. It must be admitted that these processes do not radiate the same dynamics that marked the first phases of the CSCE process. On the contrary they are as attractive as the unspectacular process of drilling through thick wooden boards. The call for "revitalizing" the OSCE, recently made by Hans-Dietrich Genscher, is certainly not unjustified. What future path should the OSCE now take after 25 successful years? As I see it there are three goals, which that we must pursue:



1. The OSCE will have to continue monitoring participating States to ensure compliance with their commitments. As far as human rights are concerned the OSCE, can and must intervene! In this respect, I have an especially high regard for the active involvement of NGOs. Real or assumed shortcomings can be openly presented and a critical public will be able to demand explanations from governments.

From the example of Chechnya, it becomes clear that OSCE consensus on values is not a static condition. On the contrary, to realize this there must be an energetic and determined posture by the OSCE community against states that fall behind on the commitment to these values. Thus not least in view of Chechnya, the fact that commitments were immediate and legitimate concerns to all participating States was anchored in the Charter for European Security at the OSCE Summit in Istanbul 1999. Russia should therefore recognize and use the role of the OSCE in political conflict management as they did after the first Chechen war.

2. The continuation of various field activities will be the political focal point of OSCE work. In the forefront there are currently missions in South-eastern Europe, in particular in the area of former Yugoslavia. The OSCE long-term Missions to Bosnia and Herzegovina and to Croatia play an indispensable role in the implementation of the Dayton Peace Agreement. Both Missions perform important tasks in the area of the protection of human rights and minorities, the return of refugees and democratization. With their widely diversified presence in-country, they have a unique knowledge of the local conditions and corresponding opportunities to make an effect. A good example of this was when the OSCE took over United Nations police monitoring in Eastern Slavonia in their Croatia Mission in October 1998. Since then the OSCE has acquired expertise in the area of post-crisis reconstruction, which will most likely gain even more importance in the future. An equally positive mention should be given to OSCE Mission implementation and monitoring of the five elections at various levels in Bosnia and Herzegovina, which despite all difficulties have proved that the OSCE is capable of acting as an organization.

The current OSCE Mission in Kosovo is less in the floodlights of public interest than its predecessor, the "Kosovo Verification Mission", which was set up by the OSCE in October 1998 within a period of a few months as a result of the negotiations between Richard Holbrooke and Slobodan Milošević and had to be evacuated before it had reached its full potential. Even during this short period they were able to intervene successfully in many cases, recover hostages and prevent outbreaks of violence. This mission was an offer that could have had a pronounced effect if Milošević had really accepted it. One cannot blame the OSCE that the readiness for violence on both sides put a speedy end to this mission. Directly after the end of the Kosovo war, the OSCE was - along side the KFOR - present at the location and since then has done effective work in constructing democratic and rule-of-law institutions.

In particular, OSCE-managed police schools have been able to boast several hundred successful graduates, who will make up the core of the future Kosovo police. The UN is also making increasing use of the OSCE when this is geographically convenient or practical.

It also appears to me that if one takes a look at the situation of the Russian-speaking minority in the Baltic states, the success of the OSCE and its instruments is significant. Since the dissolution of the Soviet empire and the withdrawal of Russian troops, the OSCE has, through its High Commissioner on National Minorities and its Missions to Estonia and Latvia, contributed decisively to the fact that a situation potentially laden with conflict has never escalated to violent clashes. In both states - with OSCE support - there has been significant progress towards the integration of Russian minorities, so that it will not be long before the OSCE Missions will no longer be required there.

These examples show that the OSCE is focused in the right direction: early warning and conflict prevention as well as social reconstruction after periods of violent fighting. These are the areas in which the OSCE has shown the best-developed capabilities to act and make decisions. During the past ten years the OSCE has developed sophisticated exemplary procedures for constructive solutions to problems especially in this area. It is along this path that they should proceed and extend the corresponding executive capacities involved. In addition to this, the OSCE Secretary General should be equipped with the necessary instruments. One should not be in the position that there is sufficient political capacity for "early warning" but not enough for "early action". The decision at the Summit Meeting in Istanbul to set up an instrument for the rapid deployment of civilian and police expert teams to crisis areas under the acronym REACT was reached because the OSCE learned the lesson during the Kosovo Verification Mission that under certain circumstances the necessity to send large missions occurs very quickly and very often involves the same questions: What kind of specialists do we require? Which language, professional and social capabilities are generally necessary? Which countries could make them available? Above all this involves optimizing the capability to act on practical issues, which the OSCE has already been confronted with. Primarily we would like to achieve faster and more effective OSCE co-ordination of the services provided by the participating States. The focus should be on the creation of a personnel reserve that has been agreed upon by the participating States, which is easy to call forth and appropriately prepared for their particular mission. The German federal government has since 1999 made great efforts to institutionalize permanent preparatory courses for international missions. In this manner a civilian personnel reserve is being purposefully constructed, prepared for their missions and therefore gaining the diverse and specialized knowledge required for these in advance. Since 1999 already 200 people have gone through this training programme; before the end of the year 2000 the courses will be opened to participants

from all countries to be able to provide them with well-directed preparation of their personnel.

The focal points described on conflict prevention and crisis management are typical tasks of a "regional arrangement" in the sense of Chapter VIII of the UN Charter. The OSCE participating States had already strengthened this self-conception in 1992 and it has been further supported through OSCE missions past and present. With this the OSCE took a step, which - if one thinks it through to its consistent conclusion - also implies a readiness to implement peacekeeping measures through the armed forces (whereby they cannot go beyond the threshold of coercive measures, which are under UN jurisdiction). The perspective of OSCE peacekeeping measures through the deployment of armed forces (like ceasefire monitoring, border monitoring etc.) was also again reaffirmed in Istanbul in 1999. I would welcome the opportunity for the OSCE to take a further step in this direction to be able to become the "key instrument" for preventive diplomacy, conflict prevention and crisis management in their region, just as they offered in Budapest in 1994. Thus first steps in this direction should be considered now - e.g. one could consider co-operatively tackling certain international law issues in OSCE peacekeeping missions even today. Up to now there is no international law foundation for this special task area and from a German perspective its creation remains a current concern. In its coalition agreement of October 1998 the German federal government declared its intention to strengthen the legal basis of the OSCE.

3. I also argue that we do not lose sight of the all-European political role for the OSCE while considering the focus mentioned above. The OSCE should not become a service agency for the political decisions of others. Even in the future the OSCE could play a key role in the multilateral European concert. There are two reasons that speak for this: One of these is the comprehensive security concept inherent in the OSCE and which allows problems in the economic and human dimension to be approached early before they grow into acute crises with effects on political security. These connections are essential for a truly preventive stability policy. There is no other institution, which exhibits such decisive advantages as the OSCE - regional proximity, flexibility and speed.

The other is: The OSCE has a special potential as the only all-European organization in which Russia and the North American democracies co-operate on an equal basis, a potential, which will become all the more important, the more countries join the European Union. In the coming years the historical reorganization of the EU will strengthen the all-European character of the OSCE. In the next few years the EU will open its doors to the East and develop new foreign policy capabilities. The countries like Russia and the Ukraine, who have no perspectives in the near future of taking part in these developments from inside the EU, and unlike the US and Canada are not in permanent alliances with Europe, will need a real forum where they enjoy the

right to share in decisions as equal partners. One of the remaining tasks of European foreign policy is to gain Russia as a stable and predictable neighbour and have it participate in common policies. The constructive orientation of Russian foreign policy presupposes recognition as an equal partner. In this constellation, the OSCE will be the only European institution in which three large political centres of gravity will work together: the European Union, the US and Russia. Stability and security in Europe will depend on how these forces combine into the distant future. Any realistic European answer to critical political developments in the OSCE area presupposes US agreement and Russian inclusion. The Russians have an interest in the OSCE because it offers a platform where they have an equal voice in European affairs and this interest should be maintained and utilized.

The opportunity for the OSCE to take on formative tasks in the concert of European institutions lies in its all-European legitimacy, i.e. to place the potential of the various institutions in a general common political context. It would be illusory for the OSCE to claim a superordinate role among the European security policy institutions. The OSCE cannot want to provide guidelines for the EU or NATO; each institution must continue to maintain the right to make decisions according to its own *raison d'être* and its own rules. All participating States came to a consensus on this point in Istanbul. Bringing together the various strands in the network of institutions is however a realistic task, from which everyone would profit. There can be no suspicion that the OSCE would exhibit national egoisms. Thus it is clearly the institution that offers the best forum to discuss which direction the collective approach will take. This is the central and continuing potential of the OSCE, which we would like to foster and cultivate.

## The OSCE: Construction and Identity Problems

The triumph of the CSCE was not really a reflection of the messages manifested in its documents, which during the period of the East-West conflict had often been negotiated laboriously, sometimes artfully but most often greased with surplus terminology and then finally adopted. Rather, this triumph was *firstly* due to the signals radiating from the "third basket" into the rigid Soviet socialist ruling systems and *secondly* to the fact that the entire institution contributed to making the end phase of the East-West conflict almost totally free of violent disturbances. If one examines them in retrospect, the texts of the Charter, concluding documents etc. depict the complex constellation of the East-West conflict in an astonishingly germane manner.

Even if today certain critics have made disparaging comments about it, the Helsinki Final Act of 1975 and especially the phrasing of the third basket are a diplomatic masterpiece. However, understanding of the multi-dimensional character of the East-West conflict already seems to be waning. The East-West conflict was not only a function of competitive power politics, but also placed two contradictory rival images of the human being, society and the world opposite one another.

It is precisely in the factors that have made the CSCE triumph in the East-West conflict possible that one must search for the reasons that the OSCE, in the decade after the end of this deep-reaching structural conflict in the international system of the twentieth century, has remained in a subordinate role shadowed by major events. This is not necessarily negative, but simply very different from what many had expected of the CSCE in 1990. It was not least the excessively high expectations placed on the CSCE in the early nineties and the fact that many of its political and academic friends and supporters demonstrated a certain defiance by insisting that the Organization play a key role in the newly emerging continental and trans-continental security scene, which have led to the aura of disappointment emanating from the OSCE. There is a possibility that this could have been avoided if the Organization had been given a different functional focus a decade ago. And this could still take place if the many organizational changes are maintained, which have since then been implemented, where however the real tasks associated with these have not been clearly defined.

### *Lady with a Past*

In the old days there were often debates between Eastern and Western negotiating partners and in the West these debates were public (because this is

customary in democratic societies). The issue was whether the *project* for a European security conference developed over the years, which finally merged into the *process* known as the Conference on Security and Co-operation in Europe, should be built into a permanent inter-systemic *organization* or not. However, it is part of the intricate conditions for effectivity in this kind of inter-systemic institution that it not be too clear-cut. The development of different disciplines within the CSCE process such as: prolonged follow-up meetings, smaller expert meetings, seminars and fora as well as, towards the end of the East-West conflict, conferences on a whole palette of special topics (human rights, peaceful conflict management, the environment, economy, information services, cultural legacy, Mediterranean issues) were an example of this ambiguity, which had an important function against the backdrop of the East-West conflict.

One should also remember that during the seventies and the eighties, relations between East and West did not follow a linear course. If today the whole period after World War II is spoken of as the *Cold War*, this is a crude generalization, which no longer takes into account a series of simple but momentous alterations in the general atmosphere of these relations. In the language of the times, the expression *Cold War* was reserved for the period of high-intensity confrontation between 1946/47 and 1962/63. Subsequently - at first in the relations between both nuclear powers, the US and the USSR, and later on the European continent - a period began called "*easing of tensions*" or "*détente*". The fundamental antagonism between the two sides remained, but in certain areas (arms control, economic relations) limited and fragile co-operation began or was extended beyond the approaches to co-operation thus far concealed. During the period of *détente* the term *Cold Warrior* was considered a political insult.

The CSCE process was only possible at all as a part of and expression of East-West *détente*. What this meant and whether in the long-term it could lead to a kind of convergence of the systems, whether each side would consider it more damaging or more to their advantage, or how the advantages of this kind of antagonistic co-operation were distributed, was discussed in and between Eastern and Western countries extensively, partially in earnest, partially as propaganda, and this on the other hand, partially in supporting the CSCE process and partially as attempts to torpedo it.

After it climaxed in 1975, the process of *détente* in East-West relations declined rapidly. This was witnessed not least in the extraordinarily excruciating and laggard character of the negotiations and disputes at the two CSCE follow-up meetings in Belgrade and Madrid. All the nuts and bolts of what was then called inter-systemic co-operation started to rattle because it possessed a highly and as it were objectively confrontational component. In other words: The events and measures introduced through the CSCE process functioned simultaneously as instruments of both stabilization and socio-political transformation. The mechanisms of concepts like Egon Bahr's *change*

*through rapprochement* affected all levels of détente not just relations between the two Germanys.

And the more asymmetrical relations were, the more persistently these mechanisms influenced them towards change. However even during the seventies relations were considerably more asymmetric than they appeared and than political actors perceived them to be. The significant economic and (civilian and military) technological advantages held by the West, as well as Western legitimacy, were being confronted with the conventional military advantages of the Warsaw Pact in Europe. However the Pact was not able to transform their advantage into an increased capability to take political action. In spite of this - for whatever reason - this fact remained undetected by most observers both in East and West.

Also during the decades when détente eroded (1975-1985), it was quite clear that Eastern governments were still very interested in taking advantage of the comparative privileges offered in the individual baskets of the CSCE Final Act, although this was in totally undesired harmony with the dissidents in their societies, who cited CSCE processes and the Helsinki Charter for their own purposes. These governments estimated the costs to their system of rule as so low that they were tolerable.

Even during these not very détente-friendly years the CSCE proved to be exceptionally successful as a process in two senses of the word. *First* it continued to develop further and further. This was true despite the, often enough, vehement ideological and political debates between Eastern and Western governments. (Just as an aside, it should be mentioned that during these years there was a noticeable difference between the various Western governments with respect to their evaluation of the CSCE and each government's outward show at its proceedings.) *Second* it seemed to be a kind of stability guarantee for the internal changes occurring in the Eastern bloc countries. However, because in politics such a guarantee can only exist in the form of declarations of intention without further influence, this did not slow down the Soviet-Socialist regime's highly dynamic inner-societal decomposition, but actually encouraged it indirectly through confrontation with Western values and capabilities.

In other words: The CSCE played a major part in making sure that the signs of stagnation and decay in various areas of the economy and society were not seen as threatening to the leaders of the regimes of the Eastern countries. It is not easy to find an answer to the speculative question of whether the story of the East-West conflict would have taken another course in its last phase if the CSCE and its influences on Eastern societies had not existed and if the signs of decline had been recognized for what they were, i.e. a threat to Eastern regimes. Maybe a massacre like the one that occurred in Peking in 1989 at Tiananmen Square (Heavenly Peace Square) would have caused the chain of events to go in another direction. However, virtual history does not count. On

the whole, the fall of Soviet socialism was peaceful in the European countries where it had reigned. This was really quite extraordinary and unusual.

As consolation to the representatives, diplomats and officials of these fallen regimes one must immediately add that the CSCE was in no way thought of as a Western master plan to undermine Eastern ruling order. There were very few observers in East and West who recognized the dynamics of the CSCE process from the beginning with any clarity. Most of the persons involved in the West anticipated that this process would cause a kind of stability to enter into East-West relations. In addition to the expansion of inter-systemic economic relationships (which economic actors in the West considered rather laborious yet reliable profit-making enterprises), an extension of the individual freedoms - within limits - of the people of Eastern countries was expected as a *stability dividend*. There was wide agreement at government levels here that the crumbling base legitimizing the power of their antagonistic partners should not be placed under too much strain from outside, because this could lead to an authoritarian reaction by those in power there against their people. Decisive impulses for a change in regimes were to come from within.

It was difficult to recognize and understand this constellation and gave simple souls in the West every opportunity to refer to the double standards of Western policies with respect to repressive regimes. That is to say, such references were perfectly valid, but those making them did not understand the double effect of this form of stability combined with co-operation between antagonists, a form of co-operation, which undoubtedly encouraged an unpleasant form of stability. However, especially because it was interpreted by Eastern governments as being useful for their own purposes, this co-operation opened up the opportunity for inner-societal transformation processes to proceed and for the individuals and groups who pushed them ahead to act more freely. A difficult balance and at times unsuccessful balancing act! But it testifies to the lack of understanding of the fine points of inter-systemic policies promoted by Western democracies (with slightly differing accents) by evaluating them as being too supportive of Eastern governments and too pious towards the ruling order.

Ambivalence and double standards mark the history of the CSCE process. This may have caused a bit of a bad taste in the mouths of its critics leading to negative implications for its reputation. Nevertheless, its successes have been beyond all expectations.

#### *The Antagonism Has Been Surmounted - The Cynicism Has Moved in*

The thesis presented and then reiterated above hones in on the facts, but does not exaggerate them unreasonably: Everything that contributed to the triumph of the CSCE process during its first 15 years - and one can view the CSCE Summit in November 1990 and the quasi-notarial certification of the end of



the East-West conflict implemented there as being an expression of this triumph - all this ambiguous rhetoric on territorial stability, these contradictions between principles and values that were recognized as fundamental, the denials, to be found peeping out between the lines of ceremoniously proclaimed declarations of intention, that is, the desire not to maintain these intentions and the feeling that this was a right (if only to a certain degree), all these factors were obstacles on the path to successful perspectives for CSCE action during the nineties. Quite suddenly the international framework had changed. The balancing acts of the past were no longer necessary and a rearrangement of the Organization after the East-West conflict was tackled with much élan. This however did not lead to the desired results for several reasons:

- In an institution soon transformed into the OSCE, the fleeting moment of euphoria over the end of the East-West conflict was trapped like a fly in amber. Many observers or those actively participating in political proceedings interpreted this situation as the end of the history of violent conflict, at least in the macro-region extending from Vladivostok to Vancouver. They have been proved wrong. Their error had fundamental effects on the OSCE, which drastically limited the institution's horizons for taking successful action.
- The strong emphasis on security for the individual and not so much for the state has truly avant-garde characteristics. In all probability they will gain significance in the future, at least in the European-Transatlantic macro-region. However, this only helps in a limited way towards present-day conflict settlement because, especially in spectacular conflicts and escalations in violence, the victims of conflict cannot be given adequate assistance without recourse to the armed forces (to de-escalate). This was evident in the cascades of conflict occurring in the Balkans.
- The emphasis on common values in the CSCE process was a typical *petitio principii*. Moreover this was simply an endeavour to identify and extend the overlapping area between two antagonistic world views and conceptions of man. Today we are witnessing a return by some states to traditional political cynicism. For example: In Chechnya, the Russians are attempting to assert their power in the Caucasus region. The way they are conducting the war is in direct contradiction with the commitments they have made to the OSCE. In contrast to similar events at the time of the East-West conflict, the Chechnya war will not become one of the major points of the ideological-political disputes at OSCE proceedings. Instead, the other OSCE States have been playing down the importance of what is happening. If they did not do this there would be a danger the Organization would break down.
- In politics, especially in international politics, cynicism and callousness are not always bad habits (nor are they virtues however). But while during the East-West conflict they had a balancing function in the con-

text of a concept for peaceful change within the CSCE process, during the nineties they simply emerge from the requirements of realpolitik and build a conspicuous contrast to the ideal political rhetoric of OSCE actors.

### *Security in the New International Political Order*

A promising interpretation of the OSCE, its present structure and its functions in an arrangement of varying regional security organizations as well as organizations with goals over and above security, leads to assigning the OSCE with tasks towards a new political order in the macro-region which will be decisive in the near or not too near future. In contrast sceptics persist in their claim the OSCE has had considerable losses with respect to its ability to function and its significance, which cannot be remedied in the future. There are two types of sceptics - the first consider this development reasonable and basically inevitable, whereas the others lament that the governments of the OSCE participating States set the wrong security policy priorities in the early nineties when e.g. they gave NATO a new task profile through Eastward enlargement (or as it is expressed more mildly: opening the Alliance towards the East) and also on an inner-European level strived to strengthen the WEU rather than the OSCE.

None of these three interpretations are completely irrational. It is well-known that in politics, it is not only important that ideas are good, but also that they are launched at the right moment. And it seemed that with the end of the East-West conflict the right moment had come for an organization that specializes in the *human dimension* (unusually peculiar term!) of security and co-operation between states. However this mood was deceptive. A shift in the emphasis of the range of instruments implemented by state and political powers from the use of the military and direct economic pressure to the use of elements of *soft power* - as had been predicted by many experts - took place only to a limited extent. The emergence of a hierarchy in the world of states and the difference in the average standard of the quality of life of human beings in different societies took on even more clearly pronounced and more clearly recognizable characteristics. Traditional patterns of perception and the interest structures in power politics changed only slightly.

The category *space* lost security policy relevance - not so much because of the end of the East-West conflict, but primarily as a consequence of the different courses of asymmetric globalization. Information on local and regional conflicts can be conveyed to a global public incredibly quickly and thereby become the subject of political disputes globally. Furthermore such conflicts can develop metastasis in other regions through the phenomena of migration and ethnic or religious diasporas. Meanwhile focused horizontal escalation of this type of conflict on the "periphery" is considered as potentially rather

dangerous in the metropolitan conglomerates because they are particularly vulnerable.

As a result of this constellation, which, incidentally, has not been rendered here in great detail, a hierarchy of international organizations has developed indirectly. Differentiating characteristics are: reach, task definition, means of taking action and organizational efficiency.

The United Nations is in the *first category* with its global reach and comprehensive task definition, but with little means of taking action and at the same time slightly improved organizational efficiency in the last few years.

NATO falls under the *second category* with a macro-regional but elastic reach, limited task definition, better means of taking action and considerable, even if it is not totally problem-free, organizational efficiency.

Most of the other security organizations can be placed in the *third category* whether they are designed to function in traditional patterns but can only do so to a certain degree or whether they have made the decision to place a special focus on future-related aspects of security. The limitations on reach and task definition and the restricted opportunities to take action keep their activities within a confined framework. However to a certain degree the OSCE is undervalued if you classify it exclusively from a security viewpoint.

### *Differentiation of Tasks and Organizational Growth*

As always one can still describe the *Agenda for Peace* laid out by former Secretary-General Boutros Boutros-Ghali as being one of the most important texts in working out political solutions to conflicts threatening to escalate into organized violence or having already escalated. The broad spectrum of measures towards preventing escalation and encouraging de-escalation goes from preventive actions, intervention in the conflict centre through civilian means, as well as military intervention with or without the consent of the local conflict parties (but each time with a high level of multinational legitimacy) to post-conflict rehabilitation to prevent reverting to violence.

Each of these measures is thought of as applying to a particular phase of the typical development of a conflict and if it is cleverly implemented with the required emphasis, effective only or especially in this phase. The ideal security organization would have the capability of implementing the whole spectrum of the measures cited in the *Agenda* at the most favourable moment, which in the long-term could lead to the fact that the number of activities introduced after a war or during a war would then diminish. Security policy would then be shifted increasingly towards prevention.

This idea is the basis for OSCE growth. Setting an accent on questions of democratic institutions and human rights, freedom of the media, the protection of national minorities, arms control and confidence-building measures as well as missions and field operations, which have an exploratory character,

all point in this direction. Conflict prevention (to be more precise: the prevention of a transition from conflicts to violent confrontation) and assistance in coping with crises in their early stages belong to the special skills of the OSCE.

In contrast, it is not rationally designed or well-equipped for implementing measures to intervene in violent conflict. Peace-building work after a war - often enough these must be begun during hostilities - is diversified, cost-intensive and dependent on the local conditions for success. Actually, it can only be considered to have some prospect of success if a complete phalanx of different organizations - including primarily non-governmental organizations in co-operation with states and international organizations - participate. Here one would suspect a potential OSCE strength because it can create links and associations with transnational politics with somewhat more ease and speed than other international organizations.

The aura of disappointment mentioned above emerged because a series of OSCE missions were not particularly successful, but publicly were considered representative of OSCE effectivity. A series of other more unspectacular missions, which certainly could have been labelled successful, found little attention in public. This, on the one hand, is due to the selection criteria for controlling public attention by the media (and must be taken as a fact of life that it does not make sense to complain about). On the other, it is a result of the still valid trade mark branding the OSCE as one of the interlocking as well as sometimes reciprocally blocking - because of the competitive conditions they have been up against - macro-regional security organizations in Europe. It was and still is a mistake that the OSCE has been forced - not least by those who were favourable to it - to compete with NATO and WEU.

#### *Organization for Human Rights and Security in Europe*

Traditional security concepts have always been related primarily to the security of states and only secondarily to the members of society who live in them. Between these two levels a problem could emerge but not necessarily, i.e. state repression. The traditional security concepts are topical even today and it would be wrong to neglect them. However this does not mean that a problem like state repression can simply be ignored, *first* because the conception democratic societies have of themselves must be legitimized (although here all possible manipulation, suppression etc. is still very effective) and *second* because of the potential danger of escalation. Therefore in addition to the traditional security concept we need a new, more extensive concept that deals with this problem.

In truth, this is not an extraordinarily new idea. However it is a bit confusing that in the reconstruction of the OSCE this idea was given so little opportunity to be developed. In principle all participants and observers at the OSCE

agree: It is now a totally different organization from what it was before the end of the East-West conflict, whereby this difference is not nearly satisfactorily expressed through the change in terminology from *Conference* to *Organization*. The point is that within the OSCE framework a basic structure must be built for the common political culture of its participating States and that the individuals of the OSCE States must have adequate security. This certainly has to do with co-operation and preventing violence. Furthermore, the latter can still be thought of as the Organization's highest goal. However, this is about *human security*, a term recently propagated by the Canadian government and just as unwieldy as the *human dimension* of security. The fact that clearer phrasing has not been found is also a sign that there is still a huge amount of conceptional work that must be carried out. Moreover in the search for institutions to interlock with OSCE, one could take e.g. the Council of Europe into consideration, and not necessarily NATO and the WEU. However organizational fusions in the area of politics are harder to master than creating a completely new structure with new goals. Nevertheless one could and should think about joining the forces of these two organizations. In any case, it would be a loss of future open-mindedness in Europe and its bordering macro-regions if the OSCE allowed itself to be overcome by an aura of disappointment thereby slipping into the shadows of international politics. It is an institution with a significant past and promising future. No one should put the latter at stake by subjecting this institution to entirely unnecessary pressure to succeed.



The Interests and the Commitment  
of the OSCE States





## The Role of the OSCE from a Russian Point of View

### *The Development of the OSCE*

The Organization for Security and Co-operation in Europe (OSCE) has entered a new phase in its development. In the 25 years since the Helsinki Final Act was signed in 1975, it has developed significantly from a forum for negotiations to a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. Along the way, there have been highs and lows as well as breakthroughs and failures.

In the first 15 years of its existence, the OSCE served primarily as a mechanism that was to guarantee the stability of European post-war order against the background of two confrontational systems. The ten principles in the Helsinki Final Act were implicitly accepted as the "rules of the game" and as the basis for peaceful coexistence. In addition to other measures, *inter alia* in the area of arms control, they "disentangled" the participants in this dangerous game but simultaneously also brought them together by giving them a common basis for co-operation. This approximate parity created in the area of military affairs was meant to ensure a "stalemate".

The year 1990, in which the Charter of Paris was signed, also meant the first significant breakthrough for the OSCE (then still the CSCE) during that period. This, without a doubt, historical document reflects the mood at that time: a period of far-reaching change and historical expectations. The era of confrontation and division in Europe had come to an end. In future our relationships would be based on mutual respect and co-operation. In Europe a new age of democracy, peace and unity would dawn. The CSCE participating States aspired to base their future coexistence on three pillars: democracy founded in human rights and fundamental freedoms, prosperity through economic freedom and social justice, and equal security for all our countries.

The tendencies expressed in the Paris Charter were developed further two years later at the CSCE Helsinki Summit in 1992 and to a degree institutionalized. This Summit focused on the task of "managing the change" within the CSCE. It was especially the CSCE which was assigned the central role in this process as a "forum for dialogue, negotiation and co-operation, providing direction and giving impulse to the shaping of the new Europe". Here the comprehensive security concept was confirmed, which had created a link between ensuring peace and maintaining human rights and fundamental freedoms as well as solidarity and co-operation in the economic and environmental fields and peaceful international relations. Plans were made for CSCE peacekeep-

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<sup>1</sup> This article reflects the personal opinion of the author.

ing both in conflicts within as well as between participating States. The institution of the High Commissioner on National Minorities and other institutions were created in Helsinki. At this meeting, a comprehensive mandate was drafted on the basis of which the Organization could have developed into a factor building a European security system.

These CSCE developmental tendencies found expression in the decisions of the Budapest Summit in 1994. A rather symbolic renaming of the CSCE into the OSCE was to provide the Organization with political impetus. Thus the strengthening of the central role of the OSCE as an institution was formally anchored to unite the efforts of all participating States, independent of the alliance they belonged to, towards creating a unified security space on the continent. One of the most important Budapest decisions was the decision based on the Russian initiative to open discussions on a common and comprehensive security model for Europe for the twenty-first century.

However, already in Budapest there were signs of turning away from the OSCE developmental perspective in the sense of the CSCE Helsinki Summit, signs of turning away from a security model in which the OSCE was in fact meant to play the leading role. Now a theory came to the fore that attributed the emergence of crises in the OSCE area as primarily due to domestic social problems as well as social and economic instabilities. This theory later provided the foundation for the intrusive approach that would turn OSCE attention primarily towards inner-state developments in OSCE participating States.

These tendencies continued in the course of the Lisbon Summit, where the documents in some respects contained more modest results than those of the previous Summits. Nevertheless a Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century was adopted, which contributed to the maintenance of a special role for the OSCE in European security. This declaration created the foundation for further development of the Charter for European Security, which from a Russian viewpoint, was to set new standards for the activities of the Organization.

#### *The Istanbul Summit - The Charter for European Security*

The three-year preparatory phase for the Istanbul Summit and the Charter reflected all the difficulties and controversies the OSCE is being exposed to in its current development. Two different tendencies, two schools of thought virtually collided.

The first places the comprehensive security concept developed within the OSCE in the foreground. This includes, *inter alia*, the priority of the United Nations Charter, the principles of the Helsinki Final Act as well as international law principles and norms. This school of thought pursues the approach that first the solution to security problems on a general level be dealt with -

that is, the level of safeguarding the common security interests of all states belonging to the Transatlantic area. Only in this context are the specific interests of individual states to be addressed as well. Co-operation and the necessity to make compromises acceptable for all states are thus placed in the foreground. Of course this approach is complicated, but can lead to an optimal balance between individual interests and thus ensure long-term stability. This approach can only be realized within the OSCE framework, which acts as the geographically most representative and substantially most comprehensive forum there is.

The second school of thought suggests the opposite approach. It starts with the specific interests of individual institutions and the dominating states in these and projects them to a general level. It is obvious that a system constructed in this manner will be hierarchical and dominated by the more powerful states. In certain respects this type of a scheme can be called NATO-centred given that NATO is assigned the leading role in guaranteeing military-political security. However, it also concedes certain functions to the EU as leading economic institution as well as to the OSCE. In any case, the OSCE is entitled to the narrow niche, the "democratization of the European periphery", which means the states in Eastern and South-eastern Europe as well as Central Asia: the post-Soviet and post-Yugoslavian regions.

It was in response to these conflicting concepts that during the work on the Charter diverse ideas and proposals for the contents and the form of this document were developed and introduced. These ideas and proposals also gave expression to the immense variety in national interests and OSCE perspectives. Just to give one example: The length of the Charter varied from one to one hundred pages depending on the notions of different states. The process of balancing interests moved forward very slowly.

This became particularly difficult during the final stages of its conception in 1999. The NATO military intervention in the Federal Republic of Yugoslavia led to the exacerbation of relations between Russia and the West. At the same time the latter used the situation in Chechnya to apply massive political pressure on Moscow. Not only did all this seem to threaten completing the work on the Charter, but even seemed to threaten the OSCE Istanbul Summit. Fortunately, participants were able to prevent this. The Summit did not take place without complications, but on the whole it was a success.

The high point of the Summit was the adoption of the Charter for European Security and the Summit Declaration as well as other important documents in the military-political area - the adapted CFE Treaty and the modernized Vienna Document (the two latter documents deserve a separate analysis beyond the framework of this article).

The developments in Kosovo and Chechnya were given a great deal of attention at the Summit Meeting. Despite the fact that both these topics were very controversial, discussions led to compromises reflected in the Summit Declaration. Russia, which was the object of very sharp criticism in Istanbul, took a

no less severe counter-position and made no commitments, which would prevent the solution of the Chechnya issue as an internal Russian affair. However, to assert that this Summit Meeting took place "with Chechnya in the foreground" would not be fair. During the preparatory phase of the Summit, the section of the Charter devoted to national minorities and the autonomy issue were regarded as the most controversial part of the document.

The Charter for European Security became the central political document of the Summit. It constitutes the quintessence of how the participating States see collaboration during the twenty-first century and can in this sense be seen as a kind of code of conduct for this period. The Charter represents a complicated, but for the present, optimal compromise and reconciling of interests.

The following points can be considered as the most positive elements of the Charter:

- All OSCE participating States reaffirm their full adherence to the Charter of the United Nations as well as the Helsinki Final Act, the Charter of Paris and all the other OSCE documents that are the foundation for further endeavours (Article 7 of the Charter). The statement in Article 11 that the UN Security Council holds the primary responsibility for maintaining international peace and security and that its contribution to security and stability in the OSCE region is crucial, reaffirms the existing system of international co-operation based on the UN Charter. Accordingly, the key elements of the UN Charter, i.e. respect for the sovereignty of states, the renunciation of the use of force in international relations, non-intervention in internal affairs and other factors must remain valid.
- The affirmation that every participating State has an equal right to security and is obligated not to strengthen its security at the expense of the security of other states (Article 8), however, limits the political right of states to be free to choose or change their security arrangements, including treaties of alliance, as they evolve.
- The Platform for Co-operative Security attached to the Charter sets the rules for co-operation between international organizations in the OSCE region based on the Charter of the United Nations and the Helsinki Final Act as well as in accordance with the principles of transparency and predictability. A key Platform guideline is the commitment of participating States to work within the relevant organizations and institutions of which they are members towards making these actively involved in the Platform. It becomes all the more important in view of those provisions of the Platform, which reaffirm the adherence to the principles of the United Nations Charter and the OSCE principles and commitments, *inter alia* those of the Helsinki Final Act as well as other OSCE documents. Special emphasis should be given to the provision that the OSCE will work co-operatively with those organizations and institutions, which ac-

tively support the OSCE's concept of common, comprehensive and indivisible security and a common security space free of dividing lines.

- The ascertainment that all OSCE commitments apply equally to each participating State without exception and that these commitments are to be considered as "matters of immediate and legitimate concern to all participating States" (Article 7) requires that the OSCE observes the implementation of commitments equally throughout the entire region without differentiating between "regions of concern" and regions "above all criticism".
- In the Charter, compromises have been reached on the controversial and long-debated issue of fulfilling OSCE commitments, as well as the issue of possible measures in the case of non-compliance. The "punishment" approach has been successfully avoided and relevant provisions have been steered in a co-operative direction. A regulation was set up to "offer" assistance to participating States to enhance their compliance with OSCE commitments (Article 14). However, this in turn means that the participating States can decide unconditionally whether they want to accept this assistance or not. They cannot be forced to accept assistance. In addition, the participating States reaffirm their willingness to comply fully and completely with their commitments as well as co-operating within the OSCE and with its institutions and representatives and making use of OSCE instruments and mechanisms.
- The Charter gives equal representation to all areas of OSCE activity and reflects two key organizational functions in a balanced manner: the norm-setting and the operational.
- The Charter emphasizes current and intensifying problems like international terrorism, violent extremism, organized crime and drug trafficking.
- It was decided that consensus remain the basis for OSCE decision-making. This was a reaffirmation of the democratic character of the Organization.
- OSCE operational capacities were further developed.

In our opinion, such agreements as well as the successful course of the Istanbul Summit reflect the central elements of current realities in Europe, i.e. the common interest of participating States in long-term sustainable stability and at the same time avoiding increasing contradictions and critical developments in the current situation. This Summit Meeting contributed to stabilizing the European situation.

This was made possible through the long years of experience the OSCE has had in the area of co-operation and through compromise solutions.

Flanking the positive results of the Summit Meeting, serious developments occurred within the OSCE during the year 2000.

- In opposition to the compromise solutions reached in the Charter, the above-mentioned development towards a limitation on OSCE activities to the areas of strengthening democracy and respect for human rights in "selected" post-Soviet and post-Yugoslavian areas has continued. In the long-term, this could not only detract from the Organization, but also generally from the security situation in the OSCE region.  
This development weakens the OSCE's capacity to expose problems in the entire Euro-Atlantic space in an effective and timely manner, which could reduce security. This impairs the OSCE preventive function.  
If the OSCE continues to limit its activities to the Eastern states and overlooks problems in Western states, the debate on the issue of "double standards" growing slowly but surely throughout the Organization will flare up again.  
Of course this does not mean there are no serious problems in the "Eastern part of the OSCE region". They do exist. However, there are also problems in the Western part, which deserve the OSCE's attention: solving the conflicts in Northern Ireland, the Basque region, in Corsica etc. Nonetheless, these questions are seldom raised. With reference to a vast variety of reasons, the Western states have repeatedly refused to use the Organization in solving these problems. In discussions within the Organization it has become clear that certain states, within whose territories OSCE missions have been deployed, consider this as "stigmatizing", which can only complicate the future activity of missions. If Western policies change to allow OSCE representatives in their countries, this would certainly contribute to restoring health to the situation.
- The voices within the OSCE for strengthening the intrusive character of its activities, predominantly the activities of the missions and other field offices, have become audible. Of course, well-meaning motives have been presented, primarily humanitarian aid and the protection of human rights. However, especially through these kinds of measures the OSCE could quickly become an instrument for external intervention and a means of exerting pressure serving the specific interests of individual states. Moreover, this is easily achieved, for example, by appointing active Heads of Mission, seconding a mission with employees from interested states, or through activities that are above and beyond a mission's mandate. In addition, excessive autonomy of various structures and institutions in the Organization (the Chairman-in-Office, the ODIHR or the missions) can also have an effect. All these bodies must act with discretion, their activities demand profound knowledge of the realities in the

field and, in particular, they must have an objective, impartial approach. Up to now there have been no control mechanisms in the OSCE that could prevent conflicts in this area.

### *The Future*

The OSCE is facing a crucial decision. The most important question is where the further development of the Organization will lead. One option would be further restrictions on the operational area of the Organization. The other would be the realization of the OSCE as a comprehensive universal organization responsible for solving security questions in the Euro-Atlantic space.

The first option would mean a further degrading of the OSCE in the European security order. Devaluing the Organization, which has been the moving force and the guarantee of the principles of the Helsinki Final Act, would mean devaluing the principles themselves and holds the danger they could be abandoned. This also increases the danger of reverting to violence to solve problems in Europe and that international law is abandoned. As the events in 1999 showed, this development holds the danger that international conflicts may escalate and European and international stability become impaired. Moreover these are not always predictable. If this is the case the intrusive character of OSCE activities will increase, it will become a "democratizer" of the Eastern and South-eastern European parts of the OSCE region. The effects of this are obvious: New dividing lines and zones with imbalanced security situations will emerge followed by instability and uncertainty.

The second option seems the more rational. The OSCE must prevail over the shift of its focus to operational activities, it must receive a truly comprehensive, universal character and become a fully adequate regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. Only if the OSCE can find its way to a real balance between its operational and norm-building functions as well as with respect to its geographical orientation, can it become an important forum for co-operation between states and organizations able to solve complicated international problems. Of course, this requires the political will of all participating States. One can assume that even if in the near future the first option gains acceptance, in the end, objective requirements of European security will allow the second option to gain the upper hand. Moreover, this is more in accordance with the provisions of the Charter for European Security.

The acceleration of this development calls for a series of practical measures:

- The implementation of the Istanbul agreements, especially the provisions established in the Charter for European Security, - without exception and equally carried out by all participating States - has to play the key role. Through this a unified network of European security as well as

favourable conditions for guaranteeing equal security for all participating States is to be created.

- It is important that the OSCE gives attention to security problems in the entire region without geographical exceptions. In view of this, Russia has proposed the creation of the institution of an OSCE Co-ordinator for the States of Western Europe and North America.
- The OSCE must concentrate on those tasks that may present the greatest security challenges in its region. Primarily these are international terrorism and the danger of the revival of fascism.
- The Platform for Co-operative Security should be given special attention in the implementation of the Charter. Its fulfilment could create the basis for regulated and effective co-operation between the organizations and institutions in Euro-Atlantic space and contribute to strengthening the OSCE. Of course co-operation of this kind should be conducted on an equal and non-hierarchical basis.
- A series of questions related to OSCE operational activities must be solved. In this respect the situation in Austria after the Austrian Freedom Party (AFP/FPÖ) came to power in 2000 is revealing. The measures taken by the EU to boycott Austria not only influenced the situation in Europe in general, but also gave rise to the danger that the OSCE could become paralysed because Austria in 2000 held the position of the OSCE Chairmanship. In this case, paralysis was avoided, but there is no guarantee that a similar situation may not be repeated. There is no prescription against this kind of susceptibility to the system; however a prescription is necessary. Otherwise there is a risk that in future similar solutions will be strived for. It would be prudent to regulate the authority and the duties of the Chairman-in-Office and the Troika, grant the Permanent Council a control function over them and state more precisely the manner in which the Secretary General and the Chairman-in-Office should collaborate together. Another dimension of this issue is the activity of the missions and their supervision by the Permanent Council and the Chairman-in-Office, personnel policies in the OSCE Secretariat, further training for personnel etc.  
To be able to solve all these problems, rules of procedure should be developed and adopted for all OSCE structures and institutions, including the missions. The leading role of the collective bodies of the Organization and predominantly that of the Permanent Council should be maintained. Moreover the accountability of the operational and executive institutions to these should also be upheld.
- An indispensable prerequisite for any OSCE operational activity in the territory of a participating State is the close co-operation with the government of this state as well as the consent of the state in question to allow OSCE institutions to carry out relevant activities.



- REACT (the OSCE programme to deploy Rapid Expert Assistance and Co-operation Teams) could prove to be an important instrument to increase OSCE effectivity. This concept was introduced by the US during the preparations for the Istanbul Summit. In our analysis, the concrete activities performed by REACT will basically differ little from the activities of the OSCE missions. Therefore it would be logical to develop them - taking account of Article 42 of the Security Charter, which deals with the creation of REACT - predominantly as a mechanism for the recruitment of personnel, which would contribute to the regulation of personnel recruitment for OSCE missions and institutions as well as the operational deployment of representatives of the Organization in the field. If it is rationally implemented, it could remedy many of the deficiencies that are currently very conspicuous in this area.
- The necessity of increasing the effectivity of the OSCE makes the question of becoming a subject of international law all the more acute. The issue of joining the Vienna Convention of 1986 is on the OSCE agenda.
- It is also necessary to continue the active dialogue within the OSCE on its activities and role in the European security system. The OSCE's operational tasks should not push its role as a norm-setting institution as well as a forum for dialogue, co-operation and solving key questions on European security in all its manifestations and dimensions into the background.

The Permanent Council, the Forum for Security Co-operation, and the Security Model Committee must keep an eye on all these problems, whereby the activities of the last must be improved. Undoubtedly, all these questions should be included in the debates at meetings of the Ministerial Council and OSCE Summit Meetings.



## The United States and the CSCE/OSCE<sup>1</sup>

### *The United States and the CSCE During the Cold War*

The United States government has generally taken a rather cautious approach to the Conference on Security and Co-operation in Europe (CSCE) and its successor, the Organization for Security and Co-operation in Europe (OSCE).<sup>2</sup> Indeed, from the very beginning U.S. officials were often sceptical about the entire exercise. As John Maresca notes: "The United States, deeply involved in bilateral negotiations with the USSR, relegated the CSCE to the second rank."<sup>3</sup>

This initial scepticism on the part of U.S. officials can be attributed to several factors. First, in the early 1970s, American policy-makers generally perceived that the proposal for a conference on European security was first and foremost a project of the "socialist bloc". The CSCE originated out of Soviet proposals going back to the mid-1950s for a European security conference that would resolve the "German question" once and for all and effectively ratify the post-war *status quo* in Europe. This idea had gained currency as well among many of Europe's neutral and non-aligned states, and it was Finland which first proposed in 1969 holding a preparatory conference in Helsinki on European security.

Following the adoption by the North Atlantic Treaty Organization (NATO) of the Harmel Report in 1967, the United States urged its NATO allies to promote the objectives of improved European defence through conventional disarmament in the form of a conference dealing with "hard" arms control measures rather than "soft" political measures advocated by the socialist bloc and the neutral and non-aligned. At the same time, NATO began to express interest in a conference that would deal with issues such as advance notification of military movements, freer movement of peoples across national borders, and non-interference in the internal affairs of states, the latter respond-

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1 This article was prepared for and first published in: Helsinki Monitor 2/2000, pp. 20-36, titled "The US and the CSCE/OSCE". It is based upon extensive interviews undertaken by the author at numerous periods since 1974, when he was based at the Carnegie Endowment for International Peace in Geneva during the negotiation of the Helsinki Final Act. Subsequently, he conducted extensive interviews in Vienna and Helsinki in 1992 and again in Vienna in 1997-98, when he was based at the Austrian Institute for International Affairs. In 1998, he was a Jennings Randolph Senior Fellow at the U.S. Institute of Peace in Washington, D.C.

2 In this article I shall refer to the OSCE when I write about the Organization generically and also when writing about specific activities since 1995 when it adopted its new name; for specific activities before 1995, I shall use the previous title of CSCE.

3 John J. Maresca, *To Helsinki: The Conference on Security and Cooperation in Europe, 1973-75*, Durham 1985, p. 64. The author was Deputy Chief of the US Delegation to the CSCE negotiations during the period covered in this book.

ing to Warsaw Pact actions in Czechoslovakia in 1968.<sup>4</sup> Finally, in 1972, Henry Kissinger was able to persuade the Soviet Union to agree to an arms control conference, eventually referred to as the negotiations on Mutual and Balanced Force Reductions (MBFR),<sup>5</sup> in exchange for which the U.S. and its NATO allies would agree to participate in the political conference favoured by the Warsaw Pact states. He justified this compromise on the grounds that the Soviets had also agreed to Western proposals to discuss issues of human rights and freer exchanges of persons between East and West within the CSCE, thereby going beyond the political resolution of issues left hanging at the end of World War II.

Nevertheless, after the CSCE opened with a foreign ministers meeting in Helsinki in July 1973, there was little doubt that Kissinger and his colleagues expected nothing much to come of it. Even the preferred Western alternative of the MBFR negotiations was viewed in Washington as an effort to forestall initiatives coming from the U.S. Congress to force the withdrawal of American troops from Western Europe rather than as a serious effort at arms control, since most U.S. policy-makers were sceptical about the willingness of the Warsaw Pact to abandon their numerical superiority of conventional forces in Central Europe. The CSCE, by contrast, was viewed primarily as potentially placating Western European pressure built up under the *ostpolitik* policy of the West German government of Chancellor Willy Brandt, which sought to ameliorate political relations across the Central European divide. Officials in the Nixon administration generally regarded that policy as somewhat naive, but they saw little direct harm in it and participated reluctantly in the CSCE largely to humour their Western European allies and the neutral and non-aligned states. According to John Maresca, Deputy Chief of the U.S. Mission to the CSCE negotiations from 1973-75:

"Since it (the CSCE) was a Soviet proposal it was seen primarily as a concession that the United States could give to the Soviets in exchange for something more concrete. President Nixon and Secretary Kissinger did not believe the CSCE would add anything to the bilateral treaties that had already accepted postwar frontiers (...) Nor did they believe it would be possible to change the situation in the USSR and Eastern Europe through such a public multilateral conference."<sup>6</sup>

However, many members of the U.S. delegation at the Geneva phase of negotiations took the CSCE process much more seriously than their superiors in Washington. For the most part, the United States maintained a low profile in Geneva, acting largely to veto emerging proposals that might rouse suspi-

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4 Cf. Jonathan Dean, *Watershed in Europe: Dismantling the East-West Military Confrontation*, Lexington 1987, pp. 110-111.

5 Cf. Maresca, cited above (Note 3), p. 219. In a restructured format, these negotiations eventually produced the Treaty on Conventional Armed Forces in Europe (CFE) in 1990.

6 Maresca, cited above (Note 3), pp. 213-214.

cions back in Washington, before they could be incorporated into a draft agreement.<sup>7</sup> Nonetheless, many of these officials recognized the potential of the CSCE, especially of the confidence-building measures (CBMs) being negotiated in "basket one" at Helsinki, to open up the Warsaw Pact region to observation by outsiders. They were also somewhat pleasantly surprised that the Warsaw Pact accepted a number of key Western positions in Geneva, including incorporating major human rights provisions into the Helsinki Decalogue, the ten fundamental principles undergirding the CSCE; the right of states to change borders by peaceful means and through negotiations (thereby keeping open the theoretical possibility of a peaceful reunification of Germany); and extensive provisions calling for freer interchange of people and ideas across the "iron curtain".

These provisions of the CSCE Final Act largely came as a surprise to Secretary of State Kissinger and his colleagues in Washington, but they continued to doubt that the communist states would ever live up to any of the provisions contained in this "politically binding" document. Kissinger warned President Gerald Ford that he would be heavily attacked, especially by hard-liners in the Congress, for attending the Helsinki Summit on 31 July-1 August 1975, at which the Final Act was to be signed. Opposition was especially strong from communities of immigrants from the Baltic states, who insisted that the Final Act ratified the incorporation of those states into the Soviet Union.<sup>8</sup> *The Wall Street Journal* editorialized, for example, that the Helsinki Final Act was "purely symbolic, and the symbol is one of Soviet hegemony in Eastern Europe (....)". In their view, it constituted "a formal version of Yalta, without Yalta's redeeming features".<sup>9</sup> If Ford became too closely identified with this document which the communist signatories would likely flout in the years ahead, Kissinger feared that this would open Ford to charges of naiveté about his Cold War adversaries.

U.S. interest in CSCE sprung, however, from an unexpected source, namely from Capitol Hill. Congresswoman Millicent Fenwick pushed through a law that would require the administration to monitor the record of signatory states in fulfilling their obligations under the Final Act. This law also created a bicameral, bipartisan commission, known as the Helsinki Commission, with eighteen members from the House of Representatives and the Senate and three from the executive branch, which remains attentive to all aspects of OSCE affairs to the present day. Reluctantly signed into law by President Ford in June 1976, the Helsinki Commission was chaired by Congressman Dante Fascell, who pushed the administration to take a strong stance against

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7 Cf. P. Terrence Hopmann, *Asymmetrical Bargaining in the CSCE*, in: *International Organization* 1/1978, pp. 172 and 176.

8 Cf. Henry Kissinger, *Years of Renewal*, New York 1999, p. 645.

9 "Jerry, Don't Go", *Wall Street Journal* editorial, 21 July 1975, cited in: Kissinger, cited above (Note 8), p. 643.

violations of the Helsinki accords by the Soviet Union and other communist governments in Eastern Europe.<sup>10</sup>

In the next few years, however, the United States government remained fairly cool in its attitude towards the CSCE. As Maresca observes:

"Washington attitudes towards the Helsinki Final Act evolved with the overall deterioration of detente. Immediately after the Helsinki Summit, no one was interested in the CSCE. Administration policy officials thought of it as an event that had provoked a hostile domestic reaction and was best forgotten. This attitude infected the whole bureaucracy, though a thorough working-level effort was made to monitor compliance with the Helsinki commitments."<sup>11</sup>

Indeed, this duality between low to non-existent interest in CSCE/OSCE affairs at the highest levels of the U.S. government, complemented by much greater interest at the working levels of the foreign policy bureaucracy, has become characteristic of the U.S. position regarding CSCE and OSCE ever since the period after the 1975 Helsinki Summit. There have, however, been a few occasions when presidents and high level cabinet officials have given some attention to this European security organization. With the arrival of the Carter administration in Washington, the U.S. government embarked upon a major campaign on behalf of human rights, and it seized on the human dimension provisions of the Helsinki Final Act to reinforce its own harsh rhetoric about serious human rights violations within the communist states. Carter appointed former Supreme Court Justice Arthur Goldberg as Head of the U.S. delegation to the first CSCE follow-up meeting in Belgrade to advocate this human rights agenda forcefully. Subsequently, he appointed Max Kampelman as Ambassador to the Madrid Follow-up Meeting to stress the position that "the words and promises of the Helsinki Final Act should be taken seriously by all of the thirty-five countries that signed it".<sup>12</sup> Kampelman was reappointed in January 1981 by President Reagan, with instructions to follow through on this central mandate.

The U.S. thus made the Helsinki process a major focus for its anti-communist, pro-human rights rhetoric, through which official spokespersons pointed out the glaring discrepancy between the principles that communist governments had endorsed in Helsinki and their actual behaviour towards their own populations. As groups such as Charter '77 in Czechoslovakia and the Solidarity movement in Poland drew inspiration from the Helsinki Final Act, supporting their efforts to agitate on behalf of a greater commitment by their own governments to live up to the principles to which they had subscribed

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10 Cf. Maresca, cited above (Note 3), p. 207.

11 Ibid.

12 Max M. Kampelman, Forward, in: Samuel F. Wells Jr. (Ed.), *The Helsinki Process and the Future of Europe*, Washington, D.C., 1990, p. xii.

voluntarily at Helsinki, the U.S. government discovered new value in the CSCE process to promote some of its central foreign policy goals. While much of this may have been a largely instrumental and perhaps even cynical manipulation of the Helsinki Final Act to serve the foreign policy goals of the Carter and Reagan administrations, it did at least cause both administrations to focus greater attention on the CSCE in its entirety.

Furthermore, the modest but tangible success of the CBMs contained in the Helsinki Final Act, especially the ability of Western military officials to observe large-scale manoeuvres taking place on the territory of the Warsaw Pact countries, gained for the CSCE a new and unexpected supporter, namely the Pentagon. CBMs were no longer regarded by U.S. defence officials as a "throw away" provision, but their ability to provide potential warning of preparations for a surprise attack and other forms of "soft" intelligence that was otherwise difficult to obtain in the closed societies of the East was increasingly recognized as a valuable by-product of the Helsinki Final Act. Efforts to negotiate deeper, broader, and more intrusive confidence-building measures became a major focus of U.S. arms control policy towards Europe from that time forward. However, the U.S. opposed at Madrid any broadening of the CSCE "basket one" commitments on CBMs until the human rights record of the socialist countries improved, their military intervention in Afghanistan begun in 1979 was brought to a halt, and the martial law declared in Poland in 1981 was terminated. Under pressure from some of its European allies in NATO, nonetheless, the U.S. agreed to further negotiations on confidence- and security-building measures (CSBMs) as part of the Conference on Disarmament in Europe which opened under CSCE auspices in Stockholm in 1984.<sup>13</sup>

In spite of these advances, the CSCE largely remained outside of the range of attention of senior U.S. policy-makers during the Reagan administration. Within Europe, the U.S. focused largely on its efforts to deploy intermediate-range nuclear forces (INF) to offset alleged Soviet superiority in that category of weapons. At the strategic level, the U.S. first pursued a unilateral military build-up and then began to advocate reductions of strategic arms from its newfound "position of strength". The extension of CBMs at the Stockholm Conference on Disarmament in Europe in 1986, under CSCE auspices, though actively supported by U.S. diplomats at the working level in the State Department and the Arms Control and Disarmament Agency (ACDA), was largely ignored by senior officials in the White House and elsewhere in the U.S. government. Thus, while the Vienna Follow-up Meeting produced some important advances in the CSCE normative base in the second half of the 1980s, this largely took place without much leadership from the United States. As has often been the case, the U.S. delegation and working level

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13 Cf. Dean, cited above (Note 4), pp. 188-190. The Conference on Confidence- and Security-Building Measures and Disarmament in Europe (referred to as the CDE), was held from 17 January 1984 until 22 September 1986 in Stockholm.

State Department officials continued to play an active role in Vienna, but they did so with little or no support or leadership from above. To a large degree during the waning years of the Cold War, the CSCE was regarded by the most senior foreign policy makers as dealing mostly with continental European issues that had little direct impact on U.S. security, so that they gave only marginal attention to the issues in which the CSCE was engaged. During the Reagan years, hostility towards the policies of the détente era grew, and much of that was reflected in opposition to the CSCE. Some residue of those attitudes and their impact on U.S. policy can still be detected today.

#### *Changing U.S. Attitudes After the End of the Cold War*

The United States government remained sceptical about the potential of the CSCE as the Cold War came to an end in 1989, even though, ironically, the U.S. subsequently became one of the Organization's most active participants and its largest financial supporter. There was, of course, a burst of interest in the CSCE in 1990, reflected in its role in the Copenhagen Conference on the Human Dimension and preparation of the Charter of Paris. American officials, like many Europeans, saw in these documents an opportunity to enshrine classic liberal values of democracy and a market economy, extending the basic human rights agenda of the Helsinki Final Act into a much broader set of liberal principles, while encouraging the former communist countries, in their burst of enthusiasm for attaching themselves more closely to the West, to subscribe to a set of commitments which many leaders had barely read, much less understood or internalized. A great deal of attention was also diverted to the rejuvenated negotiations on Conventional Armed Forces in Europe (CFE), which had replaced the moribund MBFR negotiations and successfully concluded a treaty on conventional force reductions, which had been a higher U.S. priority for European security than the CSCE since at least the late 1960s. But these too were complemented by the expanded CSBMs of the Vienna Document 1990 adopted in Paris and the creation of the Conflict Prevention Centre (CPC) as a permanent CSCE institution located in Vienna, intended at the time largely to collect data and co-ordinate verification of the various arms control measures adopted in Paris.

In spite of these significant advances leading up to Paris, President Bush had to insist that the Paris Summit be scheduled in late November, immediately prior to the U.S. Thanksgiving Holiday, so that he could stop briefly in Paris en route to celebrating the holiday with U.S. troops attached to Operation Desert Shield in the Persian Gulf region. The few brief stories and television reports in the U.S. about the Paris Summit were thus quickly eclipsed by numerous photos of Bush eating turkey with U.S. soldiers in Saudi Arabia. This is all too typical of the deplorable lack of attention afforded to the OSCE and its institutions by virtually all American news media, including elite publica-



tions such as the *New York Times* or the *Washington Post* which seldom even refer to the Organization by its full name. The vast majority of Americans, including most members of the intellectual elite, were left almost totally unaware that anything significant happened at the Paris Summit in November 1990.

A second burst of U.S. activity in CSCE appeared around the time of the Helsinki Follow-up Meeting and Summit of 1992. The CSCE was preoccupied at that time with the wave of violence that was sweeping across the former Soviet Union and the disintegrating Yugoslavia. The Conflict Prevention Centre, with its limited mandate and extremely modest resources, had proven totally unprepared to deal with the conflict that broke out in Croatia and that threatened to explode in Bosnia and Herzegovina. The U.S. stood by and watched while responsibility for dealing with this situation was passed on to the European Union in the summer of 1991, which promised to demonstrate that its new Common Foreign and Security Policy (CFSP) was capable of achieving concrete results in its immediate neighbourhood. At that time, most policy-makers in Washington perceived violence in the Balkans as a "European problem", and that it was largely Europe's responsibility to resolve the conflict. For its part, U.S. policy-makers believed that the leadership role they had assumed in the Persian Gulf largely exempted them from responding to security problems on the European continent where direct U.S. interests were not threatened.

By spring of 1992, it had become obvious to U.S. policy-makers that the CFSP was at that time a mirage. As Timothy Garton Ash graphically put it, Europe "fiddled in Maastricht while Sarajevo burned".<sup>14</sup> The United States thus began casting around for alternative institutional arrangements to respond to the deteriorating situation in the Balkans. The U.S. delegation to the Helsinki Follow-up Meeting thus took the lead in advocating a substantial expansion of the functions of the Conflict Prevention Centre in response to the new security challenges of post-Cold War Europe. Among the U.S. proposals, advocated forcefully by Ambassador John Kornblum, was the creation by the CSCE of missions of long duration which would be sent into the field in regions where violence threatened or had already surfaced on a large scale. Since these missions were conceived as consisting of professional staff seconded by CSCE participating States, this would substantially increase the intrusive role that the Organization would play in regions of conflict.

At the same time, the United States opposed in Helsinki efforts by France and Germany to place the CSCE on a firmer "legal" footing, as well as their joint proposal to create a CSCE Court of Conciliation and Arbitration. Although the latter was adopted at Helsinki, participation was voluntary, and the United States has refused to sign or to support the Court, based in Geneva, which has so far not heard a single case. The United States did enthusiasti-

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14 Timothy Garton Ash, *Europe's Endangered Liberal Order*, in: *Foreign Affairs* 2/1998, p. 66.

cally support the proposal advanced by the Netherlands to create the office of a High Commissioner on National Minorities (HCNM). However, the greatest U.S. effort at Helsinki was focused on the creation of CSCE missions of long duration, where Kornblum and his staff believed that the U.S. could exert the greatest influence on the Organization. Some European participating States, not totally without justification, criticized this initiative as a U.S. attempt to reinforce its hegemony in Euro-Atlantic security affairs, since it was the participating State with the largest resources of both money and personnel to supply leadership positions in these missions.<sup>15</sup>

The Helsinki Summit, the culmination of the Helsinki Follow-up Meeting, adopted a somewhat watered-down version of the U.S. proposals concerning conflict prevention missions. The Helsinki Decisions of 10 July 1992 included a section on early warning, conflict prevention and crisis management (including fact-finding, rapporteur missions, and CSCE peacekeeping), and the peaceful settlement of disputes. While agreeing in vague language to strengthen the structures responsible for fulfilling these functions, the intention at the time was largely to create *ad hoc* missions that could be sent into the field on a more or less temporary basis. However, one month after the conclusion of the Helsinki Summit, at the urging of the United States, the Committee of Senior Officials (CSO) adopted a general "Decision on Missions of Long Duration" and established the first CSCE mission to provide a continuous presence on the territory of a participating State in three regions of the Federal Republic of Yugoslavia (Kosovo, Sandjak, and Vojvodina).<sup>16</sup>

The United States has provided extensive support for these missions of long duration ever since. The Heads of Mission for the two largest such missions - the Mission to Bosnia and Herzegovina after the Dayton Accords and the Kosovo Verification Mission after the October 1998 accords - have been retired U.S. diplomats: Robert Frowick and Robert Barry in the case of Bosnia and Herzegovina and William Walker in the case of Kosovo. U.S. diplomats have also served as Heads of Mission in Skopje (the Former Yugoslav Republic of Macedonia), Ukraine, Moldova, and a disproportionate number of mission members across all missions have been seconded by the United States.

Indeed, U.S. interest in the OSCE expanded considerably with the Dayton Accords on Bosnia and Herzegovina in November 1995. U.S. policy-makers led by Ambassador Richard Holbrooke realized that there were many aspects of the Dayton Agreement that could not be administered by NATO and the military units from other countries associated with NATO under the Partnership for Peace. The entire range of democracy-building activities such as pre-

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15 These conclusions are based on anonymous background interviews that the author conducted with senior officials from all major CSCE delegations in Vienna and Helsinki from February till July 1992.

16 Cf. Allan Rosas/Timo Lahelma, OSCE Long-Term Missions, in: Michael Bothe/Natalino Ronzitti/Allan Rosas (Eds.), *The OSCE in the Maintenance of Peace and Security*, The Hague 1997, p. 169.

paring and overseeing elections and implementing the return of refugees was clearly outside the purview of NATO. Even the enforcement of the disarmament provisions of the Dayton Accords seemed beyond the capacity of a NATO infrastructure that was still in the early stages of its transition from a Cold War defensive alliance into a post-Cold War peacekeeping institution. Furthermore, U.S. officials at Dayton were sceptical about the effectiveness and appropriateness of the European Union and the Council of Europe in performing these functions. These doubts stemmed foremost from the fact that the United States was not a member of either organization, and it wanted to play a more central role in the implementation of the accords which its government had brokered. But this also reflected a profound disillusionment at that time on the part of U.S. officials about the capability of multilateral European political and economic institutions to play a serious role in the security affairs of the continent. U.S. attitudes had evolved by late 1995 from an earlier belief that fighting in the Balkans constituted a European problem that should be dealt with exclusively by the Europeans to a view that an active leadership role on the part of the United States was still a necessity in order to maintain peace and stability in South-eastern Europe. In particular, the U.S. had become disenchanted with the European Union, which many American policy-makers held partly responsible for the disastrous way in which the collapse of Yugoslavia had been mismanaged in the early post-Cold War years.

Therefore, responsibility for the implementation of virtually all non-coercive aspects of the Dayton Accords fell to the OSCE largely by default. John Kornblum, Holbrooke's top aide and former U.S. Ambassador to the CSCE, urged that the principal role for implementation of the non-military aspects of the Dayton Accords be given to the OSCE.<sup>17</sup> The OSCE was the only existing security institution with an established mandate and experience in democracy-building and conflict prevention to which the United States belonged, and where it had begun to exercise increasing influence. Short of creating an entirely new institutional structure virtually overnight, a costly and totally implausible possibility, the OSCE became the responsible institution for implementing a wide-ranging set of provisions of the Dayton Accords, especially elections. Interestingly, OSCE officials played no role at the Dayton negotiations, and several later reported substantial surprise at the large number of responsibilities that were assigned by the Dayton Accords to the OSCE, largely without consultation with its Secretariat and its principal political officials. While many were thrilled to see such an important and visible set of tasks assigned to the OSCE, and viewed this as an indicator of the increasing respect that the OSCE had garnered in the eyes of U.S. officials, others feared that the Organization might be swamped by its new responsibilities and the new activist role within the OSCE being assumed by the United States.

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17 Cf. Richard Holbrooke, *To End a War*, New York 1998, p. 290.

This responsibility, therefore, marked a significant change in the nature of the OSCE's long-term missions and in the U.S. role in the Organization. Prior to this time, OSCE field missions had consisted almost exclusively of small international staffs, comprising in most cases only five to ten professional staff members. The OSCE Mission to Bosnia and Herzegovina has had an international staff of over 200, plus hundreds of locally recruited employees. Furthermore, the mandate of the Bosnia Mission required the OSCE to play a much more proactive role than any previous mission; prior to Bosnia, virtually all missions emphasized assistance in democratization, monitoring situations in order to provide "early warning", and quiet efforts to promote confidence and resolve conflicts between parties to disputes. The mandate of the Bosnia Mission, upon the urging of the United States, was broad: election preparation, supervision, and monitoring (including general elections, municipal elections, parliamentary elections); responsibility for promoting civil society, freedom of the media, and human rights; and monitoring measures for regional stabilization and arms reductions under Articles II and IV of the Dayton Accords. Although both Ambassadors Frowick and Barry are highly respected diplomats, U.S. leadership of the Mission to Bosnia and Herzegovina has been criticized by Europeans who are concerned that this OSCE mission in particular has largely become an extension of U.S. policy in the Balkans, in which European views are too often short changed.

The creation of the OSCE Mission to Bosnia and Herzegovina established a precedent for what have come to be called "large" missions of long duration. The Bosnia Mission was soon followed by the creation in spring 1996 of the OSCE Mission to Croatia, mandated to include up to 250 international personnel, to monitor and assist in the implementation of agreements entered into by the government of Croatia regarding the two-way return of refugees and the protection of the rights of persons belonging to national minorities. Again in October 1998, Richard Holbrooke on behalf of the United States brokered a cease-fire between Serbs and Kosovar Albanians which included provisions for a Kosovo Verification Mission (KVM) consisting of up to 2,000 unarmed monitors seconded by OSCE participating States to verify compliance with the agreement. Although the OSCE Chairman-in-Office at that time, Foreign Minister Bronisław Geremek of Poland, was present on the margins of those negotiations, once again the U.S. mediators assigned an important and sensitive international task to the OSCE with only minimal prior consultation with other Secretariat and senior political officials.<sup>18</sup> Furthermore, the U.S. officials insisted, over the objection of many Western European OSCE participating States, that the Head of the KVM also be an American diplomat, Ambassador William Walker. And Walker became something of a lightning rod for clashes between European and American views about how to deal with the complex issues in the Balkans region, fuelling increased

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18 Cf. Jerzy Nowak, Introduction, OSCE 1998: The Polish Chairmanship, Warsaw 1999, pp. 15-17.

European criticism of U.S. domination of missions established by an organization which ironically the U.S. had previously not taken very seriously. Although the KVM had to be withdrawn in March 1999 prior to the commencement of the NATO bombardment of the Federal Republic of Yugoslavia, the June 1999 agreements ending that military campaign also included responsibilities for a new OSCE Mission in Kosovo to oversee provisions supporting democratization and other aspects of the human dimension. At the same time, the United Nations, not the OSCE, was given primary responsibility for the overall political and administrative management of Kosovo.

One of the dramatic lessons learned by the United States and other OSCE participating States from the KVM was the difficulty of raising a trained civilian force to verify compliance with a cease-fire in an emergency situation. Although the KVM had an authorized strength of 2,000 personnel, by the time it was withdrawn fewer than 1,400 persons had arrived in Kosovo, and many came with little or no training in civilian peace operations and with little knowledge of the problems faced by the region where they were sent. Thus the United States was an active proponent of the creation under the Charter for European Security signed at the OSCE Istanbul Summit on 19 November 1999 of Rapid Expert Assistance and Co-operation Teams (REACT). The OSCE would thus maintain a registry of individuals from participating States who would be trained in advance for deployment when civilian peace monitoring and police expertise were needed in conflict situations. The REACT units would provide a capability for the OSCE to respond quickly to problems before they became full-scale crises by deploying a civilian peace monitoring unit trained and equipped to deal with the kind of ethno-national conflict with which the OSCE has frequently had to cope in recent years.<sup>19</sup>

In short, by the mid-1990s the United States began giving greater attention to the OSCE as a vital institution for the development of European security. By this time the new conflict management activities adopted at Helsinki in 1992 - especially the missions of long duration and the office of the High Commissioner on National Minorities - had begun to demonstrate their capacity to make a difference in regions such as Ukraine (Crimea), Moldova (Trans-Dniestria), Chechnya, Georgia (South Ossetia), and the Baltic states (Estonia and Latvia). These concrete accomplishments, however modest, did not go unnoticed in Washington, but they would have been unlikely to lead to a radical expansion of U.S. interest in the OSCE had it not been for the central role that the United States played in brokering an end to the fighting in Bosnia and Herzegovina at Dayton in 1995, and the consequent realization by U.S. officials that the OSCE was the only European security institution available with the experience, mandate, and breadth of membership to be able to perform the peace-building functions outlined at Dayton to complement the peacekeeping functions to be performed by the NATO-led military coalition

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19 Cf. OSCE Newsletter 11-12/1999, p. 2.

deployed to the region. This lesson was further applied to the situation in Croatia and in Kosovo following negotiated cease-fires in those regions.

Therefore, U.S. policy-makers came to realize by the middle of the 1990s that OSCE missions could serve the interests of U.S. foreign policy in South-eastern Europe by preventing the outbreak of violence or its reappearance in areas of prior violence. In particular, they realized that U.S. troops would have to be deployed as part of a peacekeeping or peace-enforcement mission until a more stable political environment is created in both Bosnia and Herzegovina and Croatia. In the face of considerable domestic pressure from U.S. public opinion to limit the deployment of U.S. troops abroad in regions of conflict, U.S. policy-makers recognized that significant progress would have to be made in the political domain as well as in providing military security. While NATO could contribute to the second goal, it was wholly unprepared to cope with the first. Therefore, support of the OSCE missions and other field activities has become one of the highest priorities of the United States within the OSCE, at least on a par with its emphasis on democratization and strengthening the rule of law throughout the OSCE region. The U.S. has, of course, contributed personnel to the Office for Democratic Institutions and Human Rights (ODIHR) as well as to the office of the Representative on Freedom of the Media, and provides the Co-ordinator of OSCE Economic and Environmental Activities, but no other aspect of the work of the OSCE receives support from the United States that is comparable to its contribution to the missions and other field activities.

Another aspect of the U.S. contribution to the OSCE that also goes almost unnoticed by all except participants in the Organization is the role played by the large and active permanent U.S. Mission in Vienna, consisting of about 50 professional staff. The United States Mission to the OSCE is undoubtedly the largest deployed by any participating State, with the possible exception of a temporary enlargement in the staff of the country serving its one-year term as Chairman-in-Office. The U.S. Mission in Vienna assigns at least one person, many of whom have significant expertise, to deal with virtually all of the functional issues of concern to the OSCE: human rights monitoring, election supervision, freedom of the media, civil society and NGOs, peacekeeping, arms control and CSBMs, economic reform and development, and the environment, to name the most important. Its large staff also includes persons focusing on the most sensitive regions with which OSCE missions must deal: Central Asia, the Caucasus, Russia, Ukraine, the Baltic states, and South-eastern Europe. Therefore, the OSCE Secretariat staff and Heads of Mission have often relied on the expertise that can be found in the U.S. Mission in Vienna for advice about the many issues with which they have to cope, but where they lack sufficient resources to undertake these tasks independently. Heads of Mission in the course of their regular reporting visits to Vienna frequently find their way out to the offices of the U.S. OSCE delegation in Obersteinergasse in Vienna's 14th district for a mutual exchange of informa-

tion and ideas. The United States also frequently employs its large staff in Vienna to engage in bilateral or sub-regional consultations with other OSCE participating States about matters of security. The United States has thus come to realize that Vienna, both within the formal structures of the OSCE and on its margins, has become one of the most important centres for gaining information necessary to make policy decisions about some of the most important security issues confronting United States foreign policy. This fact alone has subtly given the OSCE a more central role in U.S. security policy than was the case previously.

At the same time, it should be noted that all of these activities are managed at the working level of the U.S. government, and they seldom attract the attention of senior officials (with the partial exception of the Missions to Bosnia and Herzegovina and in Kosovo), of the press, the scholarly community, or the general public. Indeed, it is surprising that senior officials in the U.S. administration sometimes seem unaware of the significant contribution that the many cumulative activities of the OSCE make in U.S. foreign and security policy. And even though the U.S. government has increasingly found the OSCE to be a useful instrument during the past decade, there still remains a residue of scepticism, especially at the most senior level, about the long-term importance of the OSCE within U.S. security policy in Eurasia. Some U.S. policy-makers still see the OSCE as playing a useful role only on the margins of European security. When it comes to an ability to respond decisively to crises that may present real threats to U.S. or Western European interests, U.S. political leaders have generally preferred to act through NATO or even unilaterally. If a strengthened OSCE would somehow reduce U.S. freedom to employ these other tools, especially coercive diplomacy, American leaders have generally refrained from supporting measures to strengthen the OSCE. Therefore, in the concluding section of this article I shall turn to some of the sources of that ambivalence, and I shall attempt to assess the views of the sceptics and supporters of the OSCE's contribution to Eurasian security during the past decade.

#### *Views of OSCE's Critics and Supporters in the U.S.*

The preceding review of the attitudes of U.S. policy-makers towards the CSCE and later the OSCE have been characterized by considerable ambivalence. In the post-Cold War period, as noted in the previous section, the assessment of leading policy-makers in the United States towards the CSCE and later the OSCE has become more positive regarding its contribution to non-military aspects of Eurasian security, but thus far it stops far short of viewing the OSCE as the foundation for a broad-ranging security regime in the unstable regions that have appeared in post-Cold War Eurasia. There remains a significant realpolitik strain in U.S. foreign policy, and many senior

policy-makers adhere to the fundamental tenets of realist beliefs about the anarchic nature even of post-Cold War international politics. Their scepticism about the potential for multilateral security institutions to diminish the impact of anarchy is especially great at higher levels in the foreign policy and national security bureaucracy. Diplomats who have served in OSCE missions and in the U.S. delegation to the OSCE in Vienna in the 1990s have frequently expressed dismay at the low level of support given to their activities by official Washington. Perhaps even more notable is the almost complete absence of public awareness about the OSCE, which is generally unknown to the vast majority of the U.S. public and even to well-educated and informed members of the "attentive public". But even among those who are familiar with the Organization, it is frequently dismissed as being irrelevant to U.S. interests in Eurasian and European security. The critics of the OSCE in the U.S. generally cite several key arguments.

First, many critics argue that OSCE decision-making, being based on the consensus principle, makes it impossible to act decisively on important security issues, especially in times of crisis. There is a general tendency to equate "consensus" with a universal "veto," meaning that there is a widespread belief that all 55 participating States have the power unilaterally to block OSCE decisions. U.S. policy-makers have been especially concerned in recent years that OSCE decisions could be blocked by a Russian veto, especially on issues like the conflict in Kosovo where the U.S. perceives that their interests diverge from those of the Russian Federation. Therefore, rather than allowing the United States to have its hands tied, these critics argue that the United States should not depend on the OSCE in any case where vital U.S. interests are at stake.

Second, many critics believe that the OSCE detracts from political and popular support for the enlargement of NATO and the centrality of this former Cold-War military alliance as an instrument of European security. Those individuals who believe that there can be only one major security institution in Europe argue that this role should be filled by NATO. Being composed exclusively of democratic countries, NATO's members share similar values and approaches to international relations, so that agreement is easier to achieve than in the OSCE. This issue crystallized in the debate during 1997 over NATO enlargement. Those who wanted to expand NATO Eastward as rapidly as possible found themselves confronted with the counter argument, advanced especially by Russia, that the OSCE should be the dominant player in post-Cold War European security, with all military alliances subordinated to its political authority, especially considering the OSCE's universal membership. The end of the Cold War notwithstanding, this Russian argument simply fed the fears of the OSCE's critics in the United States who were reluctant to give a significant role to an organization whose decisions could be blocked by Russian opposition. Furthermore, the apparent inconsistencies in



Russian policy, especially its reluctance to accept any significant OSCE involvement in the conflict in Chechnya, has added to this cynicism.

Third, U.S. policy-makers generally perceive that the OSCE lacks appropriate means to implement whatever decisions it takes. Although the OSCE has played an important role in political and humanitarian spheres in Bosnia, for example, it was unable to provide security for its own personnel, including election monitors, to say nothing of Bosnian citizens, without the support of the NATO Stabilization Force (SFOR). Similarly, the unarmed KVM was forced to withdraw from Kosovo in part because it was constantly vulnerable to attack from militants on both sides of the dispute, and the failure of the KVM and the necessity of eventually replacing it by a NATO-led peace-keeping force was viewed as evidence of the weakness of an institution that was unable to implement its decisions by force. The critics argue that only a party capable of wielding real "carrots" and "sticks," such as the United States at Dayton in 1995 and in Kosovo in 1998 and again in 1999, can successfully push intransigent parties to settle their differences when they are based on deeply felt hostility. This further reinforces the argument that the United States needs a capacity to be able to act unilaterally or through NATO without being constrained by any broad-based multilateral organization like the OSCE.

Finally, many of the OSCE's critics point to its alleged history of "failures" to prevent or to resolve conflicts as evidence for its unreliability. Most often cited is the alleged failure of the CSCE to prevent war and ethnic cleansing in Croatia and in Bosnia. Similarly, critics often point to the failure of the OSCE to resolve the conflicts where cease-fires have been in place but where so far negotiations have failed to yield significant results, including the conflicts over Nagorno-Karabakh, Trans-Dniestria, and South Ossetia. Finally, they note that anarchy and sporadic violence have prevented a return to anything like normal life in Tajikistan and that warfare has re-emerged in Chechnya in 1999, following the OSCE brokered cease-fire in 1996. These are taken as evidence of the inability of the OSCE to provide lasting security in post-conflict situations. It is perhaps for this reason that the United States agreed, along with other major states in the international community, to pass much of the responsibility for political and administrative operations in Kosovo to the United Nations after the end of the NATO aerial campaign in June 1999. The OSCE was assigned a relatively minor role, especially by comparison with the much larger role it has played in Bosnia and Herzegovina. The critics thus conclude that these many "failures" in the few years immediately after the end of the Cold War so seriously undermined the credibility of the OSCE in the field of conflict management that it can no longer be effective in promoting agreement and insuring peace in regions that have experienced deadly conflicts.

The supporters of the OSCE in the United States, on the other hand, argue first that the OSCE has developed a normative structure that very much re-

flects American values, both those articulated domestically and internationally. By promoting democratization, the rule of law, economic liberalization, and human rights throughout Europe and Eurasia, the OSCE acts as a major proponent of fundamental American values, albeit values shared widely with other European countries. The OSCE has more clearly linked these values to issues of national, regional, and global security than any other multilateral organization in which the United States participates, including NATO and the United Nations. It legitimizes a *droit de regard* for the United States and other Western democracies over the transition process in countries that are trying to throw off decades or even centuries of authoritarian rule and centrally planned economies. After the United States devoted such vast resources to defending these rights and values during more than 40 years of the Cold War, it would seem to be foolhardy, supporters argue, not to take advantage of the opportunities afforded to it by the end of the Cold War to promote as rapid and thoroughgoing change as possible in these regions after the fall of communism. The OSCE offers a vehicle for doing just that without requiring the U.S. to expend vast resources or to shoulder the burden single-handedly. Second, advocates contend that the OSCE offers to the United States an unparalleled forum for dialogue and transparency about security issues affecting the United States, its Western European allies, and its former adversaries in Central and Eastern Europe. One of the major strengths of the OSCE has been the degree to which it has promoted transparency in issues such as military exercises and force deployments, military budgets and the development of new technology. The OSCE missions provide a continuous source of information about events taking place in the most volatile regions of Eurasia. This information can provide early warning of possible threats and trouble spots. It can also provide reassurance in cases where questionable behaviour may be shown not to reflect malign intentions. Although some of these functions may be performed also by the Euro-Atlantic Partnership Council and NATO's Partnership for Peace, the institutionalized information exchange and opportunities for on-site observation provided by the OSCE are unparalleled in modern history. Third, simply put, conflict prevention is cheaper than fighting war or even than peacekeeping in the aftermath of a war. The United States annual contributions to the OSCE in 2000 are on the order of 22 million Euros: nine per cent of the general OSCE budget of 40 million Euros and 12.4 per cent of the budget of about 150 million Euros for the three large missions.<sup>20</sup> By contrast, for the United States in fiscal year 1998, the incremental costs in the U.S. budget for the Bosnia Peace Operation (mostly SFOR and its civilian support) amounted to approximately 2.473 billion US Dollars,<sup>21</sup> more than 100

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20 Cf. OSCE, Permanent Council, PC-Journal no. 262, Decision no. 331, PC.DEC/331, 15 December 1999, Annex 1 (Year 2000 Budget).

21 Cf. US Government Accounting Office, National Security and International Affairs Division, report no. 98-138, "Bosnia Peace Operation", p. 21. Incremental cost refers only to

times its contribution for all OSCE operations. Certainly by this standard, the old aphorism that "an ounce of prevention is worth a pound of cure" holds true. This cost comparison also has to be added to the less easily measurable, but even more important consideration of the lives that can be saved and destruction of property and human spirit that can be avoided when preventive diplomacy successfully averts the outbreak of violence.

Fourth, supporters argue that the appropriate response to the present weakness of the OSCE is not to disregard it, but rather to strengthen the Organization so that it can become more effective at serving specific U.S. interests and simultaneously enhancing co-operation to build a stable foundation for security throughout the Euro-Atlantic region. The present limitations of the OSCE are not necessarily inherent to the Organization, and some modest measures could significantly strengthen its capacity to act more effectively, especially to undertake its missions of long duration with greater staying power and a greater chance that they can lead to concrete results in preventing and resolving conflicts in those regions where they operate.<sup>22</sup> It is not fair to judge the OSCE's performance record based solely on the early years of the post-Cold War period, its supporters emphasize. In those years, the CSCE's institutional structure was still being created and taking shape. Furthermore, the international community as a whole was overburdened by the many conflicts that erupted in the time span of just a few years as the communist bloc was falling apart. Since the OSCE has become more fully institutionalized by the end of the 1990s, and the pace of change in international relations has also settled down, the institutional capacity to cope with conflict is greater. With only a modest increment of resources, it could become even greater still.

Finally, U.S. supporters of a multilateral approach to security policy in Eurasia tend to believe that the OSCE's capacity to deal with issues such as ethno-national conflict can also be enhanced by increasing the co-operation between the OSCE and other regional and global security institutions, including NATO, the WEU, the CIS, the European Union, the Council of Europe, and the United Nations and its various agencies such as the UN High Commissioner for Refugees (UNHCR). While one may appropriately be sceptical about the OSCE's ability to mount peacekeeping operations alone such as those that have been discussed for Nagorno-Karabakh, its ability to do so would be significantly enhanced if it could call on military alliances such as NATO, the WEU, and the CIS to participate in peacekeeping forces under an OSCE mandate. The collaboration between the OSCE and IFOR/SFOR in Bosnia illustrates that the two organizations can work well in tandem, one stressing the political dimensions of security-building, while the other pro-

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"additional costs to DOD that are directly related to the Bosnia operation and would not have otherwise been incurred" (p. 20).

22 For some of my proposals about how the OSCE conflict prevention machinery might be strengthened at modest additional cost, see: P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia: The OSCE and U.S. Foreign Policy*, United States Institute of Peace (Washington, D.C.), *Peaceworks* 31/1999, pp. 46-52.

vides the military security that is necessary for the political process to work effectively. Rather than debating which institution should be "number one", it makes far more sense to consider how they can combine roles, each contributing its own special capabilities, to fashion solutions to the major security issues that confront Eurasia since the end of the Cold War.

Advocates of the OSCE thus conclude that much of the scepticism about the role of the OSCE in post-Cold War Eurasian security in the United States is based on a limited understanding of what the Organization has accomplished in a few short years since 1992, to say nothing of what it might be capable of accomplishing with only modest increments in its political and material support from participating States.

There are several explanations for this lack of appreciation of the OSCE's potential. First, where the OSCE is most successful, "nothing happens". And busy policy-makers in capitals like Washington do not have time to pay attention to conflicts that have been prevented; they only pay attention when large-scale violence breaks out and crosses over the threshold of public awareness. Second, many of the OSCE's most successful activities have taken place in relatively obscure locations such as Crimea, Macedonia, Tajikistan, Moldova, and Georgia; unless one does a systematic survey of all of the many accomplishments of the OSCE across many zones of conflict, one cannot begin to comprehend the extent of its efforts and even of its many, if modest, successes. Recent operations in Bosnia and Herzegovina, Croatia, and Kosovo have brought more attention to the OSCE, but unfortunately this has often come from those activities where the Organization's resources are most widely stretched and where the most serious problems have arisen alongside the many successes. Therefore, only those officials who have devoted much of their time and attention over long periods of time to the work of the OSCE have come to appreciate its accomplishments and to understand its potential to contribute to Eurasian security in the future. And since only a few scholars and virtually no journalists in the United States have given the OSCE similar attention, its work has gone largely unnoticed by both the general public and even the community of security specialists.

There is also an element of a "self-fulfilling prophecy" at work here: Those who start from the assumption that multilateral political institutions make little difference in the realm of security are unlikely to take the time and effort to investigate thoroughly the activities and accomplishments of the OSCE in order to appreciate its potential contribution to North American, European, and Eurasian regional security interests. Consequently, support for the strengthening of the OSCE within the United States tends to be confined largely to a relatively small group of security specialists in the U.S. government, in the Helsinki Commission, in NGOs that work closely with the OSCE, and among a small set of scholars within the academic community. Until senior policy-makers and members of the policy elite in and around Washington come to realize that security in Eurasia depends more on the

prevention and resolution of conflicts than on the use of coercive force to make and enforce the peace, there is unlikely to be a major shift in the balance of U.S. attitudes towards the OSCE and a reassessment of its potential to contribute to a more secure future for the region extending from "Vancouver to Vladivostok" in the 21st century.



## Austria and the OSCE<sup>1</sup>

### *Austria's Role and the N+N Group*

Austria has always had a decisive supportive role in the CSCE/OSCE, even during the preparations for the Helsinki Conference. It was on the basis of a proposal from the Austrian delegation in co-operation with other neutral and non-aligned states (N+N states) that at the last meeting of the Co-ordinating Committee, participants were able to come to an agreement. During the CSCE process, Austria - with the other N+N states (Sweden, Finland, Switzerland, Yugoslavia, Liechtenstein, Malta, Cyprus) in the so-called N+N group - was active primarily on issues like the political and military aspects of security. They were also interested in solutions to humanitarian problems, facilitating interactions between persons, comprehensive free circulation of information and co-operation in the areas of culture and education.<sup>2</sup> The N+N states were involved in negotiating and co-ordinating between the blocs particularly in the military area. They developed initiatives to solve unforeseen problems. In fact it was the neutral states who were responsible for drafting the concluding documents of follow-up meetings. Thus in the Madrid Follow-up Meeting (1980-1983), the N+N states were given a special role in continuing the dialogue, which had come to a halt because of the Soviet invasion in Afghanistan. Finally, a third follow-up meeting in Vienna in 1986 and the Expert Meetings on Human Rights in Ottawa in 1985, on Human Contacts in Bern in 1986 as well as the Athens Meeting on Peaceful Settlement of Disputes in 1984 were arranged. The N+N states even drafted the final document of the Vienna Follow-up Meeting.

At the 1990 Paris Summit, it was decided that a Conflict Prevention Centre (CPC) be established in Vienna (the Office for Free Elections also created at the Paris Summit was established in Warsaw). The CPC was to support the Ministerial Council (at that time the CSCE Council) in reducing the danger of conflicts. Its principle task was to aid in the implementation of confidence- and security-building measures (CSBM).<sup>3</sup> Finally the Secretariat established in 1991 in Prague was moved to Vienna in 1993.

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1 I would like to thank Kurt Tudyka for his comments and suggestions.

2 Cf. Sigrid Pöllinger, *Der KSZE/OSZE Prozess: Ein Abschnitt europäischer Friedensgeschichte* [The CSCE/OSCE Process: A Chapter in European Peace History], Vienna 1998, pp. 31, 92, 94.

3 Among other things, these include the mechanism for consultation and co-operation as regards unusual military activities. The Austrians and Italians launched the mechanism in 1991 in response to the Yugoslavia crisis. The reply from Yugoslavia, which they gave within the 48 hours allocated, did not yield very much new information. Austria then called to convene the Consultative Committee of the CPC. However this had no further influence on the course of the conflict.

The OSCE Istanbul Document<sup>4</sup> identified the following new security risks: international terrorism, violent extremism, organized crime and drug trafficking. Furthermore the excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons represent a threat to peace and security. The OSCE has emphasized their determination to strengthen protective measures against these new risks and challenges. The bases of this protection are the presence of strong democratic institutions and the rule of law. Thus security is to be ensured primarily through non-military means.

Austria derived the activities of its Chair during the year 2000 from the Istanbul Documents. In Istanbul, the Heads of State or Government of the OSCE participating States came to an agreement on the following measures:

- a) Single states and individual organizations are not able to meet the challenges and risks they are currently facing. Thus, first of all, co-operation between the OSCE and other international organizations and institutions is to be strengthened through the adoption of the Platform for Co-operative Security. Furthermore, closer co-operation between international organizations should bring about better utilization of the resources of the international community.
- b) The role of the OSCE in peacekeeping is to be extended thus better reflecting the Organization's comprehensive approach to security. The most effective OSCE contributions have been achieved in field operations, post-conflict rehabilitation, democratization, monitoring human rights and observing elections. Heads of State or Government have decided to examine the possibilities for a potentially larger and more comprehensive role for the OSCE in peacekeeping. The OSCE can, on a case-by-case basis and by consensus, decide to play a role in peacekeeping and it can take on a leading role when participating States judge it to be the most effective and appropriate organization for that purpose.
- c) Rapid Expert Assistance and Co-operation Teams (REACT) are to be established and readily accessible to the OSCE at any given moment. They are designed to put the OSCE in the position to respond quickly to demands for assistance and for large civilian field operations and to deploy civilian and police expertise rapidly, which is considered essential for effective conflict prevention, crisis management and post-conflict rehabilitation. REACT is based on an idea from the United States, which has considered the OSCE a civilian organization complementary to NATO since the mid-nineties.
- d) The capability to assume tasks in police-related activities is to be enhanced to be able to maintain the primacy of law. The role of the OSCE

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4 For the following cf. Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, printed in this volume, pp. 425-443.



in police-related activities (police monitoring, police training) as an integral part of the Organization's efforts in conflict prevention, crisis management and post-conflict rehabilitation is to be strengthened.

- e) If the OSCE is to be efficient in its efforts to achieve conflict prevention, crisis management and post-conflict rehabilitation the rapid deployment of personnel to field operations is important; this means detailed preparation and planning. To facilitate this process an Operation Centre within the Conflict Prevention Centre in the Vienna Secretariat will be established with a small core staff, having expertise relevant for all kinds of OSCE operations, which can be expanded rapidly when required. The Operation Centre will plan and deploy field operations, including those involving REACT resources. It will liaise with other international organizations and institutions as appropriate in accordance with the Platform for Co-operative Security.
- f) The establishment of a Preparatory Committee under the OSCE Permanent Council will strengthen the consultation process within the OSCE. The Permanent Council, being the regular body for political consultations and decision-making, will address the full range of conceptual issues as well as the day-to-day operational work of the Organization. The Preparatory Committee is to assist in its deliberations and decision-making and to strengthen the process of political consultations and transparency within the Organization. This open-ended Committee will normally meet on an informal basis and will be tasked by the Council, or its Chairman, to deliberate and to report back to the Council.

#### *The Crisis Management Scale*

Crisis management and conflict prevention had priority for the Austrian Chair. What options does the OSCE have? One option would be to employ one or more of steps 1-6 on the following scale. These steps fit more in the category of "soft security". If military sanctions are necessary (7-9), other organizations (in co-operation with the OSCE) will have to become active.

1. *Early warning* is the relevant instrument for providing information on the dangerous escalation of a conflict to relevant institutions early enough so that they can react in a timely and effective manner.<sup>5</sup>
2. *Conflict prevention/resolution* includes all means of solving a conflict or at least hindering escalation in violence, which exclude the use of violence, e.g. preventive diplomacy and mediation.

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5 This definition fits in with the way "early warning" is used in several speeches - here on 24 May 1993 - by the OSCE High Commissioner on National Minorities, Max van der Stoep.

3. *Peace-building* is to create conditions that make the use of violence unnecessary or hinder it. These measures can be used to prevent a violent conflict and/or implemented after it is over.
4. *Traditional peacekeeping* like the deployment of units carrying light arms as independent observers in a conflict zone is not designed to solve conflicts, but to reduce tensions and freeze conflicts. Peacekeeping is not expressly mentioned in the UN Charter, but is in principle based on Chapter VI because peacekeeping does not include coercive measures. The consent of all conflict parties is a prerequisite.
5. *Preventive deployment* means the deployment of troops before the outbreak of conflict (as was the case in Macedonia).
6. *Extended peacekeeping* includes new responsibilities of the peacekeepers as for example the collection of weapons, refugee return, election monitoring, police training and temporary administrative tasks.
7. *Robust/strategic peacekeeping* was supposed to blur the lines between peacekeeping and peace enforcement. Peacekeeping troops were to fulfil both these tasks, that is to say they were also to use arms. The failure of the operation in Somalia and the limitations on the UNPROFOR in Bosnia have shown that such efforts have been fruitless.
8. *Peace implementation* serves post-conflict peace-building. It includes all measures (even military) that support security. There are three main groups categorized under military security: demilitarization, military reform, arms control and regional stability. All three groups are designed to contribute to confidence-building and increased transparency. The implementation of the Dayton peace agreement in Bosnia can be described as peace implementation.
9. *Peace enforcement* is the use of force against a conflict party on the basis of a clear mandate. It is usually carried out on the basis of Chapter VII of the United Nations Charter. Despite this, impartiality should be guaranteed. The USA and NATO emphasized during the Kosovo crisis in June 1998 that if Russia made use of its veto power, a military intervention could occur without a resolution from the Security Council.
10. *Collective defence*: The member states of an alliance have committed themselves to come to the aid (including the use of military means) of a member (or several members) individually or as a group against the threat of an attack or an attack from outside the alliance (commitment to mutual assistance). In the case of war there are clearly defined enemies.

#### *The Foreign and Security Policy of the European Union*

The EU has the economic resources, the political power and moreover a broad repertoire of measures to implement preventive diplomacy to be able to promote democracy, the observance of human rights and economic develop-

ment. It has the potential to become one of the leading forces in conflict prevention in Europe. The establishment of a EU Policy Planning and Early Warning Unit has given new direction to the process. Since the Amsterdam Treaty was signed in June 1997, the European Union (EU) has been advancing in all areas of crisis management. The Amsterdam Treaty provides that the EU can take advantage of the WEU to develop and implement EU actions to fulfil humanitarian tasks, rescue missions and peacekeeping tasks as well as deploy combat forces in crisis management (*Petersberg Tasks*). The European Council emphasized in Cologne<sup>6</sup> in June 1999 that the goals of the Common Foreign and Security Policy and the step-by-step establishment of a common defence policy were to make it possible to take decisions on the full range of conflict-prevention and crisis-management tasks. In Helsinki (10-11 December 1999) the Council decided to implement EU-led operations to react to international crises.<sup>7</sup> At the latest by the year 2003, member states were to be prepared to make armed forces available within a period of 60 days. These were to be composed of one corps (approximately 15 brigades, 50-60,000 soldiers - the total force could number approximately 200,000 including replacement forces) who could be deployed for at least a year. A standing Political and Security Committee (PSC) in Brussels made up of national senior officials and ambassadors is to deal with all aspects of CFSP and exercise the political control as well as the strategic direction of operations. A Military Committee made up of chiefs of staff represented by their military delegates is to be assembled. They would advise the PSC on military matters and establish the guidelines for the Military Staff. The Military Staff is to deal with early warning, evaluation of specific situations and strategic planning in view of carrying out the *Petersberg Tasks*.

The contents of a report also adopted in Helsinki include an Action Plan, which, among other things, is to improve the synergy and responsiveness in the implementation of existing EU instruments. A co-ordination mechanism for non-military crisis management was created.<sup>8</sup> Under the Portuguese Presidency a Committee for Civilian Crisis Management was created parallel to the Committee for Military Crisis Management; it was to be in full operation by the end of the year 2000. Concrete goals are to be identified on the collective non-military reaction capability of EU member states to international crises (the EU summit in Feira in June 2000 determined as a final objective that EU member states should by 2003 be able to provide up to 5,000 civilian police officers for international missions; they also should be able to identify and deploy, within 30 days, up to 1,000 police officers in a

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6 Cf. Declaration of the European Council on Strengthening the Common European Policy on Security and Defence, 3 June 1999.

7 Cf. The Finnish Presidency, Presidency Report to the Helsinki European Council, Strengthening of the Common European Policy on Security and Defence: Crisis Management, Helsinki, 11-12 December 1999.

8 In the conclusions of the report, the examination of whether a committee for civilian crisis management should be created was transferred to the Portuguese Presidency.

crisis area; combined search and rescue services with up to 200 persons should be operational within 24 hours).

The Cologne declaration as well as the Helsinki and the Feira declarations made clear that European Security and Defence Policy was not collective defence. NATO will remain the base of the collective defence of its members.<sup>9</sup> However, Helsinki achieved the launching of a process, which makes it possible to take on the whole range of conflict prevention and crisis management tasks.

Moreover aside from autonomous actions by the EU, the Action Plan calls for contributions to the work of other organizations like the United Nations and the OSCE. In addition, the activities within this framework are to be strengthened when one of these organizations takes on the leading role in a particular crisis.

Thus the EU would like to cover all areas of the scale and since Helsinki they have also adopted areas 1-3, which could mean overlaps with OSCE tasks (particularly b, c, d). The Rapid Expert Assistance and Co-operation Teams of the OSCE and the Committee for Civilian Crisis Management of the EU have similar tasks and pursue similar goals. However, although both organizations have emphasized that they would like to co-operate, they have yet to tackle problems in areas 1-6.

Especially when it comes to the deployment of civilian police forces, there will be numerous problems to solve. For example the United Nations and NATO announced after the bombings had been stopped that they would send 4,700 civilian police to Kosovo. However, nine months later there were only 2,300 police there. UNMIK (United Nations Mission in Kosovo) never has more than 300 policemen on active duty.

#### *Austrian Participation in OSCE Missions*

From the very beginning Austria has contributed personnel as well as financial support to OSCE field operations.

Since the first OSCE mission to the Federal Republic of Yugoslavia (Kosovo, Sandjak and Vojvodina) was deployed in 1992, this area of activities of the Organization has gained importance steadily. This was illustrated by the establishment of the Kosovo Verification Mission at the end of 1998, which was replaced by the OSCE Mission in Kosovo in 1999.

During the year 2000 there were more than 20 OSCE field operations with a total of approximately 3,000 members (1,300 international mission members and 1,700 local employees). The mandates, which have been decided upon through the consensus of all OSCE participating States, task these with

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9 Javier Solana, High Representative of the EU for Common Foreign and Security Policy, The Development of a Common European Security and Defence Policy - The Integration Project of the Next Decade, Berlin, 17 December 1999.

monitoring the situation, supporting the appropriate authorities as well as institutions of civil society, promoting dialogue and reconciliation between potential conflict parties (e.g. ethnic groups) and submitting reports on their findings to the Permanent Council and the Chairman-in Office. 85 per cent of the OSCE budget is used for field operations.<sup>10</sup> There are 1,400 people employed in the OSCE Mission in Kosovo (700 of these are international staff). Of the OSCE budget for the year 2000 totalling 191,026,600 Euro, 88,273,200 Euro have been allocated to Kosovo.<sup>11</sup>

Up to now Austria has provided Heads for three OSCE field operations: Ambassador Herbert Grubmayr as Head of Mission in Estonia from 1995 to 1996 and Head of the OSCE Presence in Albania in 1997, Ambassador Paul Ullmann as Head of the OSCE Centre in Ashgabad/Turkmenistan until 31 December 1999. Currently 30 Austrian members are located at nine different missions. Austria made contributions of 6.45 million Schillings (468,739 Euro) in 1998 and 9.77 million Schillings (710,013 Euro) in 1999 to take part in missions.<sup>12</sup>

### *The Austrian Chair*

Austria held the OSCE Chair for the year 2000. The foreign minister of the country chairing the OSCE is - as its Chairman-in-Office - its spokesman and representative. He exercises a central control function for the Organization. He has the authority to appoint certain positions (OSCE Heads of Mission, Personal Representatives for different crisis and conflict regions). In his work, the Chairman-in-Office is given support by the Secretary General of the OSCE as well as the Secretariat located in Vienna. Personal Representatives and the OSCE missions in the various conflict regions also back him up. The success of the Chair is dependent on efficient co-operation with other OSCE institutions like the Parliamentary Assembly, the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media and the Co-ordinator of OSCE Economic and Environmental Activities.

At the beginning of its Chairmanship, Austria had extensive plans:

The Austrian Chair intended to focus on crises and conflicts in the OSCE area. This means strengthening OSCE capacities as a field organization particularly in the areas of conflict prevention, crisis management and post-conflict rehabilitation. An important step in this direction was the implementation by the Austrian Chair of the REACT concept, which was adopted at the OSCE Summit in Istanbul. This means the creation of civilian, well-trained

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10 Cf. Hans van Santen, *The Istanbul Summit - A moderate success*, in: *Helsinki Monitor* 1/2000, pp. 8-10, here: p. 9.

11 Cf. Vahram Abadjian, *OSCE long-term missions: Exit strategy and related problems*, in: *Helsinki Monitor* 1/2000, pp. 22-36, here: p. 33.

12 Information Jürgen Strasser, OSCE Department of the Austrian Foreign Ministry.

stand-by contingents (e.g. for election monitoring, democratization, police) in OSCE participating States, which can be deployed quickly in a crisis situation. There are a total of about 250 people employed in the OSCE Secretariat in Vienna and in mission headquarters. The number of employees in the OSCE department of the Austrian Foreign Ministry has been doubled to a total of 24. The budget for the year 2000 totalled about 180 million Schillings (13 million Euro).<sup>13</sup>

*A Primary Focus: South-Eastern Europe*<sup>14</sup>

With the adoption of the Dayton Peace Agreement for *Bosnia and Herzegovina* (1995), the OSCE was given a major role in the Balkans for the first time. At that time, they were not only tasked with organizing elections. Under their auspices, agreements for the whole region were and are still being negotiated in the area of disarmament and confidence-building measures.

There have been immense challenges for the OSCE Mission in *Kosovo*, which is currently the largest OSCE field operation. In 2000, the Mission organized elections which stabilized the fragile political landscape in Kosovo. The OSCE also does its best in co-operation with the United Nations to set up an administration, build a functioning judicial system and ensure free media. The Austrian Chair is also especially interested in safeguarding the multi-ethnicity of Kosovo. Police trained by the OSCE are currently the only multi-ethnic institutional group in the region.

The most outstanding event during the Austrian Chairmanship was the return of the *Federal Republic of Yugoslavia (FRY)* into the OSCE. The FRY had been suspended from participating in the OSCE since 1992. The Austrian OSCE Chairperson-in-Office, Foreign Minister Benita Ferrero-Waldner, considered the readmittance of the FRY as a means to represent all states of Europe in the OSCE and as a start of a new more peaceful era in South-eastern Europe.

Major positive developments have taken place in *Croatia* after free and fair elections in early 2000. The Croatian government has achieved considerable progress in fulfilling its international commitments. They will be decisive for the OSCE's future activities in the country.

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13 Information Jürgen Strasser, OSCE Department of the Austrian Foreign Ministry.

14 On the following cf. [www.osce.presidency.gv.at](http://www.osce.presidency.gv.at).

Austrian Participation in OSCE Field Operations<sup>15</sup>  
(Status as of 1 September 2000)

OSCE Mission	Date the mandate was issued	Number of international personnel according to mandate	Number of Austrian staff members
Spillover Monitor Mission to Skopje	6/11/1992	8	-
Mission to Georgia	29/3/1994	19	3
Mission to Estonia	3/2/1993	6	-
OSCE Representative to the Estonian Government Commission on Military Pensioners	4/11/1994		-
Mission in Kosovo	1/7/1999	700	18
Mission to Moldova	11/3/1993	8	-
Mission to Latvia	7/10/1993	7	-
Mission to Tajikistan	1/12/1993	11	1
Project Co-ordinator in Ukraine	1/6/1999	3	1
Assistance Group to Chechnya	11/4/1995	12	1
Personal Representative of the CiO on the Conflict Dealt with by the OSCE Minsk Conference	10/8/1995 <sup>16</sup>	6 <sup>17</sup>	1
Mission to Bosnia and Herzegovina	8/12/1995	208	11
Mission to Croatia	18/4/1996	251	2
Presence in Albania	27/3/1997	43	2
Advisory and Monitoring Group in Belarus	18/9/1997	5	-
Centre in Almaty	23/7/1998	4	1
Centre in Ashgabad	23/7/1998	4	-
Centre in Bishkek	23/7/1998	4	-
OSZE Secretariat Central Asian Liaison Office (Tashkent)	16/3/1995	4	-
Office in Yerevan	22/7/1999	6	-
Office in Baku	16/11/1999	6	1

<sup>15</sup> Cf. [www.osce.presidency.gv.at](http://www.osce.presidency.gv.at).

<sup>16</sup> Not a mandate in the real sense of the word, but an authorization by the Chairman-in-Office.

<sup>17</sup> Personal Representative and five field assistants.

In *Bosnia and Herzegovina* elections were also on the agenda. Their organization and implementation will be an important OSCE task: municipal elections took place in April 2000, parliamentary elections were held in the autumn of 2000. The new Electoral Law is to be applied for the first time in the parliamentary elections. The successful implementation of the Electoral Law is of utmost importance to the democratic developments of Bosnia and Herzegovina. The OSCE is giving support to the High Representative Wolfgang Petritsch in his efforts to transfer more responsibility to elected representatives so that they will be able to construct a functioning community.

### *The Caucasus*

*Chechnya:* The OSCE has been playing an important political and humanitarian role in the Northern Caucasus through its Assistance Group to Chechnya. The OSCE was the only international organization that was represented just before the renewed outbreak of fighting in Chechnya. Since the temporary transfer of the Mission to Moscow, the Russian Federation has refused to allow the OSCE to play any part in this conflict. Without a doubt, the turn of events in Chechnya have meant defeat for the OSCE up to this point. During the war the OSCE tried to bring attention with little success to the disproportional use of military means in combating terrorists and that primarily the civilian population were enduring bitter sufferance. At the beginning of March 2000 Russia agreed to accept human rights observers in Chechnya including the Austrian Special Representative for Chechnya and Head of the Assistance Group to Chechnya, Ambassador Alfred Missonig. However the trip had to be postponed because of continued fighting. Nevertheless, the Austrian Special Representative for Chechnya was able to visit the war zone twice at the end of March 2000. During Ms. Ferrero-Waldner's trip to Moscow in April 2000 she met the Russian President Vladimir Putin and Foreign Minister Igor Ivanov. Despite security risks she insisted also on going to Chechnya. Russia agreed to reopen a permanent OSCE representation in Chechnya. Before the Assistance Group could return this representation would have to be limited to a "Bureau" that would co-ordinate humanitarian aid. The Austrian Chairperson-in-Office considered this a huge success. However the Assistance Group had still not been able to return to Chechnya by the end of the Austrian Chairmanship. The issue of the reactivation of the OSCE role in Chechnya and the return of the Assistance Group to the region has been a matter of prime concern to the Austrian Chair. Thus Austria considers it all the more regrettable that the OSCE has not yet managed to get the Assistance Group back in operation there, especially in view of the humanitarian situation.<sup>18</sup>

*Georgia:* Developments in Northern and Southern Caucasia are tightly intertwined. Thus OSCE participating States reacted positively when Georgia

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18 In the meantime an office has been rented, but up to now not occupied. Officially this is due to security reasons.



requested an OSCE border monitoring mission along the 80 kilometre-long Georgian-Chechen border. Since the beginning of this OSCE Mission in December 1999, no border incidents have been registered. The OSCE border-monitoring operation on the frontier between Georgia and the Chechen Republic of the Russian Federation has led to a significant contribution in reducing tensions and is a good example of the OSCE's conflict-prevention capabilities during the Austrian Chairmanship. The (unarmed) monitoring mission - with an Austrian commander - has been increased from the original 15 to 42 members. However, complete monitoring of the border would necessitate a staff of 1,500. The conflicts in Abkhazia and South Ossetia are so-called frozen conflicts. The OSCE has been tasked with promoting the return of refugees.

The peace process in *Nagorno-Karabakh* has been one of the focal points of the Austrian Chair. Nagorno-Karabakh, an Armenian enclave in Azerbaijan, declared its independence in 1988. This led to bloody fighting and the displacement of a million people. In 1994 a cease-fire was negotiated. The so-called OSCE Minsk Group<sup>19</sup> however has been trying to reach a political solution to this conflict for many years. A series of direct talks between the Armenian and Azerbaijani Presidents started in 2000 have opened up new perspectives for peace. The fact that leading Armenian politicians were murdered in October 1999 may mean that it will take awhile for the country to achieve political stability. Nevertheless, there have been positive signals. Austria gave full support to the Minsk Group. If a peace agreement is achieved, the OSCE will play an important role in its implementation (perhaps in the form of the first OSCE peacekeeping operation or a monitoring mission). However, there was a lack of tangible political progress during the Austrian Chairmanship.

#### *A Strategy for Central Asia*

The Austrian Chair has also made an effort to integrate the Central Asian States, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, more strongly into OSCE structures. It developed a regional action-oriented strategy further, which not only takes into account the requirements of these five countries but also the limitations of OSCE financial and personnel capacities. A stronger OSCE commitment to economic and ecological issues, especially through the support of other international organizations, is designed to show the Central Asian countries that the OSCE, as a comprehensive security organization, does not view respect for human rights as an isolated event, but as a component of a comprehensive security concept, which includes the human and economic dimensions as well as the politico-military dimension.

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19 Armenia, Azerbaijan, Belarus, Germany, Finland, Italy, Norway, Austria, Sweden and Turkey. USA, Russia and France hold the common co-chairmanship.

### *Other Focal Points*

Parliamentary elections took place in the autumn of 2000 in *Belarus*.

The Austrian Chair was involved in a number of election observation activities in a series of OSCE participating States. During the year 2000 a total of 18 elections took place, including those in Kosovo, Croatia, the Russian Federation and Tajikistan.

In the OSCE human dimension area, the Austrian Chair dealt with such topics as "preventing torture", "children in armed conflicts", "internally displaced persons" and "trafficking in human beings".

### *The New Government*

Although the coalition programme of the Austrian People's Party (APP/ÖVP) and the Austrian Freedom Party (AFP/FPÖ) in February 2000 emphasized that along with military crisis management there was also a necessity for civilian conflict prevention and the non-military aspects of crisis management, they have placed a different security policy initiative at the heart of their programme. In point 3 in the chapter on security of their programme they affirmed:

"The Federal Government will endeavour to ensure (...) that a guarantee of mutual assistance between the EU countries become part of the EU body of law and will apply also to Austria."<sup>20</sup>

Therefore the federal government will target a large percentage of their energies on point ten of the aforementioned scale. However these efforts will be a waste because the EU does not show any inclination to sign a mutual assistance guarantee for collective defence. The initiative has its basis in more domestic concerns: It is a way of unobtrusively revoking Austrian neutrality, which is incompatible with collective defence.

In the chapter on security, the OSCE is mentioned for the first time in point 8 in connection with an amendment to a law. The federal government

"will ensure that, in addition to already existing UN peace operations, Austria can take part in all peace operations that are supported by the OSCE or within the CFSP framework by rendering contributions of its own or by facilitating the operations of other participating states. Moreover, Austria will be enabled to support peace operations of other international organizations that are carried out without a pertinent UN Security Council resolution but in compliance with the principles of the UN

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20 This quotation and those following are cited from: [www.Austria.gv.at/e](http://www.Austria.gv.at/e).

Charter in order to prevent humanitarian disasters or to put an end to severe and systematic human rights violations."

Austria's participation in peace operations within the framework of the OSCE or CFSP has been approved. However, in contrast to the attitudes of the previous government, a mandate by the UN Security Council is no longer considered necessary by the present government.

In the chapter on foreign and European policy in point 6, "United Nations and multilateral questions", it is stated:

"During the Austrian presidency of the OSCE, the Federal Government will make strenuous efforts to utilise to the full the potential of this important regional organisation for conflict prevention, crisis management and post-crisis assistance."

However, the real focus of the Austrian federal government is clarified in the chapter on the "Austrian Armed Forces" (AAF):

"The AAF must be prepared for all the above missions, including the whole spectrum of European crisis management, (Petersberg Missions), and for tasks with respect to stabilisation and European solidarity."

This means points 1-10 on the scale. This project is doomed to failure for a defence budget that is 0.9 per cent of the GDP.

Because the Freedom Party, internationally categorized as belonging to the extreme right, became a part of the Austrian government, the 14 EU partners decided to boycott Austria bilaterally. Moreover the coalition had effects on the climate at a multi-lateral level. The inaugural address of the Austrian Foreign Minister Ferrero-Waldner (APP) to the OSCE Permanent Council on 10 February, where she emphasized Austria's plans to make full use of the capacity of the Chair to manage the Organization, was shadowed by a boycott on the part of Belgium, France and Andorra. In certain respects, the position of the Austrian Chair had been weakened. Austria is now faced with far greater difficulties in presenting itself as a moral example (e.g. in the areas of legislation and minorities). In isolated instances Austria had even been encouraged to relinquish the Chair or at least keep its activities at a low flame. The meeting of the Minsk Group was not held in Vienna. The anniversary event commemorating the "25th anniversary of the signing of the Helsinki Final Act" planned for June was cancelled and replaced with a series of workshops. A group of dissidents from the former Eastern bloc states and representatives of human rights organizations had been invited to attend. However, big names like Vaclav Havel, Valéry Giscard d'Estaing or Helmut Schmidt were absent. The former German Foreign Minister Hans-Dietrich Genscher and Foreign Minister Ferrero-Waldner presided over the opening

ceremony. Whether the meeting of the Ministerial Council scheduled for November would take place had long been uncertain.<sup>21</sup>

### *Prospects for the Future*

The participation in international peacekeeping operations within the framework of the UN or the OSCE should remain an Austrian priority (points 4, 5, 6 on the scale). It will not have been the first time Austria has shown its solidarity through international peacekeeping operations. Since 1960 Austria has deployed around 40,000 people (soldiers, police, civilian experts) in more than 30 international operations. They spend almost a billion Schillings of their budget on these operations every year. Up to now this has come to a total of about eight billion Schillings. Currently Austria is represented in eleven different missions with a total of 1,000 employees. This is an overly proportional contribution to international peacekeeping if one takes the size of the Austrian population into consideration. However the new government want to institute budget cuts particularly for the UN missions which have been so successful for Austria. For example Austria will withdraw from the UN Mission to Cyprus.

Austria should concentrate primarily on instruments of *soft security*, such as peacekeeping and humanitarian tasks. Austria is not under threat and does not need rigid mechanised military combat units. It would make sense to have flexible troop divisions, e.g. for command and maintenance units, sapper and engineering units, demining units, medical corps units, troops responsible for logistics, search and rescue units etc. Each individual situation can be examined to determine whether participation in peacemaking operations is legiti-

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21 The Austrian Foreign Minister and OSCE Chairperson-in-Office, Benita Ferrero-Waldner, admitted before the Austrian press in November 2000: "At the beginning we were working against a headwind." The Ministerial Council took place in Vienna on 27-28 November 2000. However, due to the conflicts in Chechnya, Georgia and Trans-Dniestria the meeting of the foreign ministers of the OSCE participating States ended with no consensus on a ministerial declaration encompassing the whole range of issues of concern to the OSCE. The foreign ministers and representatives of the 55 participating States were able to adopt the Vienna Declaration on the role of the OSCE in South-eastern Europe and a decision on enhancing the OSCE's efforts to combat trafficking in human beings. The Forum for Security Co-operation approved a far-reaching agreement to combat the spread of small arms and light weapons, which sets valid norms and concrete measures for monitoring the spread of weapons in the OSCE region. No agreement could be reached on a document affirming support for the rights of children in areas of armed conflict. The achievements of the Austrian Chairmanship are mixed. There was no spectacular success, except the return of FRY to the OSCE which was not so much due to the efforts of the Chair. But there was some solid progress in the field of conflict prevention and successful and well-organized elections on the Balkans. The Austrian Delegation and its Head, Jutta Stefan-Bastl, have worked hard openly as well as taking action behind the scenes to bring the Organization forward several steps.

The Ministerial Council may be symbolic for the prospects of the OSCE. Both the United States and Russia demonstrated considerable interest in the Organization. Russia took a tougher stance to make its interests clear, however. During the Romanian Chairmanship we will see whether this will have led to a stalemate or to more co-operation.

mate (points 7 and 8 on the scale). However, this instrument should be used in a restrained manner. Austria should take part in the so-called *Petersberg Tasks* within the framework of the EU. It would then enjoy the same rights in the planning and the passing of resolutions on these actions as an EU member.



## Federal Republic of Germany Policies on the OSCE

One of the reasons Germany became unified is attributable to the CSCE. Thus one could say the new Federal Republic of Germany has a debt to the OSCE. However, German policy-makers have not fulfilled this debt; in fact, they are no longer even aware of it. This is the hypothesis developed in the following article in which first the change in German policies and policy-making on the OSCE is described, secondly the Federal Republic is presented as an actor within the framework of the OSCE, thirdly future options for the renewal of a German pan-European policy are sketched and finally conclusions are drawn.

### *Love Grown Cold*

German OSCE policies have changed in that neither do they do justice to the expectations awakened by them nor to those placed in them. Of course, the relationship of other countries to the OSCE has also changed. This occurred in the course of a shift in European multilateralism. After all, structural crises and the reform efforts that are reactions to these are emerging in the traditional multilateralism, in which Germany is also involved.

German commitment to the OSCE became relatively weaker after 1992. There are three factors responsible for this: first, the changes in the environment surrounding the Federal Republic - East-Central Europe's change in focus towards NATO and Russia's change to a position of intransigence; second, the conclusion of the German unification process - the CSCE had served its purpose; and third, the personal preferences of those responsible for foreign policy. In general, for psychological and cognitive reasons, heads of department are giving more attention to bilateral rather than multilateral relations anyway; of course, the CSCE/OSCE shares this destiny with other large organizations.

### *Hans-Dietrich Genscher's Term of Office: The CSCE as a Factor in Unification*

From the beginnings of the CSCE, the Federal Republic of Germany has been committed to the development of the norm catalogue in the Helsinki Final Act. It has even adopted normative CSCE wording in bilateral agreements with Poland and Czechoslovakia.

In view of changing East-West relations and the prospects for German unification, which also became more favourable due to the CSCE, the Federal Re-

public of Germany, represented by the then Foreign Minister Hans-Dietrich Genscher, made a special commitment to the CSCE during the period between negotiations on the 1989 Vienna CSCE Document and those on the 1992 Helsinki Document. Germany supported the extension and the strengthening of the principles of the Helsinki Final Act, which Genscher deemed the "Magna Charta of European Stability". They were to be reaffirmed "in a binding manner", which expressed the desire to create a legal foundation. The federal government wished to create CSCE "pan-European institutions" and to continue and co-ordinate - which was later called "harmonize" - the CFE and CSBM negotiations and turn them into co-operative structures.<sup>1</sup>

For the reasons mentioned above, the Federal Republic, more than any other state, had already under the influence of the 1990 "*Wende*"<sup>2</sup> pronounced itself in favour of institutionalizing the CSCE, especially for regular meetings of foreign ministers, a European centre for early recognition and political settlement of conflicts and a European environmental agency.

Foreign Minister Hans-Dietrich Genscher was the first Chairman-in-Office of the CSCE; at his insistence the Charter of Paris came into being creating the prerequisites for the institutionalization of the CSCE. Under his leadership, the so-called Berlin Mechanism and the "consensus minus one" procedure were introduced. The latter was applied on one occasion leading to the suspension of Yugoslavia from the then CSCE, which was only reversed at the end of the year 2000.

In 1989, the Federal Republic of Germany invited participants to the first and up to now only CSCE Conference on Economic Co-operation. It took place in Bonn during the spring of 1990 and was the first international conference after the *Wende* attended by the new post-socialist governments of Eastern Europe.<sup>3</sup> The Document of the Bonn Conference was a manifesto for the social and economic transformation of the former CMEA countries and is even today the basis for the economic and environmental dimension of OSCE security policy.

Primarily in two respects, the CSCE offered a framework that supported the course of the European *Wende* and thus in the end German unification. This found expression in the 1989 Vienna Document, the 1990 Bonn Document as well as the 1990 Charter of Paris "for a New Europe". The retrospective reference to the 1975 CSCE Helsinki Final Act including the right to choose one's alliances (first principle) and the prospective reference to the ability to expand the CSCE process created the basis for the unification of the two German states. In a detailed memorandum to the CSCE States on 23 Febru-

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1 Cf. Auswärtiges Amt [German Foreign Office] (Ed.), *Deutsche Außenpolitik 1990/91. Auf dem Weg zu einer europäischen Friedensordnung. Eine Dokumentation* [German Foreign Policy 1990/91. On the Road to a European Peace Order. A Documentation], Munich 1991, p. 77.

2 Translator's note: "*Wende*" designates the significant political and social change attributed to the collapse of the Soviet Union and the fall of the Berlin Wall.

3 Cf. Hans-Dietrich Genscher, *Erinnerungen* [Memories], Berlin 1995, pp. 757ff.



ary 1990, the GDR Ministry for Foreign Affairs, which was at the time already going in this direction, described the "embedding of the unification of both German states in the pan-European unification process" and simultaneously made detailed recommendations for the extension of the CSCE.<sup>4</sup> Similar recommendations were made in a speech by the West German Foreign Minister only a few weeks later. These included, *inter alia*, a pan-European institution for the protection of human rights, a centre for the creation of a European legal space with the goal of aligning its various legal systems, a (pan-)European environmental agency, a centre for the development of a European telecommunication structure, a European transportation infrastructure and European transportation policy.<sup>5</sup> And the last GDR Prime Minister, Lothar de Maizière, stated in June 1990 that the goal of his government was to make the CSCE process a "pan-European security and peace union".<sup>6</sup> This phrasing was surpassed only by the proposal made by French diplomats to develop the CSCE into "confederative structures for all of Europe",<sup>7</sup> a formulation that Hans-Dietrich Genscher assumed in October 1990.

It was only consistent with the harmony between East and West Germany during 1990 that the German Chancellor declared at the CSCE Summit Meeting in Paris on 20 November 1990: "Not least, also in the future, unified Germany declares its belief in the CSCE as the motor for a pan-European peace policy."<sup>8</sup>

The Federal Republic gave special emphasis to its CSCE involvement, *inter alia* to make it possible for the USSR to accept NATO membership of a unified Germany.<sup>9</sup> In fact, it met Soviet Union demands for CSCE institutionalization as compensation for the new Federal Republic being a part of NATO. "Changes in the surrounding areas were to facilitate progress in the core areas."<sup>10</sup> The extension, reinforcement and the institutionalization of the CSCE process were continually pledged at the 2+4 Talks.

Hans-Dietrich Genscher, a visionary "for all of Europe", declared in Davos in February 1991 that the institutions created in the interim carried the "seeds of greatness" in them: "The structures of a unified Europe in the 21st century are beginning to emerge on the horizon. The present EC community of twelve will be enlarged to include the Northern European and Central and Eastern European states and thus become an important building block for the greater confederation".<sup>11</sup>

In the summer of 1991, at the first meeting of the CSCE Council of Foreign Ministers, the then Federal Chancellor Helmut Kohl, austere and in more

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4 Deutsche Außenpolitik 1990/91, cited above (Note 1), p. 84. All quotations from German sources are author's translations.

5 Cf. *ibid.*, pp. 104, 109f.

6 *Ibid.*, p. 126.

7 *Ibid.*, p. 228.

8 *Ibid.*, p. 263.

9 Cf. Genscher, cited above (Note 3), pp. 687, 717, 749.

10 *Ibid.*, p. 760.

11 Deutsche Außenpolitik 1990/91, cited above (Note 1), p. 335.

concrete terms, described the place of the CSCE in "European architecture" as being next to the Council of Europe, the European Union and the North Atlantic Alliance: The CSCE was to promote political consultations and extend existing institutions dealing with problem management and crisis prevention as well as creating new mechanisms for conflict management and dispute settlement.<sup>12</sup>

In fact, the federal government's statements were not just empty rhetoric. It made an appeal for the creation of an effective Secretariat headed by a Secretary General, who would also represent the Chairman-in-Office. The Secretariat and the office of the Secretary General were created in 1992, although admittedly the latter was limited to purely administrative tasks. The federal government then took rigorous action and in the end was successful by achieving the appointment of a German diplomat to the newly created post of the Secretary General: Ambassador Wilhelm Höynck assumed this office.

In preparation for the 1992 CSCE Helsinki Summit, the German Foreign Minister on 24 April 1992 - still Genscher, although he had already decided to resign - in conjunction with his French and Polish colleagues drew up a common statement on the further strengthening of CSCE structures and institutions. This statement dealt with the creation of a European Court of Conciliation and Arbitration, with CSCE interventions in Yugoslavia, in Nagorno-Karabakh and if necessary in other places, with a code of conduct for the CSCE States in the area of security, "which, should the occasion arise, could be further developed into a CSCE Security Treaty", as well as making the CSCE a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations.<sup>13</sup> In this declaration of intent, at least on the part of Germany, the policy, which became the core of the pan-European policy of Genscher's successor, was already recognizable: "CSCE first", namely regarding the United Nations.

#### *Klaus Kinkel's Term of Office: The OSCE as a European UNO*

At first, Klaus Kinkel - the successor to the long-serving German Foreign Minister, Genscher - continued the CSCE policy of his predecessor in that he pursued CSCE institutionalization. This was successful as is reflected in the 1992 Helsinki Document. Through a German-Dutch initiative, these endeavours were to be continued at the following Summit Meeting in Budapest in 1994. The intention was, *inter alia*, to strengthen the position of the Secretary General and the Office for Democratic Institutions and Human Rights (ODIHR), which was, moreover, to be moved from Warsaw to Vienna to the seat of the Permanent Committee (today: Permanent Council). In addition, a

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12 Former Federal Chancellor Helmut Kohl in: Auswärtiges Amt [German Foreign Office] (Ed.), *Deutsche Außenpolitik nach der Einheit 1990-1993. Eine Dokumentation* [German Foreign Policy after Unification 1990-1993. A Documentation], Meckenheim 1994, p. 73.

13 Cf. *ibid.*, p. 149.

politico-military code of conduct and a harmonized arms control regime were to be developed.<sup>14</sup>

Of all places, at the General Assembly of the UN in September 1992, Klaus Kinkel set a new accent for German foreign policy when he stated the United Nations should not be overtaxed: "Primarily, it is the business of Europeans to tidy up their own common home." They fulfilled this responsibility, in particular, in Helsinki by declaring the CSCE a regional arrangement in the sense of Chapter VIII of the UN Charter. "It now has to get into this role".<sup>15</sup> He expressed this more concretely in December 1993 by saying that the CSCE could and should attempt - as a regional Chapter VIII arrangement of the UN - "to solve CSCE conflicts in its area peacefully, by initially taking responsibility on its own. This would include (...) sending its own peace missions. It could then bring in organizations like NATO or the WEU if necessary."<sup>16</sup> Eventually, this approach led, *inter alia*, a few months later, to the above-mentioned "Common Agenda for Budapest", which Klaus Kinkel along with the Dutch Foreign Minister, Pieter Kooijmans, presented in May 1994 to the CSCE in preparation for the 1994 Budapest Summit. The central statements in this agenda were as follows: "In agreement with the goal of developing the potential of the CSCE as a regional arrangement (...) the participating States should commit themselves to 'endeavour to the best of their abilities to settle local conflicts peacefully' by utilizing the CSCE before they relinquish their task to the United Nations. Therefore, the goal should be 'CSCE first' (...) To be able to guarantee effective co-operation between the United Nations and the CSCE, the participating States should (...) come to an agreement (...) to decide, when necessary without the consent of the state/states directly involved in a crisis or a conflict situation, whether to appeal to the UN Security Council and on recommendations that could be conveyed through such an appeal (...)"<sup>17</sup>

This promising initiative - soon named after its initiators Kinkel and Kooijmans - failed because of the mistrust of smaller states, which did not want to have direct access to the Security Council blocked, and, in the background, due to other states who especially because of their permanent membership in the Security Council had more weight there than in the CSCE, whose structures ensure equal representation. Because Germany did not belong to either group, it could further this kind of strengthening of the CSCE/OSCE without losing face.

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14 Cf. Eine gemeinsame Agenda für Budapest (Gemeinsame deutsch-niederländische Agenda/Kinkel-Kooijmans-Initiative) [A Common Agenda for Budapest (Common German-Dutch Agenda/Kinkel-Kooijmans Initiative)], in: Auswärtiges Amt [German Foreign Office] (Ed.), Von der CSCE zur OSCE. Grundlagen, Dokumente und Texte zum deutschen Beitrag 1993-1997 [From the CSCE to the OSCE. Basic Principles, Documents and Texts on the German Contribution 1993-1997], Bonn 1998, pp. 238-243, here: p. 242.

15 Deutsche Außenpolitik nach der Einheit 1990-1993, cited above (Note 12), p. 196.

16 Ibid., p. 410.

17 Eine gemeinsame Agenda für Budapest, cited above (Note 14), p. 240.

Following the logic of strengthening the CSCE in relation to the UN, then of course, NATO could be granted a servicing function but not be made a "lead organization". Therefore NATO, as Kinkel stated in November 1993, should "as the security partner of the UN and the CSCE, put a stop to national power politics and violence (...) If the Alliance is to offer increased security in CSCE space, this strength should not be surrendered. Therefore NATO should not be precipitously overstretched, nor should it dig up new graves in the CSCE community."<sup>18</sup>

However, warnings of this kind backfired, because on the one hand, the Russian position was inflexible, which, on the other, let the former Warsaw Pact states apply for membership to NATO. The continuity of a fear of "the East" benefited NATO, especially when in 1993 President Boris Yeltsin ousted the Duma and began pursuing a destabilizing interventionist policy through operations in Georgia and other regions of the Transcaucasus. Thus during the Kinkel period - also with the active involvement of the Federal Republic, especially thanks to the Minister of Defence, Volker Rühe, likewise appointed in 1992, and the German NATO Secretary-General Manfred Wörner who was active until 1994 - the "new NATO" developed much more intensively than the "new CSCE". And finally, the logic of a German policy, which endeavoured to lessen the importance of the UN in Europe in favour of the CSCE/OSCE would not be compatible with the German intention to gain a permanent seat on the Security Council.

After Poland, Hungary and the Czech Republic joined NATO and due to the anticipatory policy of these states towards EU candidacy, the position of the Federal Republic towards the OSCE, which had remained unchanged after 1992, then changed not only on a geo-political basis, but also as a result of the change in attitude in neighbouring states towards the OSCE in relation to NATO and the EU.<sup>19</sup>

At the end of Klaus Kinkel's term of office, there was another German foreign policy initiative made up of further recommendations for strengthening the institution. It dealt with the establishment of an independent office for a Representative on Freedom of the Media. After considerable efforts made by German diplomats, a decision on this issue was adopted at the Ministerial Council in Copenhagen in 1997 despite resistant blockades by e.g. the Russian Federation. After it had been established, Freimut Duve, a former German Member of Parliament, was then appointed to this office.

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18 Deutsche Außenpolitik nach der Einheit 1990-1993, cited above (Note 12), p. 373.

19 Cf. Jerzy M. Nowak, Poland and the OSCE: In Search of more Effective European Security, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 111-128; László Kovács, The Future Role of the OSCE in the European Security Architecture, in: *ibid.*, pp. 57-67; Jan Pecháček, The Czech Republic and the OSCE, in: *ibid.*, pp. 105-110.

The term of office of the third German Foreign Minister after the European *Wende* began with a declaration of intent by the coalition government parties stated in their coalition agreement of 1998; in particular, they expressed their intention to strengthen the OSCE.

The declared plan however was discarded when the US imposed its Kosovo policy, which through intensive German involvement first led to a considerable increase in OSCE recognition, then to its marginalization through the NATO intervention and finally its subordination to the UN.

Joschka Fischer justified this policy with a commitment to human rights, to which Germany, because of its past, felt particularly dedicated. In addition to this confrontational policy flanked with idealism, the federal government initiated and pursued a co-operation policy based on *realpolitik* with the South Eastern European states, which was reflected in the Stability Pact for South Eastern Europe placed under the auspices of the OSCE.

In their coalition agreement, the Social Democratic Party (SPD) and the Alliance 90/The Greens declared that the new federal government would take initiatives to reinforce the OSCE's legal basis. Moreover the peaceful settlement of disputes in OSCE space was to be enforced. The instruments and the capabilities of the OSCE were to be strengthened through more personnel and funding. Their performance capabilities in the field of crisis prevention and conflict management were to be improved.

Within the framework of peace-building, non-military international police operations were to be developed and utilized to create stability. The new federal government made a commitment to the construction of an infrastructure for crisis prevention and civilian conflict management. These German projects have, in the meantime, found a basis in the decisions of the 1999 Istanbul Summit.

During the preparations for the 1999 Istanbul Summit still under Klaus Kinkel, a joint German-Swiss approach was initiated, encouraging the OSCE to make a declaration it would improve the situation of minorities, allowing them to gain specific autonomous rights under certain conditions. However, this type of new norm came up against insurmountable opposition at the preliminary negotiations for the Istanbul Summit Document from a number of participating States, e.g. Bulgaria. In the end, only a highly watered-down version of the original draft was to be found in the Istanbul Document of November 1999.

Nevertheless, an "old" German wish was fulfilled, at least partially: The proponents of a new German initiative took a detour to achieve a political mandate for the Secretary General - since 1999, this has been the Slovak diplomat, Ján Kubiš - thus improving his status through also appointing him as the Personal Representative of the Chairman-in-Office for Central Asia.

As was also announced in the coalition agreement, the federal government has created a training institution for the preparation and deployment of personnel for tasks in the area of peace operations within the framework of OSCE (or also UN) missions.

In summary, it may be observed that the Federal Republic, apart from changing strategic considerations, has not given up fostering the strengthening of the OSCE. Their commitment is to an improvement of norms; the German government has also supported an increase in instrumental capabilities having an effect on an organizational as well as an operational level. However, after 1992, their involvement in this endeavour has had isolated but not conceptual character based on the idea of a pan-European peace order.

### *The Federal Republic as an Actor in Different Roles*

The Federal Republic in its foreign policy on the OSCE takes on different roles. Germany may go on stage directly or indirectly, depending on whether it acts as a nation state, as a member of the EU association or as part of the OSCE collective. Moreover, also the EU association appears in varying forms, depending on the occasion and content of the matter at hand. That is, it can appear as intergovernmental Common Foreign and Security Policy, represented by the Presidency, on the one hand, or as integrated policies, represented by the Commission, on the other. And finally, above and beyond this, German foreign policy is bound multilaterally, particularly through NATO and ultimately through the United Nations whose policy has often determined the ability of the OSCE to have an effect.

From an OSCE perspective and with a view to its fields of activity, these multiple appearances by Germany are even duplicated due to the fact that the Federal Republic acts both as an internal as well as external actor: As a member of the European Union, for example, it endeavours, to on the one hand, implement EU policy within the bodies of the OSCE; on the other, it is active in various policy areas in the name of the EU (and in competition with the OSCE) and thus influences OSCE policies from the outside.

These types of constellations by no means originated from analytical models and abstract deliberations, but have appeared continuously since the OSCE (then the CSCE) became operational in 1990. To what extent this "foreign policy on multiple levels", or perhaps better-expressed; "foreign policy in multiple roles" is consistent conceptually and its parts can be harmonized in practice, depends on the circumstances, the implied target and the particular partners involved. Co-ordinating policies and therefore also setting priorities is the responsibility of the Political Director of the Foreign Office. It is difficult to imagine that German foreign policy could fulfil all three roles adequately and in an optimal manner continually or even simultaneously and will be able to do so in future.

A series of initiatives and corresponding statements prove that the federal government has also endeavoured to promote the CSCE/OSCE as an institution through European Political Co-operation (EPC) and Common Foreign and Security Policy (CFSP). Of course, they were not able to defend their position as advantageously as they desired against the frequently differing opinions of other EC/EU members - especially those of the United Kingdom, an opponent of any kind of institutionalization. Hans-Dietrich Genscher made the following apodictic assertion in January 1990: "The European Community will bring their pan-European goals and concepts into the CSCE process, which for all participants has increasingly proved to be the basis and framework, the main guiding principle of the pan-European unification process."<sup>20</sup> And while the federal government introduced a whole series of proposals for new institutions in numerous reports, a process the Federal Chancellor repeated again in May 1990, the - British - Chair of the European Council in Dublin on April 1990 only came to the conclusion that an assessment should be made at the imminent CSCE Summit of the feasibility of the establishment of a small administrative secretariat.<sup>21</sup>

In fact, formally the Common Foreign and Security Policy has been more highly developed with respect to the OSCE than to other international organizations, e.g. the United Nations. The meetings of the Permanent Council, which take place at least once a week, are prepared jointly following which a joint statement is discussed and agreed upon. The Permanent Representatives of the EU member states, who are accredited to the OSCE in Vienna, have joint meetings headed by the Representative of the Presidency to prepare these statements. At the Council meetings, the Representative of the country holding the EU Presidency then always speaks for all the others and most often also for those countries associated with the EU. In general things remain at this joint-statement level and the German Ambassador can only silently envy the Representatives of Switzerland or Norway, who have the capability to distinguish themselves by emphasizing concepts in the name of their governments. Although the EU does not even have observer status at the OSCE (which because of OSCE legal status, they cannot have), the countries that are not EU members have accepted the conduct of the EU bloc. (In the meantime there is another example of this kind of permanent unified action, namely the so-called GUUAM group made up of Georgia, the Ukraine, Uzbekistan, Azerbaijan and Moldova.) Also in the other bodies, which are either a component of the OSCE, like the various committees, or that have a connection with it, like the Forum for Security Co-operation or the commission related to Article V of the Dayton Agreement, the EU countries take joint action.

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20 Deutsche Außenpolitik 1990/91, cited above (Note 1), p. 65.

21 Cf. *ibid.*, p. 112.

This type of joint action by participating States, which under the leadership of the EU countries includes about half of the 55 OSCE States, does not fail to influence the other countries; they, of course, feel marginalized by the EU bloc, which alongside the US and the Russian Federation, makes up the third significant power factor. Those who belong to this bloc have the chance that their projects will be given more consideration than independent initiatives and that they will even be placed at the focal point. Thus, for example, the Irish delegation succeeded in launching a draft for a "European Platform for Co-operative Security" through the EU, which eventually found its way into the Istanbul Charter in 1999.

To what extent this type of concerted action by 15 states would be valuable, on the other hand, for decision-making within the OSCE in general or for implementing initiatives by single EU member states - like Germany - e.g. in the Permanent Council or whether this would put a stop to possible interesting initiatives of single participating States and thus evade an OSCE-wide debate is a question that the persons involved answer differently. Occasionally meetings were interrupted for long periods of time and decision-making was delayed because EU members first had to find a joint position towards questions that had suddenly surfaced thus eliciting the indignation of other delegations. This type of EU-internally forced compromise has also intermittently tended to water down initiatives by the German government. Probably the lack of enthusiasm towards reform by the Federal Republic of Germany in the OSCE in contrast to their conduct during earlier times in the CSCE is due to these concerted actions by the EU.

At times, a representative of an individual EU member state will submit a supplementary declaration with reference to the joint position. This has also occurred repeatedly through actions taken by the head of the German delegation. Manoeuvres of this kind can reveal political preferences and options which have not been considered, or at least not sufficiently, during joint consultation.

The Federal Republic has also made alliances with other participating States that do not belong to the EU to support their endeavours, like Switzerland, on the occasion of the joint consultations on the security charter in the above-mentioned initiative to strengthen the rights of minorities.

Occasionally - as for example at the opening of the Budapest Review Conference in 1994 - it has also come to pass that a representative of the European Commission has claimed the right to speak for the Union. This is not always looked upon favourably and there are often reservations from the country who holds the Presidency - in 1994, Germany. In addition, during the first half of 1999 when Germany took over the EU Presidency once again, the EU Commission exercised their prerogative with regard to status and influence in the OSCE Senior Council, which held its meeting in the guise of the Economic Forum in Prague at the time.



These cases prove how international organizations, even when they include the same states, develop a momentum of their own, which leads less to convergence and co-operation, but to divergence and rivalry. This occurs because the acting Secretariats pursue their own interests (which however considering the political weakness of the OSCE Secretariat is only marginally possible) or the member states judge their chances of implementing their policies within the various multi-lateral associations differently and therefore utilize them in differing manners.

This is not the place to go into the whole network of relations between the EU and the OSCE. However, without giving an answer, one should just simply pose the certainly only theoretical question of whether the foreign and security policy of the Federal Republic within the OSCE framework is compatible with its integration into the CFSP and the strengthening thereof through the WEU. In principle, this question is also directed towards NATO membership and to a certain extent even towards membership in the UN, which the example of Switzerland has shown, of course, under other circumstances. The OSCE is committed to the principles of co-operative security policy, which excludes in principle confrontational elements as can be found in the institutions of collective security policy.

#### *The Federal Republic as a Component of the OSCE Collective*

From an objective OSCE perspective, Germany must on the whole be regarded as a constructive and beneficial participating State. The Federal Republic won this reputation, as previously mentioned, particularly during the period between the adoption of the 1989 Vienna Document and the adoption of the 1994 Budapest Document when mutual interests came together: The CSCE was in the interests of the Federal Republic as a nation state and inversely the CSCE gained a participating State interested in its positive development thus actively involved. Therefore it was through the dedication of the Federal Republic that all the USSR successor states, in particular the then debatable Central Asian states, were admitted to the CSCE. Inversely, it was to the Federal Republic's merit, which has become rather dubious at least after the fact, that Yugoslavia was suspended from the CSCE/OSCE in 1992 from which it remained locked out until the end of the year 2000.

On the whole, publicly, the Federal Republic still has a positive basic attitude towards the OSCE. This has been strengthened by the fact that, apart from its diffuse strategic interests, its efforts to improve the norm catalogue, the strengthening of institutional structures and the availability of personnel and material resources for operational activities are apparent.

The Federal Republic has both weakened and strengthened the OSCE through the EU. The weakening lies in the fact that all EU countries, especially Germany - if one follows EU reasoning - have shown no interest in a vitalization of the economic dimension of security policy assigned to the

OSCE. The Federal Republic also supports the expansive pan-European policy of the European Commission in the fields of democracy, human rights and the rule of law, which if they are not under the auspices of the OSCE, then certainly they should be under the auspices of the Council of Europe. Thus the EU with German support has established the European Monitoring Centre on Racism and Xenophobia (EUMC) in, of all places, Vienna, the seat of the OSCE headquarters. It is headed by a German diplomat and has more personnel than most OSCE missions.

On the other hand, under the leadership and initiative of the Federal Republic, the Stability Pact for South Eastern Europe as a whole, which gives the EU responsibility for its economic implementation, was placed under the auspices of the OSCE.

### *Mutual Benefits*

In general, the OSCE is still Pareto-optimal territory for the Federal Republic - independent of the particular role it takes on. And it could exert influence on this terrain in a manner comparatively more forceful than on that of other organizations. It can do this because the objective requirements exist and it should do this because it is in its very own interest. The OSCE is in the interests of the Federal Republic because of its pan-European membership, its security-policy reach and its political objectives. In view of its geo-political position and the numerous states neighbouring it, the OSCE was and is a necessary and irreplaceable organization for the Federal Republic. Furthermore, from the outset, the CSCE constituted an area in which the Federal Republic could play its own role. In contrast to the Federal Republic's relationship with NATO and the EEC/EC/EU, the CSCE was not meant to integrate the Federal Republic, which in this case did not appear in the guise of "junior partner" to the interests of France or the US.

A balance sheet of German foreign policy with respect to the CSCE/OSCE after 1990 shows however that the difference between debts and credits has increased continuously since the Genscher era. This is not due to exaggerated demands, which have more likely remained constant or become more diffuse due to a lack in concepts, but rather due to insufficient dedication. This reprehensible lack has led to the paradox that the US and - relatively speaking - also Norway and Switzerland are more actively involved in the OSCE than Germany.

Another paradox can be found in the context of German OSCE policy. While the executive powers in German foreign policy show a waning interest in the OSCE, Parliamentarians of all factions in the *Bundestag* who have shown an interest in the OSCE have jointly agreed throughout all legislative periods that the federal government should increasingly promote the OSCE. Now all parties in the *Bundestag* have almost identical standpoints on the OSCE.

During the preliminary stages of the 1999 OSCE Summit Meeting of the Heads of State or Government in Istanbul, the SPD, CDU/CSU, Alliance 90/The Greens and the F.D.P. factions even tabled a joint motion "to strengthen the OSCE's ability to take action". This was designed to give explicit support to the endeavours of the federal government.<sup>22</sup> The PDS faction tabled their own motion for a "new European security architecture", which not only had a different tenor but was more detailed and contained many progressive proposals, for example, it included "regional peacekeeping" for the OSCE and the formation of an executive council.<sup>23</sup> The debate in the *Bundestag* was correspondingly uncontroversial and the speakers of the various factions again gave one another mutual assurances on how extensive their agreement was on the value of the OSCE.<sup>24</sup> A similar constellation had emerged during the previous 13th legislative period.<sup>25</sup> Of course, the parties differed in the extent of the attention they gave to the OSCE, as a comparison of their programmes for the *Bundestag* elections showed. Thus the F.D.P. surprisingly and Alliance 90/The Greens as was to be expected offered the most comprehensive proposals for a strengthening of the OSCE, while in the CDU/CSU programme it was not even mentioned; in contrast, SPD statements were mundane and remained within traditional frameworks.<sup>26</sup> The parties - with the exception of the PDS - have not conducted any foreign policy debates, which show whether and how they for example differ as to the question of what position the OSCE should take within the international community and how the future security architecture for the Federal Republic and the EU should develop.

An examination of the proposals put forward at the OSCE by the federal government shows that after 1992 important projects failed. Thus the strong institutionalization, even the achievement of a legal status, which had always been hoped for on the part of the Germans, did not come about. A consolidation of the Secretariat through concentrating all offices in Vienna did not take place. The formation of a kind of European security council within the OSCE - that is, the future maintenance and functional extension of the Contact Group for Yugoslavia - could not be implemented. Replacing the UN in Europe with the OSCE is not in sight; in Kosovo the opposite even occurred, the UN was placed above the OSCE. The form of co-operative security policy intended in the CSCE/OSCE framework and in particular strived for by

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22 Cf. BT-Drs. [*Bundestag* printed stationery] 14/1959.

23 Cf. BT-Drs. 14/1771.

24 Cf. BT-Plenarprotokoll [*Bundestag* plenary minutes] 14/66 of 4 November 1999, pp. 5884D-5898C.

25 Cf. BT-Drs. 13/5622/5800/5888; BT-Plenarprotokoll 13/138 of 14 November 1996, pp. 12455C-12468D.

26 Cf. Dieter S. Lutz, *Sicherheit statt Risiko - eine Ampel rot, gelb, grün. Die außen- und sicherheitspolitischen Aspekte in den Wahlprogrammen der deutschen Parteien zur Bundestagswahl* [Security rather than Risk - Traffic Lights: Red, Yellow, Green. The Foreign- and Security-Policy Aspects of the German Party Election Programmes for the Parliamentary Elections, September 1998, p. 7 (manuscript).

the Federal Republic during the Genscher period from 1989 to 1992 has been downgraded substantially through integration into the CFSP and the European Common Security and Defence Policy (CSDP) strived for by the 15-nation bloc.

"The OSCE is the one and only pan-European security organization. This makes it irreplaceable" - this is the beginning of the section devoted exclusively to the OSCE in the coalition agreement between the parties that have made up the federal government since 1998.<sup>27</sup> The focal point of this sentence can be found in many of the statements of previous federal governments. However this laconic observation of a known fact is rather meagre in comparison to what the CSCE/OSCE was destined to become at least from the 1990 perspective. Four years after he left office, the former Foreign Minister Hans-Dietrich Genscher complained that the inherent opportunities in the OSCE to create a pan-European stability policy continued to be neglected.<sup>28</sup> And on the occasion of the 25th anniversary of the signing of the Helsinki Final Act, he stated that 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". The participating States will have to face the question whether they would be prepared to "undertake a repoliticization of the OSCE".<sup>29</sup> In view of and because of the policies they announced at their inauguration, this question is also and in particular directed to the federal government now in office whose representatives scarcely devote more than the obligatory iota of interest to international OSCE policies in their speeches.

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27 Aufbruch und Erneuerung - Deutschlands Weg ins 21. Jahrhundert. Koalitionsvereinbarung zwischen der Sozialdemokratische Partei Deutschlands und Bündnis 90/Die Grünen [Departure and Renewal - Germany's Course into the 21st Century. Coalition Agreement between the Social Democratic Party of Germany and the Alliance 90/The Greens], Bonn, 20 October 1998, p. 57.

28 Cf. Hans-Dietrich Genscher, Strengthening the OSCE - An Indispensable Condition for a Just and Lasting Peaceful Order from Vancouver to Vladivostok, in: OSCE Yearbook 1995/1996, cited above (Note 19), pp. 49-56, here p. 52.

29 Speech of Former German Federal Minister Hans-Dietrich Genscher at the Commemorative Ceremony Marking 25 Years of the Helsinki Final Act, Vienna, 19 July 2000, PC.DEL/407/00, 18 July 2000, p. 5.

## II.

Responsibilities, Instruments, Mechanisms  
and Procedures



## Conflict Prevention and Settlement of Disputes





## Inner-State Conflicts: The OSCE and EU Contribution to Prevention and Peaceful Settlement

### *A New Anarchy?*

If - as Robert G. Kaplan<sup>2</sup> fears - a new period of anarchy is approaching, there are two reasons for this. First, the international order is vulnerable even after the dissolution of the Soviet Union and the end of the East-West confrontation and second, there has been an increase in inner-state conflicts.

The regulations of international law have developed as basic principles for and approaches to an international political order and are further elaborated continuously. However, the institutions that are meant to enforce these regulations - primarily the UN Security Council and the International Court of Justice - are in many cases not able to take action. The experiences of the last decade have taught us that the majority of crises and conflicts have their origin within states and that particularly this type of conflict can lead to terrible crimes and large numbers of victims. Moreover, these conflicts can also have an impact beyond the borders of the states in which they surfaced. The international community cannot ignore them. However, neither has it developed enough effective instruments - and this too can be confirmed by experiences of the last few years - to be able to tackle these conflicts. One thing has proved to be quite clear: The earlier one deals with the conflict, the greater the chances are that a peaceful and satisfactory solution will be found. Inner-state conflicts often emerge due to the deeply rooted ideas of the people in a state about themselves as a group as well as their ideas on the other groups of people within the state. These ideas are shaped by historical experiences upon which each group of people bases their identity. Therefore it is difficult to challenge and change these ideas. These ideas and negative images of the enemy can become virulent if unscrupulous politicians use them to maintain and strengthen their power. If in the states themselves it is impossible to avoid the disruptions in peaceful coexistence arising from these negative images of the enemy, then the international community must take on this task, as difficult as this may be. In Europe, the OSCE plays a predominant role in dealing with inner-state conflicts. In certain cases it has even been able to defuse conflicts and lead various groups of people within a country towards peaceful coexistence.

The moment violence erupts, conflict management becomes infinitely more difficult. This was clear in Bosnia and Herzegovina and in Kosovo. Therefore

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1 The views expressed in this article are the personal opinions of the author.

2 Robert D. Kaplan, *The coming anarchy*, London 1999.

the Heads of State or Government of the OSCE participating States strengthened their intention on 19 November 1999 in Istanbul in the Charter for European Security to prevent conflicts or solve them through peaceful means whenever this was possible. This is an OSCE task, which has gained increasing significance. Given the events, which have occurred up to now and with a view to the new tasks, it will be essential to improve OSCE instruments and increase co-operation with the EU.

#### *Inner-State Conflicts and Their External Impact*

Normally inner-state conflicts are also settled within the state in which the conflict emerges. It has been shown that democracy and the rule of law offer in principle the appropriate instruments for this purpose. In this respect, the performance of the OSCE and in particular the Office for Democratic Institutions and Human Rights (ODIHR) to promote democracy and improve the protection of human rights are a contribution to conflict prevention.

If the problem is not solved domestically, the international community must decide whether and how it will become involved. In many cases this will be necessary because internal conflicts have external effects. The problems of the Russian minorities in Estonia and Latvia were key issues in the relationship of these two countries with the Russian Federation. The Kosovo problem threatened to spill over into Macedonia which has a large Albanian population. The refugee flow into Macedonia and Albania put a dangerous degree of pressure on these countries. The domestic problems in Georgia did not occur before the Russian Federation intervened and will not be solved without its involvement.

#### *OSCE Principles and Commitments as Legitimization for External Intervention*

The international community cannot ignore inner-state conflicts if human rights violations occur over a long period of time and on an extremely large scale. Within the OSCE, they can be addressed if participating States violate OSCE principles and do not fulfil their commitments, which they accepted of their own accord and are therefore binding. These principles were developed starting in 1975 by the CSCE (predecessor of the OSCE). The new states, which emerged upon the dissolution of the Soviet Union and the former Yugoslavia have assumed these principles and commitments now making them binding for all 55 OSCE participating States. The states can no longer argue that violations are their own internal affairs. The Copenhagen Document of 29 June 1990 contains the most impressive catalogue of principles for evaluating the internal situation in a state. It breathes the spirit of the pe-

riod of upheaval. In almost all European states, governments were ready to introduce reforms towards democracy and the rule of law, as far as these had not already been realized.

Violations of OSCE principles and commitments cannot be ignored precisely because they are only politically binding and not legally. Their effectiveness would be undermined if serious and long-lasting violations were ignored.

### *The Problematic Nature of Military Intervention*

Indisputably, military intervention only comes into question if all peaceful means for solving a conflict have been exhausted. This also means however that the decision to intervene militarily is simultaneously an admission of failure to prevent the conflict as well as a failure to reach a peaceful solution. Military intervention can only be considered if the conflict parties have actually crossed the threshold and begun to use violence constantly. If violence has actually broken out then it is difficult to stop. There is a tendency to continue using it until the conflict parties, if these are made up of peoples or groups of peoples, are completely split apart. However, because there are generally no natural borders between them, there are endless battles and expulsions on the way to division with horrible side effects, as we were able to observe in Bosnia and Herzegovina as well as Kosovo. Even when the battles can be brought to a stop, confidence is destroyed and the worst prejudices that one group of people has about another are confirmed. Coexistence is then only possible if rules are set and implemented from the outside. This was also shown by experiences in Bosnia and Herzegovina and once again in Kosovo. As these examples show, to ensure this a military presence will be required for an undetermined period of time. Even a strong organization like NATO could arrive at the limits of its performance if in addition to those in Bosnia and Herzegovina and in Kosovo it had to maintain permanent presences in other crisis areas.

We know today that military support of peaceful efforts towards conflict resolution as well as occasionally military intervention can ultimately become necessary. We also know that military instruments in themselves cannot neutralize conflict causes or even solve conflicts. In cases where the path towards conflict settlement cannot be opened without military intervention, this arduous work can only be taken on after military intervention has taken place. The difficult and lengthy part of the work begins here. The conflict parties must be convinced to accept new rules of peaceful coexistence.

At the beginning of the Yugoslavian conflict many people might still have been of the opinion that NATO could end a conflict through a few targeted air strikes. As the events - from military monitoring of the embargo, UNPROFOR military support, surveillance and later forceful implementation of the no-fly zone over Bosnia and Herzegovina to the NATO air strikes

against the Bosnian-Serb army after a horrible mortar attack on civilians in Sarajevo - along this thorny path show, conflicts cannot be solved through military intervention alone.

As the case of Kosovo has shown, there is still disagreement on the conditions for military intervention in inner-state conflicts. Two permanent members of the UN Security Council, Russia and China, maintain their position that Security Council authorization is a necessary requirement for military intervention in inner-state conflicts and thus intervention can be prevented by veto. Furthermore Russia will also maintain this stance because it fears that in future this type of intervention could be carried out on its own territory. As long as there is explicit opposition of Russia and China, international customary law permitting "humanitarian intervention" will not come into existence.

It goes without saying that the deployment of troops to stabilize a situation or to implement a negotiated settlement will remain indispensable even in future. This is in principle undisputed. Even Russia takes part in operations of this nature in Bosnia and Herzegovina.

#### *Conflict Prevention and Peaceful Means of Conflict Settlement as a Priority*

If - as has been shown - military intervention does not eliminate actual conflict causes the conclusion has to be drawn that the international community should intervene in conflicts at a much earlier date even if this requires greater financial resources and more personnel. The foreign ministers of the G-8 countries were right when they stated the following at their meeting from 16-17 December 1999: "Recent regional conflicts and their history, in particular, have demonstrated time and again that we do not lack 'early warning' but 'early decision' and long term concrete and sustainable strategies of prevention."

Why is the decision-making process started so late? Why do we still not have long-term strategies for conflict prevention? There are several reasons for this. The most evident is that pressure to take action only occurs when dramatic events catch the eye of the general public. Conflicts do not grab the public's attention when they are beginning to emerge or have not yet ignited. Only when they have actually broken out, when the fighting has begun, victims are being mourned and refugee flows have started to occur, do the news reports, especially TV images, make action imperative. The second reason is that the conflict prevention measures are not only not dramatic, but their success cannot be guaranteed. And even when success has been achieved, the media do not consider this newsworthy. Only a conflict which has already erupted captures the headlines, not one which has been prevented. Not least because of this fact is it difficult to obtain support for preventive measures and strategies although - as Kofi Annan stated it - the most expensive prevention is cheaper than the cheapest intervention. Thus for example the costs

of the air strikes against Serbia in the spring of 1999 - not including damage repair of course - were many times higher than the total OSCE budget in 1999. A third reason is that preventive measures and a fortiori preventive strategies are difficult to draft: Even making an analysis of a situation is difficult and it is not easy to reach agreement on this in international bodies. Likewise, the opportunities to take action arising therefrom have not been clear-cut. Thus, we are on shaky ground. Experiences related to international involvement in the Kosovo issue, which go back many years, are not encouraging. Nevertheless, every new attempt at conflict prevention is worth it - just as an increase in road safety is worthwhile although accidents will continue to occur. We will have to make a serious effort to gain public acceptance of this undertaking.

### *The Role of the OSCE*

The OSCE still embodies the norms and principles, which the CSCE established in very tough and laborious negotiations starting in 1975 and the OSCE then developed further. These norms and principles are a pan-European bond. They fortify the international community in their right to take action against violations of human rights and the refusal to allow participation in democratic processes thus reinforcing a state's capability to avoid conflicts or solve them through democratic means. The OSCE has several of its own organs for this purpose: the Office for Democratic Institutions and Human Rights (ODIHR) and above all the High Commissioner on National Minorities. Max van der Stoep, who was given this post in 1992, has through silent diplomacy made large gains in improving the status of minorities and thus defusing open or latent conflict. Reporting all his achievements is beyond the scope of this article.<sup>3</sup> His patient approach to discussions, his suggestions and proposals, and also the support he repeatedly obtained in the OSCE Permanent Council are the best examples of conflict prevention being practiced. Since 1994, the OSCE has, using very few resources, developed its presence primarily in regions having a crisis potential in a manner unlike any other organization. It has established missions, centres, offices or similar bodies in 19 locations up to now, each boasting a mandate agreed upon *ad hoc*, which as a rule is formulated generally enough to guarantee the mission enough leeway for its activities. However, even these institutions cannot have much effect if the outbreak of violence is not prevented, as e.g. in Chechnya. A lot could be done to make the work of the OSCE more effective. Perhaps the most important step would be to limit the consensus principle in the Per-

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3 See for example, Max van der Stoep, 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. 381-391.

manent Council, but if this is ever achieved it will not be within the next few years. However, experience has shown that the participating States are unwilling to prevent a consensus, except when interests are concerned, which they deem the most important. Up to now, until a consensus had been secured, issues were not even raised at the decision-making stage. In certain cases, substantial pressure could be placed on parties blocking consensus by forcing them to show their colours through a vote.

However, practical improvements have more priority. One OSCE problem is recruiting qualified personnel for new missions rapidly. Until recently, the Secretariat itself has not even had enough personnel to organize the formation of larger missions like the Kosovo Verification Mission. Now preparations are being made for the rapid deployment at any rate of key personnel.<sup>4</sup> Nevertheless, it will remain difficult for participating States to get qualified OSCE mission members ready for deployment rapidly enough. They are not always readily available as is the case with military units, which can be transferred to a new location as a whole. OSCE mission members must be recruited individually, give up their previous jobs or take a leave of absence. There has been an improvement due to the fact that many OSCE participating States have created files including qualified personnel. However, it would be even better if there were a personnel reserve composed of people who could be deployed as rapidly as possible. These could include e.g. members of the diplomatic corps, many of whom have the necessary regional knowledge and experience. However, the German Foreign Service has not even been able to create a reserve making up the ten per cent of their own personnel, which has long been deemed necessary. On the contrary, it has had to cut back on personnel and thus can afford less and less to make its employees available for OSCE missions. It is especially difficult to find a sufficient number of policemen for those kinds of missions, as has been shown again in Kosovo. Also this deficiency could only be remedied if personnel reserves were established in as many participating States as possible.

Time and time again, it is discouraging that it is so difficult to obtain the modest financial means necessary to take preventive measures and reach peaceful solutions to conflicts. This is due to the very banal fact that most states procure these means from their foreign ministry budgets, which because of the small amounts in these do not give states as much leeway as the defence budget. It would therefore be a genuine improvement if as many states as possible introduced a separate budgetary title for this type of measure or if funds were made available that were replenished repeatedly.

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4 See the article by Márton Krasznai in this volume, pp. 139-147.

More than a fourth of the OSCE participating States are also members of the EU. EU member states finance over 60 per cent of the OSCE budget. After the actual round of accession agreements, about half of the OSCE participating States will also belong to the EU. The declarations issued in the name of the EU by its Presidency, particularly in the Permanent Council, are generally endorsed by all or the majority of the associated members even now. Nevertheless the EU has up to now - not least because of the slow-moving voting procedures within the framework of the Common Foreign and Security Policy - not gained the significance within the OSCE that it deserves. In contrast, the US, which knows exactly what it wants and how to enforce this, has much more direct influence than its contribution warrants.

Nonetheless the indirect influence of the EU is already very significant and could be better utilized. In particular, it is evident that the prospect of accession to the EU is an extraordinarily powerful motivating force. In a series of accession countries, democratic and economic policy reforms were implemented at a speed that would not have developed without the incentive of future membership. In some states - like Hungary - adequate minority regimes have been introduced. The regulation of the status of the Russian population in Estonia and Latvia, on which the High Commissioner on National Minorities as well as the OSCE missions in both states worked in collaboration, would not have advanced so rapidly if the governments of both states had not taken EU accession negotiations into consideration.

States that have been given the opportunity to apply for accession to the EU can enter into partnership and co-operation agreements, which improve access to the huge EU market and allow participation in EU assistance programmes. This too is a lever - albeit weaker - on reforms. The states that have made these agreements with the EU take on commitments, which are essentially in accordance with OSCE norms.

The EU, in co-operation with the OSCE, now is to use these and instruments yet to be developed to foster regional stabilization strategies. The EU conceived and initiated this kind of a stabilization strategy when it created the Stability Pact for South Eastern Europe - launched by the German EU Presidency - and placed it under the auspices of the OSCE. It developed the instrument of a stability partnership as an incentive for the states of the region. However this initiative was launched at a very late date after many years of violence and horrible crimes, especially in Bosnia and Herzegovina and in Kosovo. No one can prove that initiatives of this kind could have prevented violence if they had been started sooner. Nevertheless, the chances of success would have been considerably better.

Should not opportunities like these be taken advantage of sooner in crisis-ridden regions where the EU has a strong interest in stability? In the Caucasus states of Georgia and Azerbaijan, violent clashes occurred already at the

beginning of the nineties in which internal and external factors had an effect. The current situation after the ceasefire is not sustainable in the long-term. The negotiations on a settlement of these conflicts have not yet led to a satisfactory solution. There is a risk that violence will break out again. A stabilization strategy should be developed under EU leadership and with the participation of the states in the region and their neighbours designed to offer the parties involved incentives to reach an agreement. The OSCE Mission to Georgia and the OSCE Offices in Baku and Yerevan should be used for this purpose. In addition to conflict management, a framework for regional co-operation should be created.

Central Asia has received less attention than the Caucasus. The civil war in Tajikistan is over, the Islamic movement has been integrated into a reconciliation process. However, when a group of Islamic fighters from Tajikistan invaded Kyrgyzstan in the summer of 1999, it again brought to mind that a conflict potential still exists. Even more so than in the Caucasus, any form of conflict prevention presupposes better understanding and co-operation between states, which is still met with resistance in the region. Active efforts to promote regional co-operation have been made in the OSCE since the Oslo Ministerial Council in December 1998. However, the OSCE alone is too weak to achieve this. The EU promotes regional transport systems in its TRACECA programme. This is a good approach, which could be incorporated in regional strategy. The states in this region consider it important they are given support in combatting cross-border terrorism.

Not only is the EU an economic incentive, its political magnetism is that it is a unique model for ironing out national contradictions. The Union is based on the fundamental concept that their members no longer see themselves in competition for power and supremacy. On the contrary, they pursue common interests through common institutions that are being given ever increasing authority. This fundamental concept is especially attractive to states, which in their most recent history had been forced to become members of state blocs or even become part of a state they considered foreign. These states have placed large value in their newly won leeway, but on the other hand also see that they should concentrate on the development of their economies and the construction of new institutions. Power plays directed outward and domestic conflicts distract from and immobilize the energies required to institute the necessary reforms. These states look upon the EU as a new successful model for relations between the states in a region. This offers a chance for the EU supported by its economic strength and its political appeal and in co-operation with the OSCE to have a stabilizing effect in all of Europe and Central Asia through the promotion of democratic reforms. They should not fail to grasp this chance.



## Coping with Uncertainty: The "Vienna and Berlin Mechanisms" in Light of the First Decade of Their Existence

### *Introduction*<sup>1</sup>

Concurrent with the end of the East-West conflict, changes began occurring in the character of the CSCE. Until 1990, one could describe the CSCE as a series of conferences. However, right after the end of the Cold War, it started to develop into an international organization. The participating States wanted to avoid the fate of many intergovernmental organizations, i.e. the emergence of an unwieldy bureaucracy, formalized procedures and a rigid body of substantive rules. Thus, in the beginning, CSCE institutions were intentionally kept weak and small and only later gradually grew larger. However, in the period in between a disparity became apparent. Namely, there were no institutions to deal with the substantial conflicts arising that had seemed so unlikely during the euphoric moments of the Paris Summit of November 1990 but became so real a few months later. The bridge between the original series of conferences and the present classical intergovernmental organization was created by instituting certain mechanisms.

Most of these mechanisms deal with various aspects of dispute settlement. As the CSCE/OSCE has always been identified with the broad concept of security, these mechanisms have been used to deal with different aspects of potential security problems. The four mechanisms that were established in the early 1990s deal with the following issues:

- (1) consultation and co-operation as regards unusual military activities, the so-called Vienna mechanism;
- (2) consultation and co-operation with regard to emergency situations, the so-called Berlin mechanism;
- (3) the human dimension mechanism, the so-called Moscow mechanism;
- (4) the procedure for peaceful settlement of disputes, the Valletta mechanism.

These four mechanisms are the products of less than fifteen months of work between November 1990 and February 1992.

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<sup>1</sup> The author gratefully acknowledges the indispensable support of the Prague Office of the OSCE Secretariat for providing documents on the functioning of the Vienna and Berlin mechanisms in the early 1990s.

The first three mechanisms have addressed selected aspects of international security. The Vienna and Berlin mechanisms deal with matters that fall under the category of the CSCE's "first basket". The Moscow mechanism is clearly related to the third, humanitarian "basket". The Valletta mechanism does not deal with specific aspects of security but addresses dispute settlement generally. The basic difference between the Vienna, Berlin and Moscow mechanisms on the one hand, and the Valletta mechanism on the other, is not only in the specific character of the former and the general character of the latter. More to the point is that the former mechanisms make an attempt to predict those security problems that may emerge in the post-Cold War environment and might require the urgent reaction of the community of CSCE States. The Valletta mechanism, as was mentioned above, does not specify the problems that may require dispute settlement and the matter of urgency is also lacking. More precisely put, it specifies certain security problems negatively. Namely, some of the most important and politically sensitive matters are not subject to the mechanism.<sup>2</sup> There is another major difference between these mechanisms, however. While some limited use of the former three mechanisms has been made, *the Valletta mechanism has never been invoked*. Valletta was furthermore superseded by the Convention on Conciliation and Arbitration within the CSCE, which was adopted by the parties to the Convention at the Stockholm Council Meeting in December 1992.<sup>3</sup>

This paper deals with the Vienna mechanism on unusual military activities and the Berlin mechanism on emergency situations in light of their application during the 1990s. These are examined for two reasons: 1. After their fairly frequent application in the early-1990s they were invoked again in 1999 - in light of a fundamental change in circumstances. 2. As the OSCE is looking for new conflict management mechanisms, it is worth viewing the means it has at its disposal. Without this, it may well be that the participating States will re-invent the wheel.

The reasoning behind not addressing the Moscow mechanism is simple. With the establishment of the function of the High Commissioner on National Mi-

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2 When "the dispute raises issues concerning its (a party's, P.D.) territorial integrity, or national defence, title to sovereignty over land territory, or competing claims with regard to the jurisdiction over other areas, the Mechanism should not be established or continued". Report of the CSCE Meeting of Experts on Peaceful Settlement of Disputes, Valletta, 8 February 1991, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 567-581, here: p. 576. It is understandable that during the Valletta meeting three countries put an emphasis on ensuring these matters were not subject to the mechanism. Namely, the Soviet Union and Yugoslavia, two countries that not much later had certain problems with their territorial integrity, and Turkey which was concerned that the Gulf war would lead certain forces to seek to establish a Kurdish state, on sections of Turkish territory. The position of Spain and the UK, two countries that wanted to exclude their territorial dispute over Gibraltar from the regulations of the Valletta mechanism, was convenient to the other three.

3 This Convention is the first, and up until now, the only legally binding CSCE/OSCE agreement. However, it is not applicable to all OSCE participating States, but only among those who have ratified the Convention.

norities at the Helsinki Summit of July 1992, the politically most controversial human rights matters, those of minority rights, are being dealt with by another forum. Moreover, the Warsaw Office for Democratic Institutions and Human Rights has also "absorbed" a good part of the area to be covered by the Moscow mechanism.

*The Vienna and Berlin Mechanisms: Assumptions, Foundations, Regulations*

The genesis of the Vienna mechanism on unusual military activities and the Berlin mechanism on emergency situations dates back to the preparation for the November 1990 Paris CSCE Summit. The former was on the agenda of the ongoing talks on confidence- and security-building measures in Vienna with the participation of each CSCE participating State. The latter was discussed in the Preparatory Committee of the Charter of Paris for a New Europe among the same circle of participants and also in Vienna. The former was completed and became part of the CSBM document of 1990 and also appeared in subsequent documents, which replaced the 1990 document. However, the mechanism on emergency situations was not approved by the participating States at that time.

Most participating States were of the view that such a mechanism on emergency situations was necessary. Of all countries, the United States, which was most often associated with arbitrariness and unilateralism in the 1990s, was opposed to the emergency mechanism in Vienna. All other states deemed this mechanism necessary, or were ready to live with it at any rate. The U.S. did not deem this mechanism necessary and it was impossible to make them understand that it was highly unlikely the mechanism would be used "against" them. Bearing in mind their dominance in international relations, which became increasingly clear during the past decade, this was understandable. The U.S. probably believed that because their influence was powerful enough, they were in a position to address any major political conflict they opposed by regulating it bilaterally. This attitude could have served as an early warning to the allies and partners of Washington just a few months after the end of the Cold War. The U.S. would not have necessarily allowed increased multilateralism just to reassure them. Furthermore, the U.S. still maintained an intimate, more precisely intimately adversarial, relationship with the Soviet Union. Moscow, apparently a status quo power in decline, was interested in maintaining the then formally still existent bipolar structure of international affairs. The Soviet Union that had already faced some ethnic rivalries on its territory and challenges against its integrity in the late 1980s disliked the idea of a multilateral mechanism that would permit external intervention in its internal affairs.

Two months had passed after the debates in the Preparatory Committee in Vienna when an illuminating example was offered to those who nurtured

certain illusions about the future peaceful evolution of the international system. On 13 January 1991, Russian black berets showed how the Soviet Union could react to the independent-minded forces in Soviet republics. The shooting occurred against demonstrators in Vilnius, the capital of the then Soviet Republic of Lithuania. However, this could have happened elsewhere in the Soviet area as well. With some delay, the United States understood that what European diplomats had pointed out in Vienna had become reality. They realized the Soviet Union might soon fall apart and that this process could induce extensive use of violence. The U.S. was no longer interested in objecting to a vaguely formulated political emergency mechanism for the sake of the Soviet Union and because it was not to their detriment, went along with the emerging consensus. One should also not forget that the European Community had drafted this mechanism and at that time the U.S. was far less ignorant of the position of its major allies than in certain cases during the second half of the 1990s.<sup>4</sup>

Thus the participants of the first meeting of the CSCE Council in Berlin in June 1991 were able to reach a consensus and approved the emergency mechanism. The meeting was overshadowed by the approaching hostilities in Yugoslavia. Even though the U.S. Secretary of State James Baker made an appeal for maintaining the unity of Yugoslavia it was clear history would not evolve along the lines of the desires of Western politicians. The ongoing events gave ample evidence that a political emergency mechanism would soon be necessary. The place it would have to be employed was no longer distant, no longer a political no-man's land in southern USSR. It was an area in the middle of southern Europe adjacent to countries of increasing strategic importance, near a number of fragile new democracies, like Albania, Bulgaria, Hungary and Romania.

During the last few months of its existence, the Soviet Union did not play any particular role except to pursue the increase of the number of countries whose agreement was necessary to launch the mechanism from twelve to 13. The Soviet delegation argued in favour of this change in order to prevent the then twelve European Community member countries from invoking the mechanism alone. Considering the historical situation, it was impossible to imagine that an agreement by twelve countries would not be supported by a number of other democracies. Thus, the Soviet step in Berlin was clearly nothing but lip service.

By the summer of 1991, two mechanisms were already in existence, which could be used to address poorly defined potential conflict sources. Whereas the mechanism for unusual military activities focused on movements of military forces, the emergency mechanism was conceived to deal with politically pressing problems, i.e. potential conflicts. If one takes a close look at this, it is clear that abstractly each mechanism addresses the same problem: the uncertainty and unpredictability of the sources of conflict threat. Conse-

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4 Cf. CSCE/2-CSO.1, 23 May 1991.

quently, they are not only rooted in the post-Cold War environment in the sense that they were passed at the beginning of the 1990s immediately after the end of the East-West conflict. In fact, they go beyond this and their roots are in the post-Cold War reality that has been characterized by uncertainty, a feeling that anything may occur in the less happy half of Europe at any time. A systematic threat analysis could point towards the fact that participating States started from the assumption that either there would be no conflict in Europe,<sup>5</sup> or if there were conflicts, their sources could not be predicted. No one knows who will cause conflicts and for what reason. Thus it is better "to be prepared" for every eventuality. This was the message of the early post-Cold War era. Each mechanism, to some extent, relies on the same means. A mechanism will make the community of CSCE participating States aware of a problem in the hope that international attention will influence the country whose activity deviates from the values shared by the others. To put it differently, when post-Cold War conflict sources were considered it was the tacit assumption of CSCE States that if a conflict broke out it would not be due to the lasting, premeditated, malign intentions of a participating State. Hence states could be influenced through the use of soft methods. Therefore the follow-up actions that may be contemplated by the participating States beyond invoking the mechanism are similarly soft. They either consist of convening another meeting on a higher level or of assessing the situation and agreeing upon recommendations or conclusions (Berlin mechanism). The execution of fact-finding and monitoring missions is the option used derived from the Vienna mechanism. Because of the reasons mentioned above, neither mechanism includes an instrument to enforce sanctions. As assumptions proved invalid in some cases (e.g. Serbia), remedies for the problem remained ineffective.

There are differences between the two mechanisms as well. The most important is the definition of the actions that may lead to invoking the mechanism. The Vienna mechanism can be employed in the case of "any unusual and unscheduled activities of (...) military forces outside their normal peacetime locations which are militarily significant (...)".<sup>6</sup> The Berlin mechanism is less specific. It mentions "a serious emergency situation which may arise from a violation of one of the Principles of the Final Act or as the result of major disruptions endangering peace, security or stability".<sup>7</sup> In theory if one

5 This point is in line with the argument put forward by Francis Fukuyama, *The End of History and the Last Man*, New York 1992, equating the end of the East-West conflict with the end of conflict generally - certainly an unfounded view.

6 Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures Convened in Accordance with the Relevant Provisions of the Concluding Document of the Vienna Meeting of the Conference on Security and Cooperation in Europe, Vienna, 17 November 1990, in: Bloed (Ed.), cited above (Note 2), pp. 489-535, therein: Mechanism for consultation and co-operation as regards unusual military activities, pp. 494-495, here: p. 494.

7 Berlin Meeting of the CSCE Council, 19-20 June 1991, in: Bloed (Ed.), cited above (Note 2), pp. 807-818, Annex 2: Mechanism for consultation and co-operation with regard to emergency situations, pp. 811-813, here: p. 811.

pays attention to the above wording the Berlin mechanism could incorporate the Vienna. This was certainly not the intention of the "founding fathers", however. On the contrary, this concept was specifically excluded in the document that established the Berlin mechanism, which stated it would "not be used in place of the mechanism concerning unusual military activities".<sup>8</sup> The idea was that while Vienna deals with military risks, Berlin would deal with political concerns "endangering peace, security and stability". This is a reiteration of the broad security concept the CSCE assumed as its starting point. As security encompasses a broader area than just military matters, the separation of military and political causes of conflict becomes somewhat artificial. In both cases the respective mechanisms can be invoked by any participating State independently. It is, however, a further major difference that the Vienna mechanism remains under the full and exclusive control of the state that has invoked it, whereas the Berlin mechanism, as was mentioned above, can be employed by any participating State, however no meeting can be convened without the backing of twelve other participating States. Thus, a total of thirteen states is necessary to guarantee the crucial political attention which an emergency meeting produces. One would conclude that in theory the Vienna mechanism could be utilized more easily than the Berlin. Consequently, when the activity has a military component it is tempting to make use of the former, rather than the latter.

If one examines the procedural aspects of the two mechanisms there are major similarities between them. One may state that "Vienna" served as an example to "Berlin" in various instances. Both mechanisms are invoked by a requesting state seeking information from the requested state concerning a certain situation or an unusual military activity. The latter is obliged to answer the request within 48 hours in both cases. "The request and the reply will be transmitted to all other participating States without delay."<sup>9</sup> Due to the fact that bilateral communications are shared with all other participating States, the process is characterized as "multi-bilateral".<sup>10</sup> Following this if the requesting participating State does not find the reply of the responding state satisfactory the process continues.

In case of the Vienna mechanism the requesting party has two choices. It may either ask for a meeting with the responding state or all OSCE participating States. It is not clear from the text whether it is mandatory to go through the bilateral phase before calling in all participating States. Even though the sequencing of the text (and nothing else) would indicate this requirement, the practice established does not coincide with this interpretation. It is entirely up to the requesting state which option (bilateral or multilateral) it chooses. It should be considered whether the unusual military activity is so severe that

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8 Ibid., p. 813.

9 Point 1.2 of the Berlin mechanism, *ibid.*, p. 811, point 17.1.4 of the Vienna mechanism, cited above (Note 6), p. 494.

10 Victor-Yves Ghébal, *L'OSCE dans l'Europe post-Communiste, 1990-1996. Vers une Identité Paneuropéenne de Sécurité*, Brussels 1996, p. 42.

this makes invoking the mechanism with the participation of the entire OSCE community necessary or whether holding a bilateral meeting and submitting information to other countries would suffice. The other issue to be considered is whether the immediate petition for a multilateral meeting without the preceding bilateral one does not exhaust the available options and thus deprive the requesting party of using gradual steps on the "escalation ladder" in the case there is further unusual military activity.

In the case of the Berlin mechanism, the requesting state has no choice. If it is of the view that the underlying situation has remained unresolved it may request that an emergency meeting of the Senior Council (then Committee of Senior Officials) be held. As the original request aimed at clarification as well as the reply of the requested state are transmitted to all other participating States it would be correct to assume that they are familiar with the situation. The Chairman of the Senior Council will be informed of at least twelve other participating States ready to second the request for an emergency meeting within 48 hours. If this backing is provided the meeting will be held. In order to give some lead time before the meeting the Chairman will notify all participating States of the date and time of the meeting. This has to occur between a minimum of 48 hours and a maximum of three days.<sup>11</sup> In the case of the Vienna mechanism, the regulation requires that the meeting be convened within no more than 48 hours. Contrary to the Vienna mechanism where the requesting state is in a position to decide independently whether it wants to convene a meeting or not,<sup>12</sup> the Berlin mechanism makes it compulsory to find the necessary backing to be able to move from the "request - reply" phase of the process to the "meeting" phase. As the emergency meeting calls the attention of the public to the issue that causes employing the mechanism, states have reason to seek to prevent this. It would certainly be best to give the state making the request on the "developing emergency situation" a satisfactory answer. In practice, during the first nine years the emergency mechanism was employed, it was demonstrated, however, that states are usually determined not to accept the responses, but strive to continue the process and move on to convening a meeting. In cases like these the only "escape route" is to prevent that twelve other states second the request for a meeting. As the backing of other states is dependent upon political considerations, it is less probable that the great powers as actors with complex interdependencies would, in the case of possible improper conduct, have to face the "meeting" phase of the emergency mechanism.

The Berlin mechanism is organized in such a way that focused meetings may be held speedily. This is guaranteed by a set of rules. The meeting must not last for more than two days. The agenda must consist of one single point, which is worded the same way as the notification convening the meeting. The topic of the meeting will not be open to amendment. These regulations no

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11 Cf. point 2.6 of the Berlin mechanism, cited above (Note 7), p. 812.

12 Cf. point 17.2.1. of the Vienna mechanism, cited above (Note 6), p. 494.

doubt give the procedure of the meeting emergency character. As it was pointed out above, the most important shortcomings of the Berlin and Vienna mechanisms are not in their procedural rules, but rather in the reality that the mechanisms cannot be applied to determined, malicious leaderships with a premeditated agenda to violate certain basic principles of international co-operation. They cannot be influenced by public exposure or the other soft measures inherent in the Berlin and Vienna mechanisms.

*The Application of the Vienna and Berlin Mechanisms in the First Decade of Their Existence*

Both mechanisms have only been invoked a few times. It is thus difficult to determine whether the number of cases would give sufficient information on how the mechanisms function. They were most often invoked not long after their adoption, but soon after joined the other "sleeping beauties" of European security. There was an instance in 1999, when under fundamentally different circumstances, they unexpectedly reappeared on the horizon in order to quickly disappear again.

In the first half of the nineties three emergency meetings were convened to deal with the conflict in the former Yugoslavia, one to handle the conflict in Nagorno-Karabakh. The first three meetings mentioned took place in 1991, 1992 and in 1994, the other in 1993. The mechanism on unusual military activities was employed very often in 1991 in relation to the war in the former Yugoslavia by Austria, Italy and Hungary. Austria and Italy initiated multi-lateral meetings whereas Hungary took no notice of this and conducted a bilateral exchange with Belgrade in the Conflict Prevention Centre in Vienna. Between the mid-1990s and 1999 neither the Vienna, nor the Berlin mechanism was invoked. On 1 April 1999, Belarus utilized the Vienna mechanism, on 21 April, Russia did the same with respect to the Berlin mechanism. Both were addressed to several countries that were participating in the Kosovo operation or hosted foreign troops for this operation on their own territories. The Belarus request was addressed to seven countries, including five NATO member states, the Russian request was directed to every member state of the Atlantic Alliance. Both requests ended in failure (as opposed to the CFE on-site inspection request in Italy where the inspection was conducted according to the rules of the Treaty). If one looks at certain cases in more detail the following conclusions can be drawn:

1. The most important is that it was very seldom, the exception actually, that the reason for employing the mechanism did not have a major military component. In spite of the fact that the Berlin mechanism deals with political conflict sources, whereas the Vienna mechanism handles military conflict sources, the reasons for utilizing the Berlin mechanism also had some mili-



tary relevance in most cases.<sup>13</sup> The activities of the federal Yugoslav armed forces to fight Slovene and Croat attempts to gain independence in 1991 were among the reasons for initiating the Berlin mechanism. There was also activity by the same forces in Croatia and Bosnia and Herzegovina in 1992. The long-lasting and stalemated conflict between Armenia and Azerbaijan over Nagorno-Karabakh also resulted in launching the Berlin mechanism. In this case it would have been impossible to decide whether this was a political or a military conflict had the mechanism not been invoked at that point in time during the spring of 1993 when Armenia conducted a successful military operation on the territory of Azerbaijan. The Russian initiative to address the Atlantic Alliance war against Milošević during the spring of 1999 is another obvious example where a political conflict mechanism was employed in a primarily military matter.<sup>14</sup> Basically, this leaves us with only one single case not having anything to do with the military aspect of security. Namely, in 1992, Hungary requested clarification from the Federal Republic of Czechoslovakia on their hydro-electric power station at Gabčíkovo/Nagymaros. The references here were Hungary's sovereignty and territorial integrity, two basic principles of the Helsinki Final Act. Even though Prague's reply was regarded as "completely unsatisfactory" by Budapest the process was discontinued without entering the multilateral phase.<sup>15</sup>

2. The first activation of the mechanism took place soon after the Berlin Council Meeting of June 1991. Understandably, the modalities of the application of the new mechanism were not clear to the participating States. It was on this basis that Nils Eliasson, Director of the CSCE Prague Secretariat, commented on the activity within the framework of the mechanism at the next Council meeting as follows: "The crisis came a little early - the new structure has not matured. One delegate joked that we needed a nice little conflict we could settle easily and show the world." The German chairman of the fifth emergency meeting and later CSCE Secretary General, Wilhelm Höynck, criticized more emphatically, "the limited range of instruments at the CSCE's disposal was a hindrance to managing crises".<sup>16</sup> It must be realized that the hostilities in the Yugoslav Federation were not the kind of crises anyone would have wished for to be able to "calibrate" a newly established mechanism. It is doubtful however whether there is a significant crisis that

13 It goes without saying that the launching of the Vienna mechanism was always conditional on military activity.

14 It is clear from the document of the Permanent Mission of the Russian Federation to the Organization for Security and Co-operation in Europe dispatched to each member of NATO on 21 April 1999 and reported to the OSCE the next day that Russia's primary concern was the armed aggression of the Atlantic Alliance against Yugoslavia. See SEC.DEL/130/99, Note 17, 22 April 1999, pp. 1-4. In spite of this, Russia listed seven principles of the Helsinki Decalogue that brought its request for clarification in line with the foundations of the Berlin emergency mechanism, "a serious emergency situation which may arise from a violation of one of the Principles of the Final Act (...)".

15 See Ghebali, cited above (Note 10), pp. 119-120.

16 Cited by Richard Weitz, *The CSCE and the Yugoslav Conflict*, in: RFE/RL Research Report, 31 January 1992, p. 26.

would be "suitable" to prepare the participating States and the Organization on the appropriate manner of reacting to crises. In light of experiences during the 1990s, one has reason to conclude that due to their unique character, only limited lessons can be drawn from individual crises.

3. Specific cases did not follow the same pattern. If one takes into consideration the discussions surrounding the initiation and the continuation of a mechanism in certain cases the following can be concluded: The usually chosen procedure was not based on the weight of the conflict or the different reactions by the party requested to respond, but depended on other factors. Broad political or diplomatic considerations impacted upon the way a mechanism was applied by participating States. This was the case particularly with respect to the Berlin mechanism. As was mentioned above, in most cases the requesting party was not satisfied with the reply of the responding state. In spite of this, the process in some cases continued with a multilateral meeting whereas in others it did not. It may be that a party requesting clarification discontinues the process as it has already achieved its goal by gaining the attention of all the other OSCE participating States. In other cases, although the necessary backing by twelve other participating States to go multilateral apparently existed, interest in the endeavour vanished. This was the case when Hungary requested that the ČSFR provide information on the Gabčíkovo/Nagymaros hydro-electric power station and the unilateral diversion of the Danube. In this case, the Hungarian government did not want to continue its efforts. This was due to the heavy diplomatic pressure it faced from some of the country's major partners. They argued that the dispute settlement should continue in front of other forums, like the International Court of Justice. In the case of Russia's request for clarification concerning the spring 1999 NATO operation against the regime of Milošević, Moscow achieved what it wanted by making its point clear and public at each and every forum at its disposal. It certainly found it satisfactory that the West was motivated to involve Russia in the resolution of the post-Yugoslav conflicts. However, from the adverse reaction of NATO member states Russia could not feel there was any point in continuing the exchange.<sup>17</sup> Not to mention the fact it would have been difficult to find twelve other countries willing to second a Russian request for convening a meeting with the involvement of all OSCE participating States. Nevertheless, this could not have been the reason why Russia did not make an attempt to have this meeting convened. The situation described may be interpreted as a conspiracy of a powerful coalition of states. It could also be interpreted benignly as a change in power relations in the international system where the enforcement of certain values (human

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17 The reply of Hungary for instance contested the Russian position *in extenso*. It contained sentences like: "Responsibility for the present crisis lies with President Milosevic. He has the power to bring a halt to NATO's military action by accepting and implementing irrevocably legitimate demands of the international community." Verbal statement of the Hungarian OSCE Mission to the Permanent Mission of the Russian Federation to the OSCE, SEC.DEL/132/99, 23 April 1999.

rights, self-determination) gains wide-ranging support and that of other values (sovereignty, territorial integrity) does not.

4. The Berlin mechanism was most often invoked for hard security issues. It may be for this reason that with the exception of Russia in 1999, adjacent countries, directly concerned by certain developments in their neighbourhood, launched this mechanism.

There are two elements worthy of mention on the employment of the Vienna mechanism as regards unusual military activities:

1. With the exception of two cases, the process has each time progressed multilaterally with the participation of all CSCE/OSCE participating States. The two exceptions were initiated by Hungary vis-à-vis Yugoslavia in 1991 and Belarus against seven countries in 1999. In the former case, Hungary asked for clarification on the frequent violation of its airspace by Yugoslav aircraft. As somewhat similar occurrences induced Austria and Italy to convene multilateral meetings, Hungary could have opted for this as well. However, it consciously rejected this option and chose to meet bilaterally at the Conflict Prevention Centre in Vienna. One should praise Hungary for its carefully considered conduct and many of the country's major partners did indeed do this.<sup>18</sup> The bilateral meeting meant to "maintain the multilateral option in reserve" in case the violation of Hungary's sovereignty continued.<sup>19</sup> It must be borne in mind that certain events beyond Hungary's control occurred that virtually precluded the application of the multilateral option.<sup>20</sup> When during the war against the Milošević regime in the spring of 1999 the Republic of Belarus invoked the mechanism, it did not even convene a meeting with those seven countries to whom it had addressed its request for clarification of the ongoing unusual military activity.<sup>21</sup> Belarus asked certain pertinent questions about the international legal foundations of the operation in Yugoslavia, the size of formations that participated in it and the prospect of its continuation. The Belarus delegation registered two weeks later that

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18 It must be noted that the bilateral option was not a foregone conclusion for Hungary. There were voices that favoured convening a multilateral meeting in order to attract sufficient public attention. Others resisted that option for professional reasons. It would be worthwhile to analyse how subjective factors influence the kind of meeting invoked, i.e. whether it is multilateral or bilateral.

19 Formally this is not the case, of course. The fact that a multilateral meeting is convened to discuss the violation of the sovereignty of a country does not preclude that when the same unusual activity reoccurs another meeting with the involvement of all participating States would be convened. Politically and diplomatically, it is troublesome however to launch the same mechanism multilaterally over and over again.

20 The cease-fire deadline set by the European Community had not yet been exhausted. Convening a multilateral meeting before the deadline would have indicated that Hungary had no confidence the cease-fire would be respected by the Yugoslav armed forces. Furthermore, the CSCE forums were in recess. The multilateral meeting would have required that delegates return to Vienna upon short notice.

21 The seven countries addressed were France, Germany, Italy, the UK, the U.S., FYROM, Bosnia and Herzegovina.

three states did not respond to the request in time. The UK, Italy and FYROM exceeded the 48 hour time limit set by the Vienna Document on Confidence- and Security-Building Measures. One state, Bosnia and Herzegovina did not respond at all.<sup>22</sup> The reason for not continuing the process beyond requesting clarification on unusual military activity could be due to certain specific factors mentioned above in connection with Russia invoking the Berlin mechanism.

2. The "unscheduled and unusual" military activity that is subject to the Vienna mechanism is formulated ambiguously. Many different types of militarily significant activities outside the normal peacetime location of military forces could fall under this category. Some observers were also under the impression that the intention had been "to reveal covert operations that might conceal preparations for a military assault".<sup>23</sup> This is unfounded. The idea of those who drafted the document was to phrase it ambiguously so that no significant activity was excluded from the mechanism agenda. It is correct that in light of other arms control commitments, which cover many unconcealed activities, like major exercises, troop movements, etc., it was expected the agenda of the Vienna mechanism would be extended to include additional significant concealed activities. It is important to recall that the Vienna Document does not include a stipulation "to report unusual military activities"<sup>24</sup> unless they are subject to other regulations of the Vienna CSBM Document. Reality did not follow tacit expectations and the mechanism has been invoked without exception in cases of high profile military activities, mostly large-scale manoeuvres by Yugoslavia and NATO. However, this could not have been reckoned with, as it was the assumption in 1990 that Europe would continue to be free of war, which had been the case in the preceding 45 years. As this assumption proved to be invalid, the mechanism's function has changed.

### *Conclusion*

The Berlin and Vienna mechanisms have been applied to only a limited number of cases during the 1990s. Most experts in statistical analysis would stop here and claim it impossible to draw conclusions of general relevance from so few cases. However, although I share this opinion, there may nevertheless be conclusions, which could be drawn for the functioning of international relations in Europe in the 1990s reflected in evolution of the role of these two

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22 The information is available in Vystuplenie glavy postoiannoi delegatsii Respubliki Belarus v OBSE posla V. N. Fisenko na sovmestnom zasedanii Postoianново Soveta OBSE i Foruma po sotrudnichestvu v oblasti bezopasnosti, PC.DEL/195/99, 16 April 1999, p. 1.

23 See Weitz, cited above (Note 16), p. 25.

24 Albania reminded the Russian Federation of this when Russia requested clarification concerning "unusual military activity on the Albanian territory". See point 1 of note 37/99 E of the Permanent Mission of the Republic of Albania to the Permanent Mission of the Russian Federation to the OSCE of 12 May 1999.

mechanisms. The decline of the application of the two mechanisms not much after their introduction is due to a number of reasons:

1. The fact that even just after they had been introduced, they were relied upon less and less, is an indication that there has been a significant move away from the uncertain security posture of the early-1990s. The uncertainty at the time stemmed from two factors: The scenario was uncertain as it was unclear what types of conflict would emerge in the whole region east of the European Union and NATO. The countries where such threats might emerge could not be confined to a handful of states. As the West increased its leverage in East-Central Europe and started to understand the differences between various local actors the situation changed fundamentally. The sources of threat (ethnic rivalry, mutually exclusive territorial claims) have become more clearly defined. The number of actors who would possibly violate the norms of international behaviour seriously has also shrunk significantly. Consequently, the assumptions on which the mechanisms were based have changed. Only a few actors and strictly confined scenarios characterized the late 1990s and will at the beginning of the 21st century continue to do so. These changes could make the two mechanisms largely irrelevant in themselves.

2. There is also another less welcome factor. Namely, contrary to the past when attempts were made to engage or placate potential problem countries and trouble-makers through a wide range of instruments, those soft mechanisms that do not offer extensive carrots and do not carry significant sticks are not regarded as adequate any longer. Whether states (and leaders) have become "rogues" by themselves or were declared to be "rogue powers" by outside forces is open to question. When dealing with a "rogue" partner only those measures are reasonable, which have been backed by credible sanctions, that is, through coercive measures. This was the treatment applied to the chief offender, Slobodan Milošević, in the Kosovo operation of 1999. The United States, most often champion of the movement to declare a country as a rogue state<sup>25</sup> - which puts immediate pressure upon its partners and allies -, seems to perceive an optimal international system as one of democracies. However, they do not view a system of democracies as identical with a democratic international system.

In sum, two major tendencies have made both mechanisms largely inapplicable. On the one hand, an increasing number of states have joined the Western sphere of influence, that zone of democratic peace that does not require these

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25 This point is not affected by the change of terminology in the United States. On 19 June 2000, Secretary of State Madeleine Albright introduced a new system of categories, and *de facto* dropped the term "rogue state". Now the former rogue states are called "states of concern" or "states leaving concern". The new system reflects the recognition that naming a state as a rogue is more or less a self-fulfilling prophecy and therefore less than helpful. More details see in Weekly Defense Monitor, vol. 4, no. 27, 6 July 2000, <http://www.cdi.org>. In spite of this the Bush administration revised the above position and started to use the old term "rogue state" again not much after their coming into office in 2001.

mechanisms in order to avoid military threat or political risk to other countries. On the other, there are a strictly limited number of actors in Europe who cannot be effectively influenced by soft mechanisms that highlight certain "deviations" from basic principles and rules of European co-operation. In those cases, the Berlin and Vienna mechanisms may continue to be necessary, though insufficient to influence the activity of some of these states.

3. Another factor of a different character is that the evolution of the CSCE/OSCE has made mechanisms, including the two presented here, unnecessary. Its institutional structure has evolved rapidly in a direction that resulted in the establishment of quasi-permanent institutions, among these the Permanent Council. When there are already bodies that facilitate constant exchanges between the participating States, understandably those mechanisms where similar issues can be addressed do not flourish. It is open to question however whether public attention can be maintained through the activity of a permanent institution comparable to the attention that surrounded the meetings convened under the Berlin or Vienna mechanisms.

There is only a slim chance that the two mechanisms play a role in the future. An increasing number of states have been integrated into or are linked with the Western stability zone. They are anxious to avoid situations, which would give cause to invoke such mechanisms. Furthermore, if they do not comply fully with the prevailing norms of the region, they could be confronted with "gentle" pressure in other forums. The "rogue", or for that matter "rogue-d", states that should be influenced, *inter alia*, by these two mechanisms are excluded from the system because in their cases soft measures are regarded as insufficient or rather inadequate. Last but not least, there are states, primarily the Russian Federation, where a multitude of other measures are considered to be applicable. Rather than applying the Vienna mechanism, bilateral channels are utilized in order to ensure certain disagreements do not become public, or the Code of Conduct is invoked. In sum, a decline in the use of these mechanisms is apparent and it is due to the changes in the international system rather than the changing aspirations of OSCE participating States. Despite such a sober assessment it may well be necessary to consider the formal existence of these mechanisms when the OSCE participating States contemplate bringing new mechanisms into life rather than relying upon "old" ones.

## Making REACT Operational

### *History*

During the last decade, the OSCE has developed from a loose series of follow-up conferences into a full-fledged international organization. Undoubtedly, its network of field operations or missions is the Organization's most important tool for early warning, conflict prevention, crisis management and post-conflict rehabilitation. The first two small missions, one including about 20 persons, the other less than ten were established in 1992 (the OSCE Missions of Long Duration in Kosovo, Sandjak and Vojvodina and the Spillover Monitor Mission to Skopje, both decisions to mandate these were made on 14 August 1992). During the following years the number of field operations grew continuously. Yet in 1995 only a few dozen internationals served in less than ten OSCE missions. The year 1995 was a watershed for OSCE field activities. The appeal in Dayton that the OSCE deploy a large field operation of about 250 internationals in Bosnia and Herzegovina signalled the beginning of a much faster growth of field activities than before. In 1996 the Mission to Croatia was established and not much later expanded to 250 internationals.

If the deployment of the two big missions in Bosnia and Herzegovina and Croatia had put a very serious burden on the tiny OSCE Secretariat, the task of sending up to 2,000 unarmed monitors to Kosovo in the autumn of 1998 exceeded its capacity immeasurably. Only the involvement of a large number of seconded personnel (planners, logisticians, personnel officers) enabled the Secretariat to deploy 1,400 monitors by February 1999. (The fact that until 1 June 1999 one single professional officer had been in charge of mission staffing in the Secretariat illustrates the growing discrepancy between requirements and capabilities.) The deployment of the OSCE Mission in Kosovo (authorized strength 760 internationals) was effected relatively quickly and with the involvement of a much smaller number of seconded personnel thanks to the strengthening of the Mission Staffing Section of the Secretariat in 1999. Nevertheless the need to further improve OSCE capacity to deploy field operations rapidly and effectively became clear for all the participating States.

### *The Istanbul Summit and the REACT Task Force*

The OSCE Heads of State or Government attending the November 1999 Istanbul Summit agreed in the Charter for European Security to create Rapid Expert Assistance and Co-operation Teams (REACT) to enable the Organi-

zation "to respond quickly to demands for assistance and for large civilian field operations". Drawing on recent experience, especially in the Balkans, the leaders recognized "that the ability to deploy rapidly civilian and police expertise is essential to effective conflict prevention, crisis management and post-conflict rehabilitation". They foresaw that the REACT initiative would "enable OSCE bodies and institutions, acting in accordance with their respective procedures, to offer experts quickly to OSCE participating States to provide assistance, in compliance with OSCE norms, in conflict prevention, crisis management and post-conflict rehabilitation", thereby giving the Organization "the ability to address problems before they become crises and to deploy quickly the civilian component of a peacekeeping operation when needed". They also anticipated REACT being "used as surge capacity to assist the OSCE with the rapid deployment of large-scale or specialized operations".

In the Istanbul Summit Declaration OSCE Heads of State or Government requested the Permanent Council and the Secretary General to establish a task force within the Conflict Prevention Centre aimed at developing the REACT programme and a budget that would enable REACT to be fully operational by 30 June 2000. Towards that end, a REACT Task Force chaired by the Director of the Conflict Prevention Centre was established in early January 2000. The Task Force was composed of both Secretariat staff and a small group of seconded personnel, with the latter being charged with the day-to-day work of developing a concept for making REACT operational and a supporting budget. In carrying out its work, the Task Force consulted closely with participating States, Secretariat staff, field missions and OSCE institutions, and other international organizations.

#### *The 14 March Informal Meeting - Preliminary Ideas*

By mid-March, the Task Force had developed some preliminary ideas for making the REACT initiative operational and these were presented to representatives of the participating States, both from delegations in Vienna and from state capitals, in a day-long informal meeting organized by the Chairperson-in-Office. In the course of consultations prior to that meeting the Task Force had encountered a variety of opinions on what REACT should be. These ranged from a view that it should, in effect, be a separate personnel system with rosters of civilian and police experts who could be called upon at short notice and used only in certain undefined "REACT" situations, to the notion, based on the language of the Charter for European Security, that REACT should be no more than a "capability" within the participating States and the OSCE to mobilize and deploy such expertise quickly. The Task Force had tentatively concluded that the latter in fact reflected the intent of the OSCE Heads of State or Government at the Istanbul Summit. Accordingly, it



suggested at the informal meeting in March that REACT be "embedded" as a capability within the overall system used by the Organization for recruiting, selecting and deploying international staff assigned to OSCE field activities. To create such a capability, particularly one which would be able to respond rapidly to meet a variety of requirements including a large new mission build-up or surge situation, the Task Force identified three areas of focus:

- the recruitment and selection process;
- the system used for managing documentation on candidates nominated by the participating States for secondment to OSCE field activities; and
- training which could ensure that those selected for OSCE field assignments would be operationally prepared to carry out their responsibilities upon arrival in the field.

#### *Standards for Recruitment and Selection*

From discussions with Secretariat staff, the Task Force concluded that a significant impediment to rapid identification of qualified personnel for field assignments, their selection and their deployment was the method employed for their recruitment. The latter was essentially based on position descriptions, for the most part drafted in the field by individual missions and reflecting specific requirements for each job to be done. There was no set of standards based on an analysis of the kinds of work carried out in OSCE field activities from which position descriptions could be developed. Rather, each one was created *ad hoc* and therefore was essentially unique. As a result, by the beginning of 2000 there were over 300 position descriptions for an international staff of about 1,100 people serving in over 20 OSCE field activities. Two people doing essentially the same thing in two different missions could be identified by completely different titles and the professional requirements of their positions could vary widely.

The Task Force had concluded that, as a first step towards streamlining the staffing process, the participating States and the Organization would need a clear set of standards to recruit and select mission members. Towards that end, at the informal March meeting, it proposed the creation of a staffing matrix based on an analysis of the work done in existing OSCE field activities. The matrix would provide a framework within which actual positions in the field - whether positions in existing field activities or those developed to meet future requirements - could be classified. This framework, including minimum requirements for doing the work in a given field of expertise and level of functional competence, would in effect provide the standards for recruitment and selection of personnel assigned to OSCE field activities.

Moreover, the matrix would serve as the basis for a number of tools, which could be employed by both the states and the Organization to sharpen the fo-

cus of recruiting efforts and to make the selection process more efficient, timely and transparent. These tools would include, *inter alia*, a glossary of terms used in the recruitment and selection process, a guide to field work in the OSCE, standardized forms used by applicants, and a candidate screening checklist for rapid verification by both the states and the Secretariat of candidate qualifications. The standardized forms would be a key factor in overcoming another bottleneck thwarting speedy selection and deployment - the time-consuming, labour-intensive essentially manual process used to handle candidate documentation.

#### *Candidate Documentation*

In the past, candidate documentation - typically *curricula vitae* - was forwarded to the Secretariat by the states (usually, but not exclusively, by the Vienna-based delegations to the OSCE) via fax over commercial telephone lines. The resultant hardcopies of *vitae* received were the basic documents used in the selection process and for the records. These *vitae* ranged in length from brief lists of educational levels attained and titles of positions held to detailed catalogues of educational and work experience, often making meaningful comparisons among candidates difficult.

The Task Force proposed that these free-form *vitae* be replaced by two documents: a formatted application form and a structured *curriculum vitae*. Irrespective of how these two documents were forwarded to the Secretariat, both could be entered into an electronic environment for purposes of processing the information contained in them and for general document management. The formatted application would elicit information about candidates that, for the most part, could be provided in a positive-negative or numerical range format, thereby making it highly machine-readable. The structured *vitae* would allow candidates to provide information in a rhetorical form but, because the format would have been structured, the document would lend itself to search using automated data processing techniques. Employment of such techniques would be absolutely essential to achieve a new scale in a large new mission build-up or surge situation, i.e., the capacity to process an exponential increase in the volume of documentation in a given amount of time without a corresponding increase in staff resources.

#### *Linking the States and the Organization*

Both to achieve greater speed and to enhance collaboration between the states and the Organization in the selection process, the Task Force proposed linking components in a human resources extranet based on the world wide web. Doing so would allow states to input candidate documentation directly into

the OSCE Secretariat's computer system where such documentation could be managed electronically and be subjected to the data processing techniques that would contribute to the rapidity which was a basic objective of the REACT initiative. Moreover, while any state choosing to continue providing documentation via commercial fax (or even by post or hand) could do so without prejudice or disadvantage, those opting to go online would be able to "pull" information from the extranet's electronic document repositories as well as to "push" such information to the Secretariat.

#### *The Training Dimension of REACT*

To work effectively in OSCE field activities, those assigned to them must be both professionally qualified for the jobs they will do and operationally prepared to work in the environment of the OSCE field activity in which they find themselves. The latter implies that some kind of specialized training will be required. If the objective is one hundred per cent effectiveness from the first day in the field, then training will be required prior to arrival. And since any training programme takes a certain amount of time to carry out, the REACT objective of rapid deployment will be facilitated by providing such training as early in the process as possible.

Based on the results of a questionnaire circulated by the Task Force prior to the informal meeting in March, it was clear that the capacity of states to provide training prior to departure or, even better, prior even to selection for assignment to an OSCE field activity varied considerably. The issue for participants at the meeting therefore was to determine the area of training that the states wished the Task Force to focus on. The virtually unanimous response of those participants who voiced an opinion was for the development of standards for generic training aimed at making candidates operationally prepared for the jobs to which they might be assigned. And since states might be called upon to provide personnel for deployment by international organizations other than the OSCE, they asked that at a minimum these standards not be contrary to and preferably complement any training requirements other organizations might have.

#### *Conclusions of the Informal Meeting on 14 March*

In addition to standards for generic training, participants at the March meeting welcomed the proposal to develop a staffing matrix as the basis for recruitment and selection standards, as well as the various tools to be derived from the matrix. In general, they also saw the merit of linking the states and the Secretariat for transfer of information on candidates in standardized formats so that electronic data processing techniques could be applied to that

information for the purposes of achieving speed in the selection and deployment process. There was, however, a considerable difference of opinion between some states as to where the centre of authority for managing candidate information should be placed. Whether for reasons of perceived efficiency, concerns about privacy or requirements of law, several states were strongly of the view that candidate information should not be forwarded to the Secretariat until an actual requirement in the field had been identified. Among this group, however, some did say they would be prepared to indicate in advance the numbers of candidates by field of expertise their states would be prepared to offer for REACT purposes. A few states were even prepared to forward candidate documentation as soon as available, if for no other reason than to get an early indication of whether or not individual candidates met minimum requirements.

#### *Developing a Concept for Making REACT Operational*

On the basis of the feedback received at the informal meeting in March, as well as ongoing consultations with individual participating State delegations, Secretariat and field missions staff members, and international organizations, during the remainder of March and April, the Task Force refined the concept for making the REACT initiative operational. It also worked on a supporting budget proposal. The concept, circulated to delegations in early May 2000, was based on the same three pillars proposed to participants at the informal meeting in March: 1) standards for recruitment and selection; 2) a system for managing candidate documentation in an electronic environment; and 3) standards for generic training.

The Task Force developed a staffing matrix, which divides work done in OSCE field activities into twelve fields of expertise at four functional levels of competence. This matrix - and accompanying descriptions of the various kinds of work and the minimum qualifications required to do it - is the basis for both a standardized formatted application form and a structured *curriculum vitae*. These documents capture candidate information in formats that can be easily moved into a softcopy electronic environment, thereby providing the means to overcome a major impediment to rapid identification, selection and deployment of qualified candidates - that is, the time-consuming, labour-intensive manual processes currently used for handling candidate documentation.

To realize the potential of moving candidate information into an electronic environment, the Task Force proposed a web-based human resources information management extranet. The 1998 Information Systems Strategy Plan (ISSP) had foreseen the eventual adoption of an OSCE unified human resources management system (HRMS), with information electronically available for efficient and effective data exchange between the Secretariat and all

components of the OSCE. The Task Force sought to apply the strategic vision of the ISSP in developing the extranet proposal and to do so in a way that would deliver early functionality for REACT purposes while supporting the Organization's longer term HRMS objectives.

Finally, the Task Force developed a set of generic training standards that states can use for pre-selection/pre-deployment training should they be in a position to conduct such training. These standards cover the skills and knowledge that those assigned to OSCE field activities will need to be operationally prepared and effective. They are also designed to be complementary to standards of other international organizations, including the United Nations, so that states carrying out in-country training programmes need not structure them solely according to OSCE requirements.

#### *Second Informal Meeting and the Budget*

On 2 June 2000, the Chairperson-in-Office arranged a second informal meeting of representatives from participating-State delegations and state capitals at which they were briefed on all aspects of the REACT concept, as well as the Operation Centre concept and its relationship to REACT. Participants focused overwhelmingly on the information-management dimension of the REACT concept, specifically, the proposed web-based extranet and how it related to the 1998 ISSP. Not coincidentally, about ninety per cent of the proposed supplementary budget for the year 2000 earmarked for REACT implementation was allocated to the development of the extranet. At the end of the meeting the Task Force offered to prepare a paper relating the proposed extranet to the ISSP and the budget dimension to assist the states in reaching a decision on the REACT concept. That paper was then used as the basis for a meeting on 21 June 2000 by the information technology experts who advise the Informal Financial Committee. These experts gave an unqualified endorsement to the extranet proposal as consistent with the ISSP and supportive of a unified HRMS. However, they recommended that the budget earmarked for REACT implementation be combined with the amount required to initiate the HRMS project in 2000 since the two in effect are aspects of a single information management system.

#### *Secretariat Re-organization and the Permanent Council Decision*

In the meantime, in the context of work being carried out by the REACT Task Force and to establish an Operation Centre, the Secretary General undertook an examination of the management structure of the Secretariat. This effort led in late May 2000 to a re-organization proposal, including the creation of a new department in which all of the Secretariat's human resources-

related activities have been combined. The REACT capability has been embedded within this new department.

The Chairperson-in-Office opted to address all of these interrelated matters - REACT, Operations Centre and re-organization - in a single Permanent Council decision. Debate continued throughout most of the month June, in which the REACT/HRMS extranet was frequently a point of contention. By the end of the month, however, a consensus was achieved and the decision was adopted when the term of unbroken silent procedure had expired on 30 June 2000.

### *The Road Ahead*

With the approval of the REACT concept and its supporting budget, as well as the other initiatives covered in the Permanent Council decision of 30 June, the REACT implementation process began in earnest. The objective to be achieved no later than the end of the year 2000 was to have a functioning REACT/HRMS extranet. This will give the Organization a capacity to manage the inevitable influx of candidate documentation, which must be dealt with in a brief period at the outset of a new large mission build-up or a surge. Much of the work done to design, build and test the extranet laid groundwork for HRMS implementation that was to follow in 2001. Implementation of use of the staffing matrix developed by the REACT Task Force will continue, and the various tools derived from it will need to be completed and introduced.

The Secretary General has established a steering group to oversee this entire process. This group, which consists of heads of units with major stakes in the process and is advised by a number of experts in different related fields, will be headed by the REACT Senior Advisor until such a time as a director for the new Department of Human Resources is selected and can take over. The steering group is charged with developing a strategy for implementing REACT and the HRMS. Various working parties were formed to implement different aspects of the scheme, whether this was extranet development or human resources policies and procedures, under the direction of the steering group.

In sum, a great deal of work remains to be done in a relatively brief period of time. However, approval of the REACT concept and a budget and the Secretary General's unified human resources department initiative, along with the establishment of the Operation Centre and implementation of the Secretariat programme officer system, have profound implications for the capacity of the Secretariat to support OSCE field operations. If these various programmes can be successfully put in place during the remainder of the year 2000, the OSCE will enter 2001 far better positioned to deal with the kinds of challenges that concerned the OSCE Heads of State or Government in Istanbul

and which led them to adopt the Charter for European Security, including the decision to create REACT.





## Never-Ending Stories? - An Interim Balance of Long-Term Missions

### *An Example: The Ukraine*

On 1 June 1999, a long dispute between the OSCE and the Ukraine came to a formal conclusion. After protracted negotiations the Permanent Council, in a special meeting lasting only five minutes, adopted a new form of co-operation with the Ukraine.<sup>1</sup> On 25 April 1996, the Ukrainian government had already expressed that it no longer wanted to host a Mission whose unforeseeable length placed them in an unfavourable light internationally.<sup>2</sup> However the other participating States at that point felt that the Mission, which had been launched on 25 August 1994, initially for half a year and then extended every six months, was still necessary. Its original task had been to act as an observer of the situation and in an advisory capacity on the writing of a Ukrainian constitution, particularly in developing an autonomy statute for the Crimea, as well as encouraging the dialogue between different ethnic minorities. This had for the most part been completed. However some participating States had appealed to extend the mandate so that it could continue to deal with the status of the Tatars and accelerate the development of a programme for their integration into society.<sup>3</sup>

At that time the Ukrainian government agreed to the next extension of the mandate, but made it understood that it was to be the last. However, later they did consent to further extensions. To counteract the concern in Kyiv that the OSCE was discriminating against them by maintaining its long-term presence there, it officially decided on 11 December 1997 to reduce the number of mission members, a measure that had been put into effect informally some time ago.<sup>4</sup> A year later the mandate was in fact extended for the very last time until 30 April 1999. Nevertheless, this was done with the perspective of creating new forms of co-operation.<sup>5</sup> This decision to end the Mis-

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1 Cf. OSCE, Permanent Council, PC Journal No. 231, Decision No. 295, PC.DEC/295, 1 June 1999.

2 Cf. Klemens Büscher, *The Missions to the Republic of Moldova and the Ukraine: A Double-Entry Balance Sheet*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 195-210, here: p. 207.

3 Cf. OSZE-Tätigkeitsbericht [OSCE Progress Report], in: *ÖMZ* 4/1996, p. 456, as well as Rolf Welberts, *The OSCE Missions to the Successor States of the Former Soviet Union*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE-Yearbook 1997*, Baden-Baden 1998, pp. 123-134, here: p. 132.

4 Cf. Büscher, cited above (Note. 2), p. 207.

5 Cf. OSCE, Permanent Council, PC Journal No. 202, Decision No. 278, PC.DEC/278, 17 December 1998.

sion's mandate was the first and has up to now been the only<sup>6</sup> one of its nature. With the exception of the first two missions to Kosovo, which were brought to an end prematurely, all other OSCE long-term missions and other field activities<sup>7</sup> have always been extended.

In December 1998 a conversion of the Mission into an expert group was scheduled to take place. Instead however, the Permanent Council decision of 1 June 1999 established the office of an OSCE Project Co-ordinator. The Co-ordinator was assigned two international assistants and a local staff. This office was created to plan, implement and monitor projects between important Ukrainian governmental and non-governmental institutions and the OSCE. The Co-ordinator's office is located in the rooms of the former OSCE Mission in Kyiv. While the Ukrainian government placed value on having a clear say in making decisions on concrete projects, the Permanent Council was primarily looking for a new name for the work it wished to be continued on a series of problem areas and which had definitely been successful in the past. Within this compromise a similarity with the original Mission predominates. This is reflected by the fact that the initial duration of this new office was fixed at six months ending on 31 December 1999 with the possibility for prolongation in six-month periods thereafter.<sup>8</sup>

Consequently it would seem that OSCE long-term missions have turned into never-ending stories. In the following, reflections will be made on why this is true against the horizon of the 1999 Istanbul Summit where the OSCE drew various conclusions based on its experiences in long-term missions and similar field activities. These deductions have raised hopes that improvements may occur, but are not enough to solve the issues.

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6 The decision (PC.DEC/337) to officially conclude the mandate of the OSCE Representative to the Joint Committee on the Skrunda Radar Station (Latvia) on 27 January 2000 cannot be counted here because that mandate was completed when the deadline for the Russian-Latvian Agreement was met through the dismantling of the Skrunda Radar Station. Nor can we count the situation where Sanctions Assistance Missions (SAMs) became ineffective because sanctions against the former Yugoslavia were lifted through the Dayton Agreement; cf. Berthold Meyer, *In der Endlosschleife? Die OSZE-Langzeitmissionen auf dem Prüfstand* [Stuck in the Infinite Loop? OSCE Long-Term Missions on the Test Stand], HSFK-Report 3/1998, Frankfurt/M. 1998, pp. 11-12.

7 There is a list of all long-term missions on the OSCE web site: the Kosovo, Sandjak and Vojvodina Missions (which were ended prematurely in 1993) as well as those to Skopje (Macedonia), Georgia, Estonia, Moldova, Latvia, Tajikistan, Bosnia and Herzegovina, Croatia and in Kosovo. "Other field activities" are: the Central Asian Liaison Office, the Assistance Group to Chechnya, the Presence in Albania, the Advisory and Monitoring Group in Belarus, the Centres in Almaty, Ashgabad and Bishkek, the OSCE Project Co-ordinator in Ukraine, the Offices in Yerevan and Baku. In addition there are also activities listed separately, i.e. activities concerning the conflict dealt with by the OSCE Minsk Conference as well as assistance in implementation of bilateral agreements between Latvia and/or Estonia and Russia.

8 The first decision to extend the mandate was adopted at the 261st Plenary Meeting of the Permanent Council on 9 December 1999, cf. PC Journal No. 261, Decision No. 330, PC.DEC/330, 9 December 1999.

The success of an international mission in a crisis area - whether it acts based on an OSCE mandate or that of another international organization - is dependent on four variables:

- the complexity and intensity of the conflict with which it is confronted,
- the extent of the contents of the mandate when it is launched,
- the number and capabilities of its mission members, as well as
- the time frame available to fulfil its tasks.

It is clear from a perusal of OSCE mandates<sup>9</sup> that the three variables, which the OSCE Permanent Council is able to influence, are also interdependent thus creating a dilemma. Everything speaks for the fact that in the preparatory discussions prior to drawing up a mandate its content enjoys highest priority: With the best intentions of dealing with the existing problems that may not have been grasped in all their complexity by short-term fact-finding missions sent to the crisis area before, deployment mandates include everything that encourages beneficial co-operation between the conflict parties or that would give the growing democracies the rating of "fully mature". But then the Conflict Prevention Centre responsible for fitting out the missions has to solve the problem of finding the appropriate personnel with only very limited funds. Accordingly almost all the missions deployed up until 1995 (namely those to Skopje, Georgia, Estonia, Moldova, Latvia, Tajikistan, Sarajevo<sup>10</sup> and the Ukraine) were staffed with less than ten international members and initially limited in duration to six months.<sup>11</sup> This meant that from the outset there was a discrepancy between fulfilling their comprehensive task list and the realities they were facing. Thus the missions, because of limited opportunities to achieve their work, could either only allow a very short "maturation period" to their "host countries" and then be forced to leave or extend their mandate. Because the first alternative would have been an admission of failure, which was neither in the interest of the host country nor in the interest of the other participating States, decisions to extend mandates were made at regular intervals. Unfortunately, there were seldom decisions made on the fine-tuning of a mandate or an increase in personnel.<sup>12</sup>

Admittedly this practice differs from the mandates of the large missions deployed starting at the end of 1995. In the cases of Bosnia and Herzegovina as well as Croatia, Albania and Kosovo, greater dimensions were taken into

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9 For more detail see Meyer, cited above (Note 6).

10 Absorbed by the Mission to Bosnia und Herzegovina at the end of 1995.

11 The Assistance Group to Chechnya deployed in April 1995 was also initially comprised of only six diplomats but their tasks were not limited in duration.

12 Such decisions were made for the Mission to Tajikistan in 1996, to Skopje only in connection with the escalation of the Kosovo conflict in March 1998 and for the Mission to Georgia in connection with the second war in Chechnya once in December 1999 and again in April 2000.

consideration with a view to providing personnel as well as to the duration of the missions. This however brought no change in the older missions, which continued to be extended after every six months.

### *Personnel Problems*

Mission staff, at least during the initial years, often suffered from the fact that many of their members were not adequately informed about the political situation of the host country and its historical background. Moreover only a few members were fluent enough in the languages of the conflict parties. Occasionally diplomats or officers were appointed as Head of Mission, their last foreign posting before going into retirement. Maybe this is why they have not always shown the commitment required to solve problems or reach the necessary goals.

Because of the six-month extension rhythm, personnel changes occurred too quickly during the set-up and training phases - which had not been planned as such but turned out to be necessary - of small missions. This led to an efficiency deficit because of time lost training new personnel, even though individual members were highly motivated and had the adequate language skills. Furthermore individual members do not (or cannot) identify with their work to the best advantage if they know that it will be limited to just a few months. On the general mission level, the rapid change in personnel hindered the development of the indispensable institutional memory so necessary for effective completion of tasks. Moreover, contacts with important administrative departments and representatives of the conflict parties had to be re-initiated time and again. This had several negative effects: 1. Confidence and trust, which are important for mission work, had to be continually renewed with people in key positions. 2. Due to their much more profound knowledge of the internal relationships of the country, those people whose interests did not coincide with OSCE goals were able to implement their policies against OSCE peace strategies.

In spite of the criticism that missions have inadequate provisions for personnel and that extension intervals are too short one should not lose sight of one factor: The only recourse that the Chairman-in-Office and the Secretary General have to deploy a mission, is to try to convince the participating States to provide a sufficient number of the appropriate personnel for each mission. However there has been little progress in this area, especially for the large missions, which had particularly serious effects in the launching of the Kosovo Verification Mission (KVM).

If you wanted to measure mission success by the number of conflicts that have been completely resolved, you would have modest results. But this is not the point. Even after the most ceremonially sealed peace settlements, the differences which caused a conflict and for which it was fought have not necessarily been eliminated. A *modus vivendi* must be brought about which enables the parties to resolve future conflicts in a regulated manner. The international OSCE community has very few resources at its disposal to urge individual participating States to conform to OSCE regulations in implementing their domestic and foreign policies and resolving their conflicts through peaceful means.

This basic idea is in accordance with the missions' task to "maintain a high profile in the country", which was first included in the mandate for the Spillover Monitor Mission to Skopje. Although only isolated and sporadic because of inadequate mission staffing, international representatives made appearances accordingly throughout the whole country and were able to have a pacifying effect in most combat areas. At least the situation in these areas did not escalate into armed conflict. Thus the framework for a peaceful resolution and settlement of the conflict was improved. At the same time this was a chance to bring the conflict parties closer to the most effective way to proceed.

These experiences led to the deployment in October 1998 of a very large Verification Mission to Kosovo, at the time, in a state of war. In principle it would have been possible for the 2,000 international members planned for the Mission to use OSCE vehicles to be present at any given time anywhere in the country to be able to contribute to the pacification process. However the Mission was not launched as quickly as it should have been.<sup>13</sup> Furthermore, there is some doubt as to whether the desired effect would have been achieved even with the deployment of several hundreds of members in November and if the full contingent had been present at the latest by the end of the year. The main problem was that mission members had to operate fully unarmed among warring parties who were extremely unyielding.

All in all those missions, which were established between 1992 and 1998, whose presence at a conflict was long enough and whose size was large enough, were able to mediate between the parties and especially at the local level defuse conflicts in a vast number of situations. They could work towards getting laws passed that were designed for the protection of minorities,

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13 Although a KVM presence would have already been necessary during the 15 days allowed for the withdrawal of Serb troops and police forces, there were only a few vehicles with an OSCE emblem patrolling the country. The first large contingents were deployed starting in December. By the end of January 1999 there were around 1,000 mission members and even upon their departure on the eve of the NATO bombings the number of personnel had only increased to 1,380 international members and 1,000 local staff members. Over 300 of the original applicants had by then withdrawn their applications (probably because of the high combat risk).

who were entitled to it under the Copenhagen Document of 1990. And subsequently mission members were able, in their role as ombudspersons, to facilitate that these laws were upheld. In this respect they have with the Office for Democratic Institutions and Human Rights (ODIHR) been able to assist in the development of a civil society in certain countries. Their chances of success are higher when missions are established at an early stage. When this is the case, prevention of violence and negotiations have a better chance of taking hold before bloody clashes in vast dimensions lead to serious individual and collective traumas. In this sense, particularly the Missions to Estonia and Latvia have served well. Admittedly this could be due to the fact that in the Baltic states these missions were able to cultivate older traditions of civil society, which were not totally lost during the Soviet period. Moreover the hopes that these two host countries have of becoming members of NATO and the European Union made their governments more prepared than most to engage in constructive conflict management.

It is much harder but not impossible for the OSCE to bring an armed conflict to a standstill or to organize post-conflict rehabilitation. The difficulties of the Missions to Bosnia and Herzegovina, to Croatia and in Kosovo have shown that proximity to Western Europe is no bonus. However in these cases it was not just the major traumas of the individual conflict parties that got in the way and did not allow them to approach one another. Much more important is that these missions were confronted with a conflict party, namely the Federal Republic of Yugoslavia, whose OSCE membership had been suspended but did not feel that this sanction was causing them enough grief to return to conforming to OSCE standards.

In principle it is naïve to assume that a country in which social tensions reign or where there is a civil war being fought, or has on paper just been ended, that all people are alike in their yearning for peace and the guiding hand of an OSCE mission. The opposite is probably closer to the truth. The international community must therefore be alert to the interests of those who have gained advantages from the tensions and wars up to that point. These actors have violent means at their disposal and in certain cases will use them again. Because the OSCE - especially in cases where their missions must operate without military assistance - cannot just knock these weapons out of their hands, the Chairman-in-Office, his Personal Representatives or the missions must convince the actors that they are at more of an advantage with their combat uniforms off than on. This is a difficult balancing act for OSCE. To reach its goal of building a civil society, basically it would have to ensure that the influence of the authoritarian *ancien régime* or the *warlords* is diminished.

On occasion Heads of Mission have been too benevolent in these situations (e.g. in the first year of the Dayton Mission to Bosnia and Herzegovina). They only made hesitant comments in their reports on such issues as election restrictions to the detriment of the opposition or the rigging of election re-

sults.<sup>14</sup> It is possible they considered positive assessments a better way to help a country on its way to democracy than the use of strong criticism. Another reason the OSCE presumably holds back on its demand for reruns to the ballot-boxes is that election observation is enormously expensive. Moreover the OSCE has recently favoured not sending observers to elections where there was rather little chance that they would be held in accordance with regulations and with accurate results.<sup>15</sup> For a short period this alternative exonerates the OSCE twice over. Neither does it cost anything nor does it lead to the approval of election forgeries when one should have known better. However this kind of abstinence does not help the long-term development of democracies. In fact, if these examples set a precedent, they will damage the reputation of the OSCE in the same way that whitewashing the issues does. In addition, election rigging can lead to domestic unrest which depending on the degree of its escalation could become much more expensive to the international community than organizing new elections through the OSCE.

### *The Difficulty in Fulfilling the Mandate and Concluding the Mission*

Only the Mission to Estonia had the following mandate from the start: "keeping in mind the temporary nature of the Mission, consider ways and means of transferring its responsibilities to institutions or organizations representing the local population".<sup>16</sup> However, this step was not taken although developments in this particular situation were favourable and mandates for later missions did not contain any objectives for the "period after the mission". Talks with diplomats working in and around the OSCE show that on the whole it is unclear which requirements must be fulfilled so the Permanent Council can determine whether a mandate has been concluded or not. Is it enough for the government of the host country to declare that they have the situation under control or is a joint communiqué from the various representatives of the conflict parties necessary? Or should the Permanent Council, if neither of the latter eventualities have occurred, with an eye on the budget situation in Vienna and in the capitals of those countries seconding the mission, first thin out the mission and then discreetly withdraw it?

14 Cf. the very descriptive diary by Ed van Thijn, *The Moods of Sarajevo*. Excerpts from the *Diary of an Observer*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1997, Baden-Baden 1998*, pp. 159-189.

15 This was the case for the elections in Uzbekistan (cf. OSCE/ODIHR Press Release of 22 November 1999) and in Turkmenistan, where the prevailing conditions did not meet OSCE requirements (cf. OSCE/ODIHR Press Release of 9 December 1999).

16 Committee of Senior Officials, Nineteenth CSO Meeting, Prague, 2-4 February 1993, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 988-998, p. 988. See also Falk Lange, *The OSCE Missions to the Baltic States*, in: *OSCE Yearbook 1997*, cited above (Note 14), pp. 115-121, here: p. 121.

Economic factors do play a certain role in the establishment of a mission. This is made clear through the limitations on the size of a mission and the duration of its first period. Later however, these factors obviously become secondary. During the year the Swiss held the OSCE Chair, there were "emphatic efforts to dissolve one Mission on the theory that work has to be carried out rationally and operationally and that even the chairman of an international organization, like the board of private firms, should produce concrete successes. One aspect of success, however, is that organizational elements created for a specific purpose should, in the interest of the firm's productivity, be disbanded once their envisioned goal has been achieved."<sup>17</sup>

Compared with these business management considerations however other issues came to the fore in the decisions on missions generally made every six months: the interests of individual countries as well as fears in view of the risk, difficult to estimate, of what would happen if a mission were withdrawn. For example from Moscow's viewpoint some missions were established solely to protect the Russian minorities in the former Soviet republics. For this reason Moscow fears that the withdrawal of these missions could in the view of their host countries "imply that the problems had finally been solved - which does not correspond to the Russian ideas and view of the situation".<sup>18</sup> Larger participating States view the maintenance of missions as an instrument enabling them to extend their sphere of influence in certain regions of Europe and Central Asia. They want to be able to keep a "permanent collective 'eye' on restless neighbouring countries". Finally some view "a fairly large number of operational missions as an outstanding indicator of prestige for the Organization and its members, calculated to elevate the OSCE to the same level as other international and regional organizations with a large regional or global presence (...)".<sup>19</sup>

This view of countries seconding missions is in contrast to the problems that some of the host countries - not just the previously mentioned Ukraine - have with a permanent presence of the missions. The longer the international representatives are active at the scene and are able to make a political contribution, the more effect they have on the sovereignty of the states involved. These in turn consider this as intervention in their internal affairs. Aside from the fact that none of the states appreciate this and to a certain extent it impairs the reputation of governments in the eyes of their voters, the political elites in these countries fear that the continuation of an international presence could be seen as an indicator that the situation was continuously instable and detract from foreign investment. Moreover some of the host countries see an element of discrimination or even imposition of will in the exclusive concentration of benevolent interventions up to now in countries that were originally

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17 Herbert Grubmayr, Problems and Difficulties of the OSCE's Long-Term Missions, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 217-232, here: p. 220.

18 Ibid., p. 221.

19 Ibid.



part of the communist bloc. The "old West" could combat the lack of acceptance arising from this view by showing less resistance to the discussion of minority problems in the West and subsequently agreeing to the deployment of a mission in a Western country.

### *A Gleam of Hope over the Bosphorus*

As the participants in the Istanbul Summit in November 1999 gathered together, one of the most difficult years in OSCE history, if not the most difficult since the CSCE process began in 1975, was coming to an end. There were examples at hand of the helplessness of an organization whose only means to create and secure peace were of a civilian nature: One example was the failure of the OSCE Kosovo Verification Mission which led to its withdrawal from the deployment area just before NATO troops flew into Yugoslavia and started dropping the first bombs; another was the futile attempt of the Chairman-in-Office, Knut Vollebæk, to convince the Russians to end their war against renegade Chechnya or at least to fulfil the prerequisites for humanitarian aid. However, there were also signs of hope: the re-entry of an OSCE mission into Kosovo now controlled by an international peacekeeping force, the Kosovo Force (KFOR), as well as - at the Summit itself - Russian readiness to agree to the following passage on the second Chechen war: "We underscore the need to respect OSCE norms. We agree that in light of the humanitarian situation in the region it is important to alleviate the hardships of the civilian population, including by creating appropriate conditions for international organizations to provide humanitarian aid. We agree that a political solution is essential, and that the assistance of the OSCE would contribute to achieving that goal. We welcome the willingness of the OSCE to assist in the renewal of a political dialogue. We welcome the agreement of the Russian Federation to a visit by the Chairman-in-Office to the region. We reaffirm the existing mandate of the OSCE Assistance Group in Chechnya. In this regard, we also welcome the willingness of the Russian Federation to facilitate these steps, which will contribute to creating conditions for stability, security, and economic prosperity in the region."<sup>20</sup>

Although the text is phrased in very diplomatic language, it took long discussions with the Russians to convince them to agree to this point and it had very little effect thereafter. This was true even though the Charter for European Security, which was also adopted with the Russian vote in Istanbul, states that documents like the Charter of the United Nations, the Helsinki Final Act and the Charter of Paris as well as all other OSCE declarations "established clear standards for participating States' treatment of each other and of all individuals within their territories. All OSCE commitments, without ex-

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20 Organization for Security and Co-operation in Europe, Istanbul Summit Declaration, Istanbul, November 1999, reprinted in the present volume, pp. 413-424, here: p. 419.

ception, apply equally to each participating State. Their implementation in good faith is essential for relations between States, between governments and their peoples, as well as between the organizations of which they are members. Participating States are accountable to their citizens and responsible to each other for their implementation of their OSCE commitments. We regard these commitments as our common achievement and therefore consider them to be matters of immediate and legitimate concern to all participating States."<sup>21</sup>

The indication of mutual responsibility of the participating States is important because this was an effort by participants of the Istanbul Summit to overcome the reservations of individual states, which have inner-societal conflicts, about intervention in their internal affairs. It is designed to make it easier for the OSCE to deploy missions to the country affected and to avert the escalation of violence or to introduce steps towards a de-escalation. However, the missions must still be given an invitation by the country where they would like to take action. In this manner state sovereignty continues to be taken into account.

If one considers the chapter of the Charter on the strengthening of common instruments it seems that the OSCE has learned something from its approximately seven-year experience with long-term missions and other field activities. There are several fundamental changes to the Organization planned. The Charter specifically states what is intended: Training programmes in the areas of human rights, democratization and the rule of law were announced. It was also pointed out that participating States should guarantee that qualified personnel should be made available for field operations and that personnel training be improved. Co-operation with other international organizations, especially the Council of Europe, was to be enhanced. Finally each host country was to be assisted in building its own capacity and expertise within its area of responsibility, to "facilitate an efficient transfer of the tasks of the operation to the host country, and consequently the closure of the field operation".<sup>22</sup>

An improvement in the ability to deploy civilian and police expertise rapidly will most likely become very important. For this purpose the "Rapid Expert Assistance and Co-operation Teams" (REACT) are to be established so that the OSCE may make use of this instrument. "This will enable OSCE bodies and institutions, acting in accordance with their respective procedures, to offer experts quickly to OSCE participating States to provide assistance, in compliance with OSCE norms, in conflict prevention, crisis management and post-conflict rehabilitation. This rapidly deployable capability will cover a wide range of civilian expertise. It will give us the ability to address problems before they become crises and to deploy quickly the civilian component of a

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21 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, reprinted in the present volume, pp. 425-443, here: p. 428.

22 Ibid., p. 437.

peacekeeping operation when needed. These Teams could also be used as surge capacity to assist the OSCE with the rapid deployment of large-scale or specialized operations."<sup>23</sup>

To ensure that rapid deployment is based on thorough preparation and planning, an Operation Centre within the Conflict Prevention Centre with a small core staff will be established. The staff will have expertise relevant for all kinds of OSCE operations and be able to be expanded rapidly if necessary. This Centre is to plan and deploy field operations, including those involving REACT resources.<sup>24</sup>

Constructing this Operation Centre may still come under the authority of the Chairman-in-Office and/or the Secretary General. However, even setting up REACT resources is dependent on how serious participating States were when they signed the document in Istanbul. Whether the gleam over the Bosphorus proves more than a distant ray of hope on the horizon will become clear in the near future.

#### *Additional Measures to Make Field Operations More Effective*

Up to now not enough trained personnel have been made available for the larger missions. Whether this defect will be eliminated through core training measures instituted by the new Operation Centre cannot be deduced from the Charter for European Security. In any case in training future mission members one could make use of the rich experiences of previous members. Therefore in connection with the training strategy undertaken in 1998 for field activities, the following should be put into effect: Present and former members of OSCE long-term missions and ODIHR election monitoring missions should have intensive meetings to exchange information embracing both host countries and seconding countries. This would be beneficial to those members returning home from foreign cultures or war operations and the post-war period. It would make it easier for them to deal psychologically with culture shock or the experience of death and destruction. They would then be better prepared to face the challenges of a new mission. Personal reports on the experiences of former members as well as a systematic evaluation of the results of mission activities should be imparted to new members in a thorough training programme.

A comparison of the new large missions with the older small ones shows the OSCE has become more flexible in establishing limits on mission duration. Nevertheless, it still maintains a limit of six months for smaller field operations. Within the framework of an evaluation of all missions, those missions where it is clear that their presence will have to be maintained for a long time should be changed into permanent OSCE offices. If evaluation results en-

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23 Ibid.

24 Cf. *ibid.* p. 438.

couraged the transformation of several offices simultaneously so that no one single country would feel discriminated against, this would have several advantages. A director of this kind of an office, who would be appointed for example for three years, could develop and maintain the necessary contacts to important people, departments and organizations in the country in a much better fashion. It would also make it easier to enhance the "institutional memory" that has been developed to varying degrees in the missions. However, mission work should not be allowed to become too bureaucratic. This is why offices, which have been established with long time frames, should also be examined periodically as to their necessity and closed as soon as local offices are able to fulfil their tasks. This is also important to be able to maintain pressure on the members of field operations and the conflict parties so that they succeed in reaching constructive forms of conflict management that can then be put into practice independently by conflict parties. Because not all missions are in a position to be transformed, the Permanent Council should, for all those missions that must maintain their current status, follow the example of the first mandate for Estonia: Considerations should be made as to how the institutions and organizations of the host country could be primed for taking over the mission's tasks and responsibilities when the operation has come to an end. This should also be true when new mandates are issued for new missions as far as one can assume they will not be in operation for longer than two years.

OSCE missions have operated and will continue to operate in warlike and precarious ceasefire situations. It has become a matter of course during the past eight years that OSCE missions have been allowed to include military personnel, but that mission members were not allowed to carry weapons.<sup>25</sup> This is most probably a tremendous advantage in their mediation and arbitration efforts as well as for their activities in the humanitarian dimension. If however mission members are subject to the hostility of the conflict parties and unprotected, this could have a negative influence on their motivation and hinder the recruitment of new members. In this respect, it would be a great advantage in difficult operations to adopt a policy of division of labour by the participating States and the host countries, like that involving the SFOR troops in Bosnia and Herzegovina since the end of 1995 and in the Kosovo Mission since the summer of 1999. This would also lower the risk that the operation be brought to an end prematurely.

The mandate for the Presence in Albania, which includes co-ordinating the activities of the various international organizations active there, was the result of the obvious conclusions the OSCE drew from wasteful duplication of work and the frictions arising there from. The Istanbul Summit took a further step and adopted the following: "In accordance with the Platform for Co-op-

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25 This is also true of the border patrol units monitoring the Georgian-Chechen border, which is an expansion of the mandate of the Mission to Georgia. Cf. OSCE Permanent Council, Journal No. 262, Decision No. 334, PC.DEC/334, 15 December 1999.

erative Security, co-operation between OSCE and other international organizations in performing field operations will be enhanced. This will be done, *inter alia*, by carrying out common projects with other partners, in particular the Council of Europe, allowing the OSCE to benefit from their expertise while respecting the identity and decision-making procedures of each organization involved." <sup>26</sup> If this is achieved the chances would be higher that the goals of the Stability Pact for South Eastern Europe, which is under the auspices of the OSCE, will be reached.

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26 Charter for European Security, cited above (Note 21), p. 437.



## The Stability Pact for South Eastern Europe - Strategic Success or Botched-up Bungle?

In July 1999, the Stability Pact for South Eastern Europe was ceremonially reaffirmed in Sarajevo. The Pact is an important step towards regional peace-building and "retrieval prevention". It is a unique experiment because for the first time a comprehensive integrative peace project for a whole region has been initiated. However, this project is in the process of evolution and its chances of success cannot yet be predicted. There is much that gives reason for scepticism: the tendency for states to create *ad hoc* regulations and act egotistically, the decreasing interest of the public for the less than spectacular task of reconstruction, as well as the sad fact that it was only after four wars in the region of the former Yugoslavia that the international community was able to agree on the essential features for a comprehensive approach to policy for peace and development in South Eastern Europe as a whole. The objective interest in the stabilization of a region with diverse security policy and socio-political repercussions for Europe and beyond gives rise for hope.

### *The Development of the Stability Pact*

The history of the Stability Pact can be divided into three phases. The first phase goes from its prehistory up to its ceremonial adoption at the Sarajevo Summit Conference at the end of July 1999. This was followed by the institutionalization phase, which after the first Stability Pact Funding Conference at the end of March 2000 in Brussels, led up to the operational phase. The prehistory of the Stability Pact was marked by an escalation in the events in Kosovo starting in March 1998, and in the end, the unsuccessful efforts by the international community to find a political solution to the conflict. EU prevention policies in the region were based on four linked approaches already including important elements for the future Stability Pact:

- the "Royaumont Process of Stability and Good Neighbourliness in South Eastern Europe" was conceived simultaneously with the Dayton Agreement in 1995 and those involved aspired to create a South Eastern Europe Regional Table within the framework of the OSCE;
- the regional concept approved by the Council in 1996, which was primarily related to the five countries of the region for which there were no mandates to negotiate association agreements: Bosnia and Herzegovina, Croatia, The Federal Republic of Yugoslavia, Macedonia and Albania;

- the strategy paper adopted in 1997 in which the principle of conditionality already included in the regional concept was stated more precisely;
- the mandate issued in 1998 for the development of a common strategy for the western Balkans.

These mid- and long-term approaches were aimed at structural peace-building in the region through conditional political, financial and technical support from the EU. In return, the commitments made in the Dayton Agreement were to be fulfilled and regional co-operation in the Balkans developed.<sup>1</sup>

Two weeks after the Yugoslavia war began, foreign ministers in the EU initiated discussions on the "Fischer Plan", including a proposal for a stability pact. The discussions were closed on 17 May 1999 with the adoption of a Common Position, which *inter alia* included the following basic points:<sup>2</sup> a leading role for the EU, which had initiated the process, a key role for the OSCE, the creation of a Regional Table, the announcement of a new kind of a contractual relationship, prospects for integration based on the Amsterdam Treaty and the Copenhagen Criteria, the calling of a conference including the participants of the Royaumont Process<sup>3</sup> (however not including the Federal Republic of Yugoslavia/FRY), Canada, Japan, the international financial institutions, the UN, UNHCR, OECD, NATO, WEU as well as several regional initiatives.<sup>4</sup> Several weeks later the opening conference of the Stability Pact took place in Cologne including these groups and countries and its goals and principles were laid down.<sup>5</sup>

1 Cf. Hans-Georg Ehrhart, Prevention and Regional Security: The Royaumont Process and the Stabilization of South-Eastern Europe, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 327-346; cf. also Franz-Lothar Altmann, Die Balkanpolitik der EU - Regionalansatz und Prinzip der Konditionalität [EU Balkan Policy - A Regional Approach and the Principle of Conditionality], in: Südosteuropa 10-11/1998, pp. 503-515; Nicolas Kerleroux, Mobiliser la société civile pour la stabilité et le bon-voisinage en Europe du sud-est: le processus de Royaumont [Mobilizing Civil Society for Stability and Good Neighbourliness in South Eastern Europe], in: Revue du Marché commun et de l'Union européenne 433/1999, pp. 664-670; Heinz-Jürgen Axt, Der Stabilitätspakt für Südosteuropa [The Stability Pact for South Eastern Europe], in: Südosteuropa 7-8/1999, pp. 401-416; Rafael Biermann, The Stability Pact for South Eastern Europe - Potential, Problems and Perspectives, ZEI Discussion Paper C 56/1999; Christoph Roloff, Nachholende Prävention: Der Stabilitätspakt für Südosteuropa [Retrieval Prevention: The Stability Pact for South Eastern Europe], in: Ulrich Ratsch/Reinhard Mutz/Bruno Schoch (Eds.), Friedensgutachten 2000 [Peace Report 2000], Münster 2000, pp. 132-148.

2 Vgl. Common Position of 17 May 1999 adopted by the Council on the basis of Article 15 of the Treaty on the European Union, concerning a Stability Pact for South-Eastern Europe (1999/345/CFSP).

3 The so-called Royaumont format comprises EU members, the Yugoslavian successor states, their neighbour states not belonging to the EU, the USA, Russia, Turkey, as well as representatives of the Council of Europe and the OSCE.

4 Southeast European Cooperative Initiative (SECI), Central European Initiative (CEI), Black Sea Economic Cooperation (BSEC), South Eastern Europe Cooperation Process (SEEC), Royaumont Process.

5 The Stability Pact has three categories of participants: 28 participants according to the Royaumont format including the European Commission, Council of Europe and the OSCE; 16 facilitating States, Organizations and Institutions (Canada, Japan, the UN,



The goals developed in Cologne and the organization of the Stability Pact correspond by and large to the Fischer Plan. At its core are provisions to foster peace, democracy, respect for human rights and economic prosperity. To reach these goals the participants pledged to co-operate towards concluding bilateral or multilateral agreements, bringing about democratic processes, creating peaceful and good-neighbourly relations in the region through strict observance of OSCE principles and the use of its mechanisms, protecting minorities, creating a market economy, fostering economic co-operation in the region, combating organized crime, preventing forced population displacement and migration generated by poverty, ensuring the safe and free return of all refugees and displaced persons to their homes as well as creating the conditions for full integration into the political, economic and security structures of their choice.<sup>6</sup>

To achieve these goals, a South Eastern Europe Regional Table was set up, which is meant to give the endeavour dynamics as well as acting as a clearing house, framework for co-ordination and steering body. This table is designed to co-ordinate the Working Tables on the topics of democratization and human rights, economic reconstruction and development as well as security issues. The Regional Table and the three Working Tables are made up of the participants in the Stability Pact though these committees are open to co-operation with other interested states, organizations, institutions and regional initiatives.<sup>7</sup>

A Special Co-ordinator, Bodo Hombach who was appointed by the EU after consultations with the OSCE and other participants, chairs the Regional Table. He is responsible for promoting the Pact's objectives, maintain close contact with all participants, provide regular progress reports to the OSCE Chair, co-operate closely with all EU institutions, take part in the high-level steering group for the donor co-ordination process and ensure co-ordination of the activities of the three Working Tables. The Special Co-ordinator for the Stability Pact, who is also a Special Representative of the EU for this task, is subordinate to the EU Presidency and required to report to the Council.<sup>8</sup>

With the ceremonial confirmation of the Stability Pact on 30 July 1999 by Heads of State and Government from 38 countries and representatives of numerous international organizations the first phase of its development came to an end. The Sarajevo Summit was not just a case of politicians cashing in

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UNHCR, NATO, OECD, WEU, IMF, the World Bank, EIB, EBWE, the Royaumont Process, BSEC, SEECP, ZEI, SECI); eleven observers (six associated countries of the EU, plus Moldova, Norway, Switzerland, the Ukraine, and the International Committee of the Red Cross).

6 Cf. Stability Pact for South Eastern Europe, Cologne, 10 June 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1999, Baden-Baden 2000*, pp. 551-564, here: pp. 552-554.

7 Cf. *ibid.*, pp. 554-555 and pp. 562-564.

8 Cf. Council Joint Action of 29 July 1999 confirming the appointment of the Special Representative of the European Union to act as Co-ordinator of the Stability Pact for South Eastern Europe (1999/523/CFSP).

on a free flight, as was often depicted by the media. On the contrary, this endeavour was designed, first, to gain the right political momentum lacking in the prevention efforts before the outbreak of the Yugoslavia war. Secondly Sarajevo was chosen intentionally as the location for the conference because it was "a symbol of the will to emerge from the depths of conflict and destruction as well as a symbol of multi-ethnic, multi-religious and multi-cultural respect and tolerance".<sup>9</sup>

### *The Institutionalization Phase*

At its first meeting on 16 September, which took place at the invitation of the EU Presidency in Brussels,<sup>10</sup> the Regional Table adopted a flexible working plan, which laid down the strategic goals of the Working Tables. The working plan is valid till the end of the year 2000. The effort to give the Working Tables as much leeway as possible is evident in this plan. This way they will be able to deal with the changing priorities and requirements they are faced with. Every Working Table can decide whether to establish a sub-table. Thus Working Table III has established a Sub-Table on "Defence and Security Issues" as well as a Sub-Table on "Justice and Home Affairs". The OSCE High Commissioner on National Minorities, Max van der Stoep (Democratization), the Chairman of the Italian Central Bank, Fabrizio Saccomanni (Economics) and the State Secretary of the Swedish Foreign Ministry, Jan Eliasson (Security), were appointed as the Chairmen of the Working Tables. The Working Tables meet at least twice a year in those countries, which hold a deputy chair at that particular time. Thus in the year 2000, they met in Hungary, Turkey and Bulgaria.

The Working Table on Democratization and Human Rights held its initial meeting on 18 and 19 October 1999. In view of the varied tasks it is faced with, its participants resolved to build "task forces", which are managed by facilitating countries or organizations to develop action programmes for the following priority areas:<sup>11</sup> human rights and ethnic minorities (Slovenia, Council of Europe), ombudsman, good governance (Council of Europe), refugee return (UNHCR), gender issues (OSCE), media (UK), parliamentary exchanges (Royaumont Process), education and youth (enhanced Graz Process/Austria). The task area "ombudsman" has in the meantime been assigned to the "good governance" area, which also includes the topics "public administration" and "local government". Added to this is the "Szeged Process" (Hungary), which is designed to promote dialogue with Serbian civil society

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9 Sarajevo Summit Declaration of the Heads of State and Government of the participating and facilitating countries of the Stability Pact and the Principals of participating and facilitating International Organizations and Agencies and regional initiatives, Sarajevo, 30 July 1999, [www.stabilitypact.org/Official%20Texts/SUMMIT.HTM](http://www.stabilitypact.org/Official%20Texts/SUMMIT.HTM).

10 The meetings of the Regional Table take place alternately in Brussels or Thessaloniki.

11 The sponsors are in parentheses.

as well as support the independent media and democratic forces in the FRY. In the meeting of the task forces in Budapest on 24 January 2000, progress reports were presented and initiatives for future action were prepared.<sup>12</sup> The Working Table, which met a week later, presented priority projects for the Funding Conference, which then took place at the end of March. In this undertaking they wanted to ensure that there be a balanced projects package for all three Working Tables.<sup>13</sup>

The Working Table on Economic Reconstruction and Development convened for the first time on 9 October 1999. First key task fields were developed: infrastructure, private sector development, trade and investment, environmental issues, vocational education and training. At this meeting, tasks were assigned and the method of deciding upon selecting projects and funding was laid down. While the World Bank and European Commission were made responsible for the co-ordination of a comprehensive regional approach, the EIB was to concentrate on infrastructure projects and the EBRD on projects to promote the private sector. Proposals on these projects were then to be forwarded to the appropriate international financial institutions to be audited and a report was to be submitted to the Chair of Working Table II who would subsequently inform the high-level steering group. Finally this group would decide which priority projects would be presented at the Regional Funding Conference for the purpose of raising funds.<sup>14</sup> On 19 January 2000, the Business Advisory Council, which had been promoted by Germany and SECI, was established. It included high-level economic representatives from the EU, North America, Japan and South Eastern Europe. The Council was charged with advising the members of the Stability Pact on all issues related to trade and investment, regional co-operation, vocational training and project development. At the second meeting of Working Table II on 10 and 11 February 2000, each individual project was fine-tuned and in view of the coming Funding Conference, priorities were laid down.<sup>15</sup> Later the topics energy, social sector reform and the banking sector were identified as new areas to be promoted.<sup>16</sup>

The Working Table on Security Issues started its work on 13 and 14 October 1999. Its tasks include examining current and upcoming projects as well as programmes to determine whether there are overlaps or gaps so as to add surplus value to regional stability. The Sub-Table "Defence and Security" established the following priority areas: arms control, confidence- and secu-

12 Cf. Task Force Meeting, Budapest, 24 January 2000, [www.stabilitypact.org/WT-1/Task](http://www.stabilitypact.org/WT-1/Task).

13 Cf. Conclusions by the Acting Working Table, Budapest, 21-22 February 2000, [www.stabilitypact.org/WT-1/Budapest%2021-22Feb%202000.htm](http://www.stabilitypact.org/WT-1/Budapest%2021-22Feb%202000.htm).

14 Cf. Working Table on Economic Reconstruction, Development and Co-operation, 9 October 1999, Conclusions by the Chairman Fabrizio Saccomanni, in: Special Co-ordinator of the Stability Pact, Official Texts, Brussels, 1 November 1999., pp. 49-52.

15 Cf. Conclusions by the Chairman Fabrizio Saccomanni, Skopje, 10-11 February 2000, [www.stabilitypact.org/WT-2/Conclusions%20WT2%20Skopje%20Feb%2010%2011.htm](http://www.stabilitypact.org/WT-2/Conclusions%20WT2%20Skopje%20Feb%2010%2011.htm).

16 Special Co-ordinator of the Stability Pact, Current Activities, Regional Table, 8 June 2000, p. 8.

rity-building measures, non-proliferation, de-mining, conflict prevention and crisis management. The Sub-Table "Justice and Home Affairs" concentrates for the moment on the areas of organized crime and corruption, migration and border management as well as police and legislative reforms.<sup>17</sup> At the second meeting of the Working Table, projects were presented - e.g. the proposal for a regional aerial observation system or the establishment of a legislative clearing house - and, as another focal point, an anti-corruption initiative was adopted.<sup>18</sup>

"Refugee return" and the "anti-corruption initiative" as well as the subject of "trauma and reconciliation" were later taken out of their corresponding Working Tables. They constitute an interdisciplinary category and are known as "cross-table issues". Moreover the Special Co-ordinator encouraged the creation of a Cross-Table Migration Initiative designed to encourage and monitor projects in the area of migration management. The International Organization for Migration (IOM) will act as a secretariat.<sup>19</sup>

Although the stabilization effect in the region must be on a medium- or long-term basis, the situation itself demands fast and visible solutions. Because of this, the projects submitted were classified according to differing time frames, initially divided into quick-start packages and other projects. Projects in the initial phase are given a one-year term and must fulfil the following criteria: rapid implementation, regional dimension, attractiveness to sponsors, balance between the executing agencies. Further principles of the Stability Pact are the balance between the Working Tables, the active involvement of the countries of the region as targets and beneficiaries of the Pact and avoiding duplication of tasks. Furthermore its overall framework should result in added value over existing policies and initiatives as well as an integration of the private sector and NGOs.<sup>20</sup>

The first Funding Conference for the Stability Pact for South Eastern Europe went beyond all expectations. Representatives from 47 countries and from 36 international organizations took part. Instead of the 1.8 billion Euros originally targeted, 2.4 billion were granted for quick-start projects.<sup>21</sup> The major part of the 1.83 billion Euros was naturally pledged to projects from Working Table II; investments in infrastructure alone were 1.4 billion. Working Table I was accorded 430 million Euros, Working Table III were granted 81 million and the cross-table initiatives received 5.2 million Euros.<sup>22</sup>

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17 Cf. Working Table III, Priorities for the Year 2000, [www.stabilitypact.org/WT-3/WT3%20Priorities%202000.htm](http://www.stabilitypact.org/WT-3/WT3%20Priorities%202000.htm).

18 Cf. Conclusions by the Chairman Jan Eliasson, Sarajevo 15-16 February 2000, [www.stabilitypact.org/WT-3/WT3Chairm%20Con%20Sarajevo%2015-16%20Feb.htm](http://www.stabilitypact.org/WT-3/WT3Chairm%20Con%20Sarajevo%2015-16%20Feb.htm).

19 Special Co-ordinator of the Stability Pact, Newsletter on Current Developments, No. 3, 17 May 2000, pp. 2f.

20 Cf. Special Co-ordinator of the Stability Pact for South Eastern Europe, Report of the Special Co-ordinator for the Regional Funding Conference for South East Europe, Brussels, 29-30 March 2000, Thursday, 23 March 2000.

21 Detailed information on individual projects can be obtained from the annex of the report given by the Special Co-ordinator for the Funding Conference. Cf. *ibid*.

22 Cf. the table at the end of this article.

By the end of the Funding Conference, the fundamental institutional and financial prerequisites for the implementation of the Stability Pact had been established for the following twelve months. Thus the Pact entered a new phase: On the one hand, now it is a matter of utilizing the allocated funding in the most efficient manner in order to achieve the strategic goals for stabilization in the region. In addition, applications for new funds are to be initiated to ensure continuity after the quick-start phase. At the second meeting of the Regional Table on 8 June 2000, the necessity for clear priorities was emphasized and the establishment of a donor network was announced. This network is to serve as a flexible information and co-ordination forum.<sup>23</sup> On the other hand, there has been a necessity to re-examine the structure of the Pact and if necessary adapt it to changing situations and optimize it functionally. Finally reforms have to be mobilized in the field. The countries of the region therefore have to be prepared to provide something in return for the active involvement of the international community and make more of a commitment to the Stability Pact.<sup>24</sup>

There have been great expectations placed in the Stability Pact since it was adopted. After all, it is the first time a comprehensive peace project, which raises hopes for the sustainable regulation of the conflict potential in South Eastern Europe, has been launched. It has re-emphasized civil diplomacy in a war phase and thus contributed to a higher acceptance of the policies of the international community as well as having enhanced the value of the EU, OSCE, and the Council of Europe. Thus after the earlier failures in the Balkans, it offers the chance of gradually placing a prevention culture in position rather than using reactive crisis intervention.

However an adequate policy requires time, courage to deal with complex situations and stamina. These are very scarce resources in our breathless electronic media age. Accordingly the Stability Pact and the Special Co-ordinator were criticized in a seldom differentiated manner even before the Funding Conference. The Sarajevo Summit was publicly degraded as being expensive film footage or there were complaints about the allegedly belated date of the Funding Conference. However the trite criticism "too little too late" can be countered with several arguments. First, it was necessary to establish a time-consuming broad consensus for smooth project implementation. Second, the success of the Conference was more important than its date. Third, a series of activities had already been embarked upon before the Funding Conference so that afterwards project implementation could be effected without disruption. According to Bodo Hombach, of the approxi-

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23 Cf. Agenda for Stability, Regional Table, 8 June 2000, Thessaloniki, pp. 5f.

24 Cf. corresponding Declaration of Intent of the informal meeting of the foreign ministers of the South Eastern European States on 7 June 2000, [www.stabilitypact.org/Regional% ...20 report\\_on\\_the\\_informal\\_meeting\\_o.htm](http://www.stabilitypact.org/Regional%20report_on_the_informal_meeting_o.htm).

mately 200 projects that had been at the starting line, 20 per cent had already begun by the end of June 2000.<sup>25</sup>

Naturally it would have been desirable for the Stability Pact to be poured into a mould with less complicated structures. An ideal model for this would have been the Marshall plan. At the time, the USA made clear to war-battered Europeans that a shared organization was necessary for the distribution of aid. Thus the Organization for European Economic Cooperation (OEEC) was founded and later became the OECD. Without this institution the successful reconstruction of Western Europe would barely have been possible as it not only contributed to the efficient distribution of Marshall Plan funds, but also led to the liberalization of foreign trade and currency conversion.

In contrast to the USA, who in those days had an uncontested political and economic leading role, the EU was neither in a position to create an organization in one mould, which could have been led by the High Representative of the EU for Common Foreign and Security Policy, Javier Solana, and the Commissioner for External Relations, Chris Patten, nor were they able to come up with the required funding. The reasons for this are multifarious. They range from the complicated structure of the EU and conceptual deficits to failing political will as well as national egotism and jealousy between international organizations. Because it was impossible to create a unified and tight organization, the only other option was improving co-ordination of international support.<sup>26</sup>

If one considers that for example in Bosnia and Herzegovina there was a lot of talk about co-ordination, but that at the end of the day everyone acted on their own initiative, the success and potential successes of the Stability Pact are by no means small. For the first time, the three international financing institutions, the World Bank, EBRD and the EIB are co-operating by sharing tasks. For the first time NATO and the World Bank are pursuing a joint project (professional training for former Romanian and Bulgarian officers). And for the first time specialists, who have dealt with a particular area of expertise, have come together at the same table to deal e.g. with problems like demining or the quantity and transfer of light arms and small weapons. Moreover the Stability Pact is based on an approach that includes several innovations. These are the emphasis on "public-private partnership" in project promotion, integrating non-governmental organizations in project implementation and the development of plans of action with clear-cut benchmarks and timetables to evaluate projects. Finally the Stability Pact has contributed in many areas to the creation of regional co-operation.

Of course this is not a guarantee for success, especially since there are still many unclear points and weaknesses. For example, funding for certain pro-

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25 Cf. Frankfurter Allgemeine Zeitung, 30 June 2000, p. 4; cf. also Statement by Mr. Bodo Hombach to the OSCE Permanent Council, Vienna, 20 January 1999, [www.stabilitypact.org/Speeches/Speech%20Vienna%20Jan%2000.htm](http://www.stabilitypact.org/Speeches/Speech%20Vienna%20Jan%2000.htm)

26 Cf. diagram at the end of the article.

jects had already been pledged before the Funding Conference, but they were presented again to foster an image. Furthermore not all pledges were allocated to specific projects, some still have to be assigned. The question of whether donors will agree to re-allocate projects that have been over-funded must be resolved. However, these problems should be fairly easy to solve without long delays. One must also question why the position of the Special Co-ordinator is so weak. He neither has the authority to issue instructions nor does he have his own budget. And - compared to less complex organizations - his staff of 28 employees is very lean and does not have the organizational potential to design and implement its own development projects. This does not particularly strengthen Hombach's position with respect to donor states and international organizations.

However the present structure of the Stability Pact has the advantage that it is flexible. The frequent lamentations about the "Balkanization" of the international Balkan policy<sup>27</sup> have found an ear with the result that within the framework of the Stability Pact as well as within the EU, efforts have become visible to adapt instruments and structures to each specific situation. Thus the Royaumont initiative was officially integrated into Working Table I on 8 June 2000. The Co-ordinator, the Greek diplomat Panagiotis Roumeliotis, had already taken over the Chair from Max van der Stoep at the beginning of the year.<sup>28</sup> Whether the regional initiative SECI will be integrated into the Stability Pact is under discussion. Finally the designation facilitating state has been eliminated. Japan and Canada are thus full members of the Stability Pact. This is also true of Switzerland and Norway, who after persistent demands, were raised from the status of non-voting observers to full members entitled to vote.<sup>29</sup>

Furthermore the criticism of the complexity of Balkan aid is directed primarily at the EU itself.<sup>30</sup> On the one hand, the EU claims a leading role in the Stability Pact, but on the other its organization suffers from being excessively complex. Moreover when the office of a Special Co-ordinator was created, a hidden power struggle began between the Commissioner for External Relations and the High Representative for CFSP on who would have the most influence in a political area, which is considered to be the choice morsel of foreign and security policy in the EU. Let us take a quick look at its role: The EU is the initiator of the Pact and its biggest sponsor for the region. Like the UN, it has several Balkan representatives including Hombach. It runs a Reconstruction Agency for Kosovo and implements numerous promotional pro-

27 Cf., for example, Erhard Busek, *Balkanisierung als politische Strategie?* [Balkanization as a Political Strategy?], in: *Europäische Rundschau* 1/2000, pp. 41-43.

28 Cf. *Déclaration sur le Processus de Royaumont*, [www.stabilitypact.org/Regional%20le&20Processus%20de%20Royaumont.htm](http://www.stabilitypact.org/Regional%20le&20Processus%20de%20Royaumont.htm).

29 To give support to their demands to become full members, Switzerland threatened to cut its lump-sum payments to finance administrative and organizational expenses of the Pact. Cf. *Neue Zürcher Zeitung* of 30 March 2000, p. 1.

30 Cf. Romano Prodi, *EU Must Bring Peace to the Balkans*, in: *International Herald Tribune* of 21 March 2000, p. 6.

grammes for the whole region, which are administered by very diverse offices. The Council jealously guards its foreign-policy authority, the Commission its influence on funding and the High Representative for CFSP is also looking for an entrée into the internal EU scramble for authority.<sup>31</sup>

By the end of March 2000, the Council of Europe self-critically realized that the financial, administrative and political involvement of the Union was so complex that operational effectiveness was a problem. Too many political actors impaired efficiency and long-winded decision-making processes made quick reactions unfeasible. As a result, they gave Javier Solana and Chris Patten a mandate to secure coherency in EU Balkan policies and to strengthen co-ordination with the Stability Pact. At the same time they strengthened Hombach's role and thus rejected efforts to weaken his position.<sup>32</sup>

The adaptation of EU Balkan policies took place in three steps. First continuing development of the regional concept must be mentioned. This includes the conditional offer to enter into a new kind of contractual relationship in the form of Stabilization and Association Agreements (SAA) - including perspectives for EU membership. One of the problems of this approach is that only those countries can be considered who have fulfilled certain minimum standards.<sup>33</sup> Thus up to now relevant negotiations have only been conducted with Macedonia. The EU, in view of its current enlargement process, must be careful not to take action according to different standards. Alone the impression that there may be "light" membership requirements for certain Balkan states could dampen the enthusiasm for reform of current candidates for membership. The perspective of EU membership as strong encouragement to institute reforms is certainly positive. However this is a long-term process, which requires considerable development in the transformation of the state, society and economy.<sup>34</sup>

The second step includes the strengthening and further development of assistance programmes. This embraces the creation of a uniform legal basis, which would incorporate the assistance programmes for the five countries affected like PHARE and Obnova in the new CARDS programme (Community Assistance for Reconstruction, Development and Stabilisation Programme). Additionally, larger asymmetrical access to the free market is being

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31 Solana is striving for a situation in which all EU Special Representatives, that includes Hombach, will report to him and be paid from his budget. Cf. *Der Spiegel* 27/2000, p. 261.

32 Cf. "Hilfe für Hombach" ["Help for Hombach"], in: *Der Spiegel* 13/2000, p. 179.

33 Cf. Andreas Wittkowsky, *Stabilität durch Integration? Südosteuropa als Herausforderung für die Europäische Union* [Stability through Integration? South Eastern Europe as a Challenge for the European Union], in: *Eurokolleg* 43/2000, pp. 9ff.

34 The European Parliament assumes that the SAA with Macedonia will go into effect at the earliest in the year 2004. Cf. Europäisches Parlament, Bericht über die Mitteilung über den Stabilisierungs- und Assoziierungsprozess für die Länder Südosteuropas [European Parliament, Report on the Announcement on the Stabilization and Association Process for the Countries of South Eastern Europe], A5-0069/2000 of 22 March 2000, p. 17.



considered.<sup>35</sup> Of course these innovations are meeting with resistance among the member states. Thus the eleven billion DM, which was proposed by the Commission for mid-term financial planning in the five Balkan countries, was deemed unrealistic by France and Germany. France, which is in the middle of a pre-election contest, is balking at the appropriation of funds from the agricultural budget. Germany does not want additional expenditures under any circumstances. Both countries are demanding Commission budget forecasts for specific projects and not general numbers games.<sup>36</sup>

Moreover there has been no success in adopting a common strategy for the Western Balkans announced in December 1998. Although Finland tried during its EU Presidency to make an attempt to achieve this goal - albeit a rather inadequate one - Portugal has shown no interest in this matter. Now hopes have been raised that the French Presidency will tackle the problem during the second half of the year. President Chirac has suggested a summit meeting between EU member states and the states of South Eastern Europe and announced the development of a more resolute strategy for the Balkans as one of the goals for the French EU Presidency.<sup>37</sup> However this does not mean that a common strategy for the Union will be adopted on this occasion. This strategy would be the third and most important step towards adapting EU Balkan policies in a relevant manner. In view of the developmental differences between the five "core countries", who are confronted with similar problems (to different degrees), the EU must create a developmental strategy that fits in with the Stability Pact. For example co-operation - lacking up to now - between the Stability Pact and the Reconstruction Agency for Kosovo could be established. Moreover the Agency's authority could be extended to the whole sub-region, as was stipulated in its mandate. Another essential element in the strategy would be the creation of a politically conditioned, unlimited and non-reciprocal gateway to the EU market.

Despite all the inadequacies of the Stability Pact and EU policies one must keep in mind that external aid can only be implemented in a manner, which helps these countries help themselves. Past EU experience has shown that material and political incentives do not necessarily lead to the desired reforms. The most decisive point here is the political will, occurring in varying degrees in the countries affected, to put reforms into practice. However this necessitates certain structural prerequisites. The basic economic principle "strategy follows structure" is also valid for South Eastern Europe. Certain basic structures must be established to implement a comprehensive development strategy. These include a legitimate political order, functional adminis-

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35 There are plans to expand trade facilities on 95 instead of 80 per cent of products in circulation.

36 Cf. *Le Monde* of 22 April 2000, p. 2

37 Cf. Discours de M. Jacques Chirac devant le comité des présidents de l'assemblée parlementaire de l'UEO et les auditeurs de l'IHEDN, 30 May 2000, [www.ihedn.fr/Actualites/sommaire/texte/discourschirac.htm](http://www.ihedn.fr/Actualites/sommaire/texte/discourschirac.htm).

trative structures, a minimal standard of legal security, basic equipment for an infrastructure, an adequate educational level and not least a certain awareness of the issues. That is, one must resolve no greater dilemma than that although economic development should lead to political stability, a certain amount of political stability is also a necessary prerequisite for economic development. For the moment it would be a great success if the quick-start packages led to a positive prevailing mood based on the justified hope for a better future. While the developments in Croatia show what is possible when political conditions change, the FRY is the main problem in the stabilization of the Balkans. Actually it is not disputed that regional stability cannot be achieved without the Federal Republic of Yugoslavia. One need only mention its central geographic position in South Eastern Europe, its population or the necessity to clarify regional security questions, which were dealt with in the negotiations according to Article V of the Dayton Agreement (with the FRY) as well as in the framework of the Stability Pact (without the FRY). However, Belgrade will not be able to benefit from the blessings of the Stability Pact as long as Milošević is in control. And at the same time, opposition forces are to be supported by the Stability Pact. Time will tell whether this all sums up.<sup>38</sup>

### *Strategic Success or Botched-up Bungle?*

The Stability Pact for South Eastern Europe is a unique effort to build up long-lasting stability in a region riddled with conflict through combining the two successful peace concepts, the Helsinki Process and EU integration, with which the East-West conflict was ended and West Europe unified. It is a comprehensive preventive approach based on the fundamental view that security, prosperity and democracy are tightly interwoven and that co-operation and integration are the decisive methods to further the development of peace-building structures. So much for theoretical concepts.

However if one considers the practical implementation of the Stability Pact, it looks more like a political botched-up bungle than a strategic success. This is not astonishing because its implementation phase has only just begun. Nevertheless the international community will be in danger of repeating past mistakes if it does not manage to further thin out the jungle of actors, initiatives and institutions involved, to create clearer political responsibilities and generate the prerequisites for sustainable policies and policy-making. The Pact itself is not one of these actors, but a political and conceptual framework for a long-term process. However, it is missing a functioning driving power. Although initial efforts to lessen backfires are becoming visible, the question is whether these will be satisfactory. If the EU - as the potentially most im-

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38 The peaceful change in Yugoslavia and the overwhelming victory of the democratic movement DOS in the parliamentary elections of December 2000 have opened up new perspectives to the country.

portant actor in this endeavour - is able to put more focus into its policies, the Stability Pact will be strengthened. If it cannot, at best a patchwork of individual projects will emerge, but not an integrated development strategy. A strategy of this kind is however necessary if the already high expectations of the region are not to be fully disappointed.

The international community and particularly the EU must have a vital interest in the success of the Stability Pact. After many failures in reactive conflict management, it is the main credibility test for an ideal prevention culture. After violent intervention in the Yugoslavia war, which was controversial because of its international law implications, the question has also become one of political morality and responsibility. Finally, the Stability Pact is a political strategic necessity if South Eastern Europe as a whole is to be integrated step-by-step on a long-term basis into the EU.



Pledges for Quick-Start Stability Pact Regional Projects and Programmes

In Euro millions

Donor (country/agency)	Cross- Table Initia- tives	WT 1 Democra- tization Human Rights	WT 2 Economic Recon- struction	WT 3 Security Issues	Unallo- cated	Total (of all four sectors)
Countries						
Austria	0.00	5.34	1.85	0.46	0.00	7.65
Canada	0.00	28.63	10.74	11.45	0.00	50.83
Czech Republic	0.23	6.94	16.79	0.56	0.00	24.52
Denmark	0.00	0.06	0.00	0.00	9.94	10.00
Finland	0.34	0.67	2.78	0.00	0.00	3.78
France	0.15	2.10	20.65	2.10	0.00	25.00
Germany	2.56	47.04	93.87	6.14	0.00	149.60
Greece	0.42	2.35	7.30	0.74	0.00	10.80
Hungary	0.00	1.46	0.04	0.05	0.00	1.55
Ireland	0.00	1.27	0.00	0.00	0.00	1.27
Italy	0.00	32.07	115.48	1.03	0.00	148.58
Luxembourg	0.00	1.67	0.90	0.29	0.00	2.86
Netherlands	0.00	27.50	38.75	1.50	0.00	67.75
Norway	0.20	2.28	5.28	2.23	2.36	12.35
Poland	0.00	1.04	0.00	0.00	0.00	1.04
Portugal	0.00	0.00	6.50	0.00	0.00	6.50
Slovenia	0.00	0.76	4.00	0.38	0.38	5.51
Spain	0.00	0.30	41.00	0.00	0.00	41.30
Sweden	0.00	0.16	2.38	0.55	0.00	3.09
Switzerland	0.31	5.91	10.58	0.00	0.00	16.81
United Kingdom	0.00	0.00	19.10	0.00	35.24	54.35
United States	0.21	24.02	49.18	7.16	0.00	80.56
Other*	0.00	2.50	55.00	2.50	0.00	60.00
All countries	4.41	194.07	502.17	37.13	47.92	785.69
Of which EU countries	3.46	123.03	365.56	15.29	45.18	552.53
Institutions and Organizations						
European Commis- sion	0.00	191.00	325.00	15.55	0.00	531.55
Black Sea Trade and Development Bank	0.00	0.00	41.50	0.00	0.00	41.50
Council of Europe Development Bank	0.00	75.00	75.00	0.00	0.00	150.00
IFIs	0.83	0.00	867.17	25.94	0.00	893.93
Total Institutions and Organizations	0.83	266.00	1,308.66	41.49	0.00	1,616.98
Total European Com mission and EU countries						
Grand Total	5.24	460.07	1,810.83	78.62	47.92	2,402.68

\*Includes pledges by countries which do not wish to make part of their pledge public at this stage of the budgetary procedure.



## The Chechen Attempt at National Independence and the Internal Reasons for Its Failure

### *Problems Posed*

Chechen destiny since the dissolution of the Soviet Union has been full of tragedy: The world became witness to a people, who after having been dominated by a foreign power for centuries were not only able to gain state independence from Russia, but were able to defend their independence heroically in an unfair, cutthroat war; who then however were not able to summon the strength to unite, and who did not possess the discipline and the rationality, in short: the maturity, which would have given duration to their joyful victory through the peaceful construction of a functioning nation state. The second Chechen war abruptly stifled these hopes.<sup>1</sup> And another equally tragic event has been interwoven with this: In the last decade the Chechen people have become the victims of genocidal warfare twice, also through errors of their own, after having to pay for their craving for freedom since the nineteenth century in a series of similar experiences in battling Russia. Finally, it must also be seen as a tragic circumstance that the geographic situation and the political status of the Chechen people leave them no other choice, despite these terrible, traumatic experiences, but to come to terms with Moscow and to seek their future in the association of subjects of the Russian Federation. Thus, the Chechens will have to carry the economic, political and emotional burdens of these events almost alone.

The Chechens are not the first group of people in the Caucasus in which the battle with Russia ended this way: 150 years ago, the Cherkessians, who at the time were the most important group of people living in the Northern Caucasus, met a similar fate. By the time the Caucasus war against these mountain tribes was over in 1864, a large portion of the Cherkess people had become victims of the Russian campaign to destroy them and drive them out of their homelands. Over 300,000 Cherkessians emigrated to Asia Minor many dying along the way. According to the 1897 census, only about 45,000 Cher-

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1 Even though it still continues in the form of guerrilla warfare and Chechnya is far from achieving even a superficial form of "pacification", i.e. the silencing of the weapons, another Russian politico-military defeat is practically out of the question. Samuel P. Huntington's opposite view, based on his well-known doctrinaire assumptions, is not tenable. Cf. idem: Der Grosny-Wahn. Russland kann nicht gewinnen [The Grozny Craze. Russia Cannot Win], in: *Süddeutsche Zeitung* of 21 December 1999, p. 17.

kessians remained in the Russian empire.<sup>2</sup> Cherkess aspirations for independence had been extinguished forever.

A sympathetic but removed contemporary who has witnessed the events from a distance will question why and under what circumstances the Chechen people have failed in their attempt to implement their right to self-determination in the form of an independent nation state. From the viewpoint of the research on comparative nation-building the events seem rather astonishing: One of the firm insights of the field is that wars of liberation as well as long-lasting experience with foreign domination, oppression, discrimination, and not least genocide work as powerful forces in the process of nation and nation-state building.<sup>3</sup> The fate of the Chechen people has been primarily determined by both these essential factors since the late 18th century. Compared with all other non-Slavic ethnic groups living in Russia today, the Chechen people have had a longer tradition of resistance and liberation movements than any other group. The most influential period remaining in their consciousness even today is the tightly organized Chechen state of Imam Shamil (approximately 1840-1859), which however did not have a national, but a religious Islamic foundation.<sup>4</sup>

Even more prominent in the consciousness of the average Chechen are the injustices that Russia and/or the Soviet Union have inflicted upon the people, especially the forced deportation of their entire ethnic group numbering approximately 400,000 people to Central Asia. This process was carried out within a very short time frame in February 1944 under indescribable conditions with extreme ruthlessness, and as a result, a large percentage of the population became the victims of hunger, cold, and sickness.<sup>5</sup>

If these and other socio-political factors, which are related to the many years in which there was a Chechen administrative area within the USSR, have not been sufficient to unite the Chechens internally since the dissolution of the USSR and as a result of their encounters with threats and death, they have not taken the steps to work in solidarity on the foundation of a functional state system, then the inference can be made that egotism, discord, interests creating dispute, passions, character traits and individuality have been the stronger forces. If one were to look for more profound reasons for this, then one might assume or come to the realization that Chechen concepts on socio-political order and Chechen conduct even today are so strongly determined by pre-na-

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2 For an overall perspective, see Andreas Kappeler, *Rußland als Vielvölkerreich, Entstehung, Geschichte, Zerfall* [Russia, an Empire of Many Peoples, Its Origins, Its History, Its Decay], Munich 1992, pp. 149ff.

3 Research on this topic may be found in Peter Alter, *Nationalismus* [Nationalism], Frankfurt/M. 1985, pp. 24ff.

4 Cf. Uwe Halbach, "Heiliger Krieg" gegen den Zarismus [The "Holy War" against Tsarism], in: Andreas Kappeler/Gerhard Simon/Georg Brunner (Eds.), *Die Muslime in der Sowjetunion und Jugoslawien* [The Muslims in the Soviet Union and Yugoslavia], Cologne 1989, pp. 213-234.

5 Cf. Nikolai Bugai, *Pravda o deportatsii chechenskogo i ingushskogo narodov*, in: *Voprosy istorii* 7/1990, pp. 40ff.



tional traditions, values and norms that efforts towards the realization of national self-determination and state-building, which do exist in the Chechen Republic as well, did not lead to adequate results and could not be enforced. In more detail, three social phenomena and/or institutions come to mind:

First the *teip* division, i.e. the clan division of the people, which simultaneously shapes the structure of Chechen society; second the dominant orientation of the people towards codes of customary law (*adat*) and third the traditional belief in Islam. All three factors are tightly entwined, however in certain respects there is a tension in the relationships with regard to Islam.

From the viewpoint of the success of national state-building, the *teip* order is not simply "sub-national", but has a pre-national character. Its Chechen quality is far removed from the structures of political order under modern statehood. The same is true for the codes of customary law, and also for Islam, whether in the form of Sufism traditionally predominating in the Northern Caucasus or in the form of those radical, politicized "Islamic" currents that pushed forward from the Middle East to Chechnya around the time the USSR was coming to an end.<sup>6</sup>

The partial, divisive and therefore disintegrating effects on the Chechen internal condition - which radiated and still radiate predominantly from the *teip* order and the phenomenon of regionally dominating clan structures so tightly bound to it - are of utmost interest for the problem that has been raised here.

#### *Teip Divisions in Local (Regional) Clans and Clan Groups*

In a retrospective view of the fate of the Northern Caucasus in the Russian-Soviet federation, Uwe Halbach, one of the most renowned German experts in this field, stated the following: "On the whole, the territorial unit of Chechen-Ingushetia is the least integrated into the Soviet system. Both peoples preserved their national and religious consciousness particularly during the period of their exile."<sup>7</sup>

The Chechen people have acquired the strength of their resistance primarily through the firmness of their traditionally rigid patriarchal order, which stayed alive through every stroke of fate they suffered. Its heart has always been the clan, in which families related to each other through the paternal line are grouped together (*nek-e; gar*). They derive their lineage from a progenitor living approximately twelve generations ago. The families and extended families assembled in the *teip* each cultivate between ten and 50 farms in compact communities with common utilization of pastures. Thus the *teip* is a

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6 Cf. Alexander Iskanderjan, Der islamische Radikalismus im Nordkaukasus [Islamic Radicalism in the Northern Caucasus], in: *Wostok* 6/1998, pp. 20-22.

7 Roland Götz/Uwe Halbach, Politisches Lexikon Rußland. Die nationalen Republiken und Gebietseinheiten der Rußländischen Föderation [Political Dictionary of Russia. The National Republics and the Territorial Units of the Russian Federation], Munich 1994, pp. 330-350, here: p. 335 (translation).

smaller or larger association of village communities and simultaneously outlines a specific territory where they live and rule.<sup>8</sup> Thus, in this social institution the original personal aspect so inherent in its nature is tightly bound with a territorial approach.

The teip is guided by the council of clan elders. It thus acts as a leadership organ legitimized through customary law, which deals with all important teip issues, provides solutions to problems within the clan, solves disputes and mediates between different teips when they are in disagreement.

Those teips who traditionally have been tightly linked together regionally have formed clan groups (*tukhumy*; *tukhkumy*), of which there are nine, and their leading men have formed the *mekhkel*, a central clan council of the Chechen people, which since the Soviet period - as far as can be discerned - no longer plays a major role even informally.<sup>9</sup> This structure reflects, so to speak, a clan-democratic order of the Chechen people, which differs from that of the Cherkessians of Kabardin in that they have no nobility and no feudal aristocracy. This is probably where the Chechens derive the fundamental roots of their extraordinary drive for freedom.

The approximately 180 teips that make up the Chechen people are divided into three relatively clearly different geographic zones. Recognizing these is very important to be able to understand domestic policy developments and the power structure in the country. These include "Greater Chechnya", the region ranging to the crest line of the Greater Caucasus mountains, in addition "Lesser Chechnya", the northern foothills and valley regions reaching to around the Sunzha River, and farther north, in particular north of the Terek river, the North Terek region, reaching up to the border of the administrative region of Stavropol, which is mainly former steppe country. These northern valley areas are inhabited by approximately 80 teips, but even these groups attribute their origins to certain mountain valleys<sup>10</sup> as the mountain region is the Chechen historical homeland. From there, they slowly extended their territory into the foothills and, since the seventeenth century, have also moved into the Terek region, where they have lived for centuries in a tight but also precarious relationship with their Terek-Cossack neighbours. The settlement of Chechens in the valley areas was partially implemented through force by the Russian military administration to be able to better control the Chechens

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8 A presentation of this can be found *inter alia* in: M.O. Kosven/L.J. Lavrov/G.A. Nerse-  
sov/Kh.O. Khashaev (Editorial Staff), *Narody kavkaza I*, Moscow 1960, pp. 345-390,  
here: pp. 365ff.; E.N. Kusheva, *Narody severnogo kavkaza i ikh svyazy s Rossiei v XVI-  
XVII vv*, Moscow 1963, pp. 60ff.; Igor' Rotar', *Tajikskaya i chechenskaya smuty. Srav-  
nitel'nyi analiz dvukh konfliktov*, in: *Nezavisimaya gazeta* of 15 May 1997, p. 5. Teip  
names typically end with the suffix "oi". The following are particularly common: Benoi,  
Zontaroi, Zurshaloi, Belgotoi, Arshenoi, Shatoi, Chankhoi.

9 Ilya Maksakov mentions this organ whose real importance in the Chechen history and  
current events has yet to be researched. Cf. *Chechnya priblizhilas' k khaosu*, in: *Nezavisi-  
maya gazeta* of 27 January 1999, p. 5.

10 Cf. Rotar', cited above (Note 8).

who were viewed as particularly rebellious.<sup>11</sup> After the October Revolution, the oil industry began to grow, particularly in the valley regions north and south of the Terek and especially in Grozny. Many Russians moved there, but there were also increasing numbers of Chechens. Their influx was facilitated by the fact that the Bolsheviks had (also) eliminated the Cossacks along the Terek river during the civil war<sup>12</sup> and granted the Chechens an autonomous administrative region (in 1922). Because the North Terek region has a more diverse ethnic mixture than the Chechen core areas and the teips there have lived with their Russian Orthodox neighbours for so long, teip relations with the Russians and the Moscow central government have been less harassed and less strained than in the rest of Chechnya. Thus it was the teips in the mountain region who ultimately instigated Chechen resistance to the creation of the Soviet system.

The greater the number of members of different teips living in one district, due to the extent of economic migration and urbanization that had occurred - and this was true in general for the valley regions and particularly for large cities, for instance Grozny -, the less the influence of the personal factor and the greater the territorial factor came to the forefront. This had effects on local clan building, i.e. on the personal network controlled by a specific economic boss. Although bosses rely primarily on the members of their own teip, they make efforts to extend and strengthen their backing by gaining the loyalty and support of other teips.

#### *Informal Teip Structures and Formal Soviet Political Order*

The deportation of the Chechen people to Central Asia was decisive for the further relationship between the traditional teip formation and Soviet power structures. The fact is, that during the diaspora, the reason the Chechen people survived this dreadful attack on their existence was because of their adherence to teip order. This also played an essential role when they returned to the "Chechen-Ingush Autonomous Republic" re-established in 1957. Chechens and Ingush strived to return to their old home towns and villages, less to relieve the injury to their sense of justice than because according to Chechen customs, the peoples' religion, teip order and codes of customary law, great significance was attached to their hereditary tribal grounds, ancestral burial grounds and grazing land. Resettlement was realized most easily in the historical core area, in the mountain region, because for the most part that area did not have many new settlers. The return to the valley areas was plagued with conflict, specifically in the capital of Grozny and the North

11 Cf. M.K. Lyubavskii, *Obzor istorii Russkoi kolonizatsii s drevneishikh vremen do XX veka*, Moscow 1996, pp. 392ff.

12 On this topic see Rudolf Karmann, *Der Freiheitskampf der Kosaken. Die Weiße Armee in der Russischen Revolution 1917-1920* [The Cossack Struggle for Freedom. The White Army in the Russian Revolution 1917-1920], Puchheim 1985, pp. 453ff.; 588ff.

Terek region because many other nationalities - Russians, Ukrainians, Armenians, Nogai, Kabardins and so on - had moved into the towns and villages. An important political effect of deportation was that in the "Grozny region", as it was renamed, the political-administrative structures in party organizations and the state machine had been newly systematized and were ruled by non-Chechens. As a result of this, after the return home, teip structures were at first clearly separated from the political-personnel power structures of the Republic. That Moscow was still suspicious of the Chechens was recognizable by the fact that until perestroika the Chechens were denied the office of Communist Party first regional secretary, which was the top party leadership position in Grozny. Nonetheless a silent revenge occurred in the traditional social order: During the long Brezhnev era - characterized by corruption, laxity, but also economic expansion - informal teip networks and teip loyalties slowly grew within the economic, state and party institutions. The teips of the North Terek region and specifically the clan of the long-standing second party secretary, Doku Savgaev, played an outstanding role in this process.<sup>13</sup> When Gorbachev began to give way to the pressures of non-Russian nationalities in 1989, Savgaev was able to rise to the post of Communist Party leader of Chechnya and shortly thereafter also became the Chairman of the Supreme Soviet of the Republic. His position of power had one disadvantage, which within the inner-Chechen struggle for power proved to be a strategic weakness: Savgaev represented only the teips of the North Terek region.

#### *Teip Rivalries and the Power Seizure by Dzhokhar Dudaev*

The vulnerability of Savgaev's position became even more pronounced when Dzhokhar Dudaev resigned from his post as general in 1990 and went to Grozny to set up an opposition force in the form of the "Chechen National Congress" against the Republic's nomenklatura led by Savgaev. This was tantamount to a declaration of war, especially from the teip perspective, because Dudaev propagated the idea that the Chechen nation in the mountain region had remained the purest and mobilized predominantly the teips living there against the official power structures.<sup>14</sup> The fact that the Chechens from the mountain region had had a particularly hard time attaining leadership positions in the Republic also helped him in this endeavour. In fact in the south-

13 Doku Gapurovich Savgaev was born in 1940 in the village of Beno-Yurt, in the Nadterechny district and had a flawless career as a party official, cf. *Kto est' kto v Rossii i blizhnem zarubezh'e*. Spravochnik, Moscow 1993, p. 249.

14 Dudaev was born in April 1944, i.e. after the deportation, in Pervomaiskoe, i.e. in the western part of the Chechen-Ingush Republic. Thus he did not come from the Chechen core area. The author was unable to determine which teip he belonged to. The fact that he was born in the Republic *after* the deportation, has been used by his opponents to cause political suspicion about the Dudaev family. Cf. *Obshchaya gazeta* of 13-19 November 1997, p. 5.

ern part of the country not only the teip settlements had been restored, but the clan groups in the mountains including the tukhum "Ichkerya"<sup>15</sup> that comprised the Shatoi and Vedeno districts were also re-established.<sup>16</sup> The name Ichkerya had a special melody for the nationally conscious Chechen ear because the villages from which most teips derive their origins lie in this area. These include the village of Nakhcho, which is the name Chechens call themselves ("Nokhcho", also "Nakhchi", "Nakhchoi"). The Russian ethnonym "Chechnya" also has a special and thoroughly harmonious tone for the Chechens because Chechen was the *aul* (village) in the Argun valley where the central assemblies of the mekhkel, the teip and tukhum representatives, met and far-reaching decisions on war and peace were taken.<sup>17</sup>

Later the name "Ichkerya" was given to the entire mountain region inhabited by the Chechens. Thus it was a "teip political" signal when in 1994 Dudaev renamed the entire state the "Chechen Republic of Ichkerya".

Dudaev was able to win support from important teips beyond the mountain region in the valley region (of Urus-Martan, Gudermes) to form a broad alliance. After Savgaev had manoeuvred himself into the offside nationally and politically through his support of the failed Moscow coup (August 1991), Dudaev was able, at the end of October 1991, to get himself elected to the Presidency of the Chechen Republic, after it had seceded from Russia on 6 September 1991.<sup>18</sup> At the same time a new Parliament was elected in which the representatives of the teips supporting Dudaev and the regional clan bosses had a clear majority. Doku Savgaev was forced to leave Grozny and switched over to Yeltsin's central government in Moscow, but remained - with federal support - the strong man in the North Terek region. In the meantime, Umar Avturkhanov, its administrative boss, acted as Savgaev's "governor".

Dudaev's supporters controlled the mountain and valley regions of Chechnya, but not the North Terek region. This was a serious problem for the Chechen Republic now *de facto* independent from Moscow, which was to have an effect in two different respects: First the northern teips and clans loyal to Moscow could be used as factors to influence the Chechen domestic power struggle, and furthermore, the North Terek region, in addition to the regions around the cities of Grozny and Gudermes, was an important economic area.

15 This name was used as the designation of one of the eight administrative districts making up the "Terek region" in 1860/62. Cf. Semen Esadze (Ed.), *Istoricheskaya zapiska ob upravlenii kavkazom*, tom I, Tbilisi 1907, pp. 197f. In actuality it was called Nakhchi-makhkovski. This name refers to the fact that the Chechens called themselves Nokhcho (as well as: Nakhchi, Nakhchoi) and also to the village of the same name in the upper Argun valley.

16 Cf. Igor' Rotar', *Chechnya: Davnyaya smuta*, in: *Izvestiya* of 27 October 1995, p. 5.

17 See also Ernest Chantré, *Recherches anthropologiques dans le Caucase*, Volume 4, Paris 1887, pp. 100ff.

18 For these developments cf. the survey by Markus Soldner, *Russlands Čečnja-Politik seit 1993. Der Weg in den Krieg vor dem Hintergrund innenpolitischer Machtverschiebungen* [Russia's Chechnya Policies since 1993. The Path to War against the Background of Domestic Power Shifts], Hamburg 1999, pp. 98ff.

Without control over this area, the independence of the Chechen state was considerably endangered in an economic sense.

*Dudaev's Strategy towards Polarization and the Unleashing of the First Chechen War*

The greatest danger for peace within Chechnya however originated in the fact - which became increasingly clear in 1992 - that Dudaev was attempting to create a presidency with a powerful hand and push aside the politically more moderate teips, especially in the valley region and large cities. For this purpose he relied on the radical teips of the mountain region, mercenary troops devoted to him and propaganda on Greater Chechen nationalism and Islamic radicalism (*ghazawat* - "holy war"). From a superficial and institutional perspective the power struggle was veiled in a dispute between, on one side, the President and, on the other, the parliamentary majority backed up by sections of the government. With reinforcement from Moscow in the background, the fight ended in a coup in the late spring of 1993: Dudaev dissolved the Parliament by force, disposed of the government and created a presidential dictatorship. With this step he drove important teips who had been allied with him until that time as well as the parts of the country dominated by them and their clan bosses into the opposition. Thus his basis for power eroded so dramatically in 1993/1994 that the Moscow central government made the assumption, and this was realistic on their part, that the Dudaev regime could, indirectly through military logistical support, be overthrown without much difficulty by the opposition alliance forged by Savgaev.<sup>19</sup> However, this proved a false conclusion and in 1994 President Yeltsin, in an attempt to correct it, skidded into the first Chechen war.

With the erosion of Dudaev's authority, clan rivalries to control economic resources, teip regionalism and personal ambition for power, partially embellished with Islamic, democratic or nationalist slogans, all fused together. An example of this could be seen in the developments in the city of Urus-Martan west of Grozny whose district is ruled by the Chankhoi teip, one of the most important clans in the country. The head of the republican procurement office, Sultan Khajiev, and his deputy, Yaragi Mamodaev had been the bosses of Urus-Martan since the final stages of perestroika. Their clan and the Chankhoi teip joined forces with General Dudaev in the power struggle against Savgaev in 1990/91 and they rose to central positions of power: Khajiev became director of Groznefttekhn, a large Chechen combine in the oil branch, and Mamodaev became the Chechen Prime Minister. And a third, a member of the younger generation of the Chankhoi teip, made a comet-like ascent to power: Bislan Gantamirov, one of the most colourful adventurers of

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19 For more details cf. *ibid.*, pp. 109ff.

post-communist Chechnya.<sup>20</sup> In his position as sergeant in the militia, he devoted himself - at least on the surface - to radical Islamic political statements, became the head of the Chechen branch of the "Muslim Brothers" and with currency inflows from this organization in the Middle East created military training camps in his home districts Urus-Martan<sup>21</sup> and Achkhoy-Martan, where young men from the Chankhoi teip were trained to become "*boeviki*" (fighters) and quickly numbered over 1,000 men, a troupe staunchly loyal to Gantamirov. Dudaev relied on this kind of a person; he made Gantamirov the mayor of Grozny in 1992. Because of Dudaev's ambition for power, particularly however because of a dispute about oil policy, in which Khajiev and Mamodaev, in contrast to Dudaev, sought co-operation with Moscow to secure further deliveries of crude oil to the refinery in Grozny, they broke up in the spring of 1993: Khajiev, Mamodaev and Gantamirov and with them the Chankhoi teip formed an alliance with Savgaev's clan which was loyal to Moscow. Other teips joined them. Although their united forces were not enough to hold Grozny, the Urus-Martan district went over to the opposition and in 1994 Gantamirov, in his position as Avturkhanov's deputy, was in command of military units to fight against Dudaev. After the Russians had taken over Grozny in 1995, Gantamirov regained his position as mayor. His teip militia was incorporated into the police units of the capital and/or into the department of the interior. The posts in the Moscow-loyal government set up by Savgaev who had been appointed as an opposition President were divided between the clans from the North Terek region and the Chankhoi teip with Savgaev as President of the Republic and Salambek Khajiev as Prime Minister.<sup>22</sup> However, in reality there was much suspicion and hostility between them. The rivalry between Savgaev's police chief Avturkhanov and Gantamirov led the chief public prosecutor in Moscow, upon Savgaev's initiative, to open a preliminary investigation on the misappropriation of federal funds totalling 57 billion roubles, arrest Gantamirov in May 1996 and bring him to trial in Moscow. This was by no means the end of Gantamirov's career (see pp. 195f. below). The victorious outcome of the first Chechen war for Dudaev and his supporters, the armistice in Khasavyurt (August 1996), the election of Aslan Maskhadov to the Presidency (January 1997) and the conclusion of a peace agreement with Moscow in May 1997 again removed Savgaev from his position as the formally recognized leader of Chechnya. In-

20 For more on him see Jevgeni Krutikov, *Nachalo kontsa chankhoiskoi gruppirovki*, in: *Novoe vremya* 20/1996, pp. 19/20; *FAZ* of 3 May 2000, p. 16, as well as of 19 July 2000, p. 2.

21 Gantamirov was born in 1963 in the village of Gekhi, west of Urus-Martan.

22 Salambek Khajiev became head of government, his cousin Movladi Khajiev deputy minister of the interior, his sister Tamara Dacheva deputy trade minister, his brother Deni Khajiev deputy prime minister and minister of construction, his son-in-law Jelldakhanov deputy minister of construction, another cousin of the head of government became director of the Grozny Central Bazaar etc.

stead, President Maskhadov took over this position after the January 1997 elections supported by Boris Yeltsin.<sup>23</sup>

*Maskhadov's Concept to Avoid Civil War by Honouring the Field Commanders' "Military-Territorial Autonomy" and the Result: the Breakdown of Order Followed by Anarchy*

Maskhadov's election was a turning-point in the distribution of power in Chechnya. The fact that after the horrors of war and despite the inner turmoil in the country almost 80 per cent of those eligible to vote took part in the presidential election, signalled that all teips and clans felt a great necessity to begin a new political course based upon power by the people and simultaneously decide which political direction to take. The fact that Maskhadov, even in the first round of voting, won handsomely collecting almost 60 per cent of the votes against his militant opponent Shamil Basaev (23.5 per cent) and the transitional President of Chechnya, Zelimkhan Yandarbiev (10.1 per cent),<sup>24</sup> raised the election results to the level of a decision on fundamental principles for a moderate and peaceful political course based on negotiation and agreement, which Maskhadov had already introduced successfully and represented convincingly through his character.

Contrary to the expectations of many, the teips of the mountain region did not vote primarily for the audacious "people's hero" Basaev, nor did only those in the valley region choose the statesmanlike Maskhadov. Even in the mountain region Basaev did not get more than a third of the vote.<sup>25</sup> In contrast, Maskhadov was even able to gain a clear win in the opposition stronghold of Urus-Martan against his local opponent Akhmed Sakaev of the Chankhoi teip. Because of Maskhadov's moderate and judicious character, teip rivalries were never so thoroughly defused as during this election.

Maskhadov was able to maintain this equilibrium for quite some time during his Presidency, but at the price of an insidious loss of authority and power, increasingly spreading anarchy in the country, and a disintegration towards regionally limited rule. The way in which resistance had been organized during the first Chechen war had laid the basis for this: its decentralization

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23 Moscow had hoped for a reintegration of Chechnya into the federal constitutional bodies, that is they hoped Maskhadov would take a seat in the Federation Council of the Russian Federal Assembly. However, these expectations were disappointed. Cf. Kommersant daily of 5 February 1997, p. 5.

24 Cf. Simone Schwanitz/Andreas Fahrner, Wahlbeobachtung bei den Präsidentschaftswahlen in Tschetschenien [Election Monitoring in the Chechen Presidential Elections], in: Bundesinstitut für ostwissenschaftliche und internationale Studien [Federal Institute for Russian, East European and International Studies], Aktuelle Analysen [Current Analyses] 12/1997, p. 4.

25 It was only in his hometown Vedeno and its vicinity that he claimed a clear victory. Cf. Vadim Dubnov, Iz Groznogo v Dzhokhar-galu i obratno, in: Novoe vremya 5/1997, p. 6-10, here: p. 8; also see later on-location reports by Christiane Hoffmann in the FAZ of 13 May 1997, p. 8.



with "field commanders" at the head of local "fronts", members of which were recruited from certain teips, who had unlimited access to the economic resources of their districts and in addition, financed their activities through criminal enterprises as well as some aid money from Islamic foreign countries. Because of his military professionalism and his position as Dudaev's chief of general staff, Maskhadov enjoyed high standing among field commanders, however because of the nature of the traditional, social and regional basis of these structures, the typical military relationship, i.e. hierarchical chain of command, did not exist between them. This did not even change when, after the war, units of irregulars were transformed into the "Armed Forces of the Chechen Republic of Ichkerya"; the field commanders retained their regional positions of power. Therefore the army was structurally more like a loosely tied group comprised of local teip- and clan-based mercenary contingents, a phenomenon that was called "military-territorial autonomy", which was a generally accurate designation.<sup>26</sup> In 1998 it was estimated that there were approximately 25 large fighting units and over 100 smaller groups in existence.<sup>27</sup>

Maskhadov himself could rely only on the Chechen "National Guard" who were completely loyal to him. This is the answer to the question why the President did not make use of the clearly expressed and impressive confidence in him as well as the powerful legitimacy he had gained during the election to disarm the field commanders and place the regions under the civil presidential executive body subordinated to him: If he had taken this course he would have risked a civil war with no certainty of success. After all, at that time the legitimating force of democratic elections in Chechnya was only limited. It collided with the legitimacy of the field commanders, which they drew from victories gained through their weapons and their personal charisma as military leaders, and further with the legitimizing effects of regional teip structures.

The predominant financial independence from the central government enjoyed by the field commanders because they had direct access to important economic resources was a strategic weakness to Maskhadov. Although the primary wealth of Chechnya and the backbone of its economy, oil production and refinement, was hit hard by the war,<sup>28</sup> a portion of the approximately 20 state-run enterprises, especially many of the 776 oil wells distributed throughout the country, still functioned and with their more or less primitive methods of exploitation<sup>29</sup> built a fundamental economic basis for most field

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26 So did Vladimir Sorin, the then chairman of the State Duma committee on national issues, cf. *Nezavisimaya gazeta* of 24 July 1998, pp. 1/3, here: p. 3.

27 See Alexej Koslatschkow, *Kommt es im Kaukasus zu einem Aufstand?* [Will there be Rebellion in the Caucasus?], In: *Wostok* 6/1998, pp. 23-26, here: p. 24.

28 Cf. Sergei Leskov, *Gorduyu Chechnyu sogrevaet rossiiskoe teplo*, in: *Izvestiya* of 14 September 1994, p. 4.

29 On the situation today: Anna Politkovskaya, *Truba*, in: *Novaya gazeta* of 31 July-6 August 2000, pp. 1/7.

commanders. However, they were also the object of their rivalries and the origin of numerous and at times violent disputes between them.

In addition, criminal forms of "economic profit-making" played an ever increasing role; these were fostered by the collapse of the Republic's economy as a result of destruction and the flight and expulsion of almost the entire Russian population, but also of hundreds and thousands of Chechens: Abductions to extort ransom money and trafficking human beings became lucrative "business branches".<sup>30</sup> Freight robberies, stealing from travellers, livestock thefts, even on the other side of the border, illegal trade in "duty-free transit" between Russia and the Transcaucasian as well as Middle-Eastern neighbour states (weapons, narcotics, alcohol, oil products; white-slave traffic) became part of daily life. In addition, robbed civilians as well as Russian soldiers were taken prisoner and exploited as slaves.<sup>31</sup> Because of these activities, the originally brightly radiating image of the Chechen Republic, created by the effect of the fight for freedom and Maskhadov's friendly character, rapidly became besmirched and darkened. The direction and posture of the country became increasingly distant from its claim to national statehood, independence and international recognition, and in 1998, took on the gloomy characteristics of a criminal enclave in the Northern Caucasus far from law and order.

The criminalization of the procurement of money and goods was in no way born from oppressive troubles of a country destroyed by war alone, but were, at least partially, a regression to forms of ensuring support for one's livelihood, which were legitimized by old Caucasian-Chechen custom and customary law. According to reports of visitors to the Caucasus, robberies, kidnapping, theft, but also exploitation and the sale of prisoners for slave work belonged to the local colour of the mountain tribes. And although the right to hospitality was holy to them, not all strangers were privy to it, only those who were welcomed and accepted as guests.<sup>32</sup>

In the name of justice, to complete the picture and to dampen the seriousness of the reproach stemming from this image, one must add that numerous businessmen, state officials and soldiers from Dagestan, Stavropol Kray, Moscow

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30 Cf. Odd Gunnar Skagestad, *Keeping Hope Alive. Experiences of the OSCE Assistance Group to Chechnya*, in: *Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1999, Baden-Baden 2000*, pp. 211-225, here: p. 215; Otto Luchterhandt, *Dagestan. Unaufhaltsamer Zerfall einer gewachsenen Kultur interethnischer Balance [Dagestan. The Inexorable Disintegration of a Mature Culture of Inter-Ethnic Balance]*, in: *Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg [Institute for Peace Research and Security Policy at the University of Hamburg]*, *Hamburger Beiträge zur Friedensforschung und Sicherheitspolitik [The Hamburg Contributions to Peace Research and Security Policy]* 118/1999, pp. 22f.

31 Cf. *Nezavisimaya gazeta* of 25 May 2000, p. 4.

32 On this aspect see Uwe Halbach, *Die Bergvölker (gorcy) als Gegner und Opfer: Der Kaukasus in der Wahrnehmung Rußlands [The Mountain Peoples (gortsy) as Opposition and Victim: The Caucasus Perceived by Russia]*, in: *Kleine Völker in der Geschichte Osteuropas. Festschrift für Günther Stökl zum 75. Geburtstag [Small Ethnic Groups in Eastern European History. Commemorative Volume for Günther Stökl for his 75th Anniversary]*, Stuttgart 1991, pp. 52-65 with further references.

and other regions in Russia have been involved and earned money in these criminal businesses. This is still true even today.<sup>33</sup> Moscow's charge that Chechnya is a "free trade zone for criminals" is therefore not devoid of hypocrisy.

### *The Failed Attempt at Integration through Islamization*

As a means against the anarchy gripping the surroundings and to achieve unity of political action, totally different political forces in Chechnya placed their bets on Islam. In fact they only accelerated the disintegration process.

In the Northern Caucasus and especially in Chechnya, the traditional profession of faith in Islam had always been tightly bound to the teip order. A significant exception to this was the period that Imam Shamil ruled (till 1859) because the strict order of his theocratic state was in opposition to the competing claims to leadership of the teip and tukhum rooted in the customs and codes of customary law.<sup>34</sup> This did not have a profound effect; the mountain peoples continued combining their traditional way of life determined by customary law with a kind of Islam that was not political or aggressive, but emerged in the form of Sufism, which was directed inwardly towards the spiritual and ritual needs of people living in private family units and tribal communities. This "people's Islam" took the form of two different holy paths (*tariqat*) in the doctrines of the Naqshbandiya and the Qadiriya.<sup>35</sup> At the end of the Murid holy war (1860-1862), the latter was preached by a Chechen sheikh, Kunta-Hadji and became very popular with the teips in the mountain region.<sup>36</sup>

Because traditionally the teips partially followed one doctrine, partially the other, they simultaneously assumed the form of "confessional" communities (*vird*), which in Chechnya - in contrast to Dagestan - followed mainly the Qadiriya tariqat.<sup>37</sup> Because of the hostility by the Soviet regime towards religion, the teip religious dimension, the link between teip and vird, became weaker.<sup>38</sup>

An Islamic renaissance began in the Northern Caucasus with the onset of perestroika. It opened the path for new intolerant trends, thus increasing conflict potential and ironically, accelerating the disintegration of Chechnya

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33 In this respect the research by Anna Politkovskaya is very "impressive", cited above (Note 29).

34 See Halbach, cited above (Note 4).

35 Cf. Silim Nasardinov, *Mify o religii i politicheskaya praktika*, in: *Nezavisimaya gazeta* of 23 February 1996, p. 3.

36 One of its forms of worship knitting the communities together is the zikr (also zikra) dance, which is danced by men. In former times and again during the Chechen war this dance was an expression of willingness to battle against Russian foreign domination. For a complete view see: Esadze, cited above (Note 15), pp. 217f.; Rotar', cited above (Note 8), pp. 2/3; Halbach, cited above (Note 4), pp. 217ff.

37 Cf. Nasardinov, cited above (Note 35), p. 3.

38 Cf. Iskanderjan, cited above (Note 6), p. 20.

contrary to the intentions of the supporters of this development. Dudaev encouraged the intensive revival and politicization of the Qadiriya tariqat with his deputy Yandarbiev who was very active in these matters.<sup>39</sup> At the same time he took the course of transforming Chechnya into an "Islamic state" and introducing the Sharia as state law, he turned Imam Shamil and his imamate into idols and - like Shamil - proclaimed the "holy war" against Russia after the beginning of the first Chechen war. The combination of these measures led to a declaration of war on the Chechens' traditional social order based on customary law, but Dudaev did not have to confront this problem any longer. However, during the reign of his heirs - Yandarbiev, Maskhadov, Basaev and Kadyrov - these contradictions could no longer be overlooked. Even during Dudaev's time there were preachers from Islamic states in the Middle East who came to Chechnya and preached a radical, "pure" and at the same time militant political understanding of Islam. They could have won over numerous supporters - not least through the use of colossal financial enticements. The first *jamaats* were created, like those already in Dagestan, which were self-contained settlements whose people lived exclusively according to Islamic precepts.<sup>40</sup> Since then the Russian media has polemicized these and other politically oriented Islamic groups by labelling them all "Wahhabis", an unclear designation that however was also soon to be adopted by the political actors in Chechnya with the same polemic undertones.<sup>41</sup>

Maskhadov's radical opponents, Yandarbiev, Udugov and later Basaev, who lost against him in the presidential elections, were inclined towards the new currents in which the concepts of Wahhabi and Qadiriya flowed together. With their militant Islam propaganda and references to the "inheritance" of Imam Shamil and the "legacy" of Dzhokhar Dudaev, they made targeted attempts to weaken the authority and legitimacy of the President and overthrow Maskhadov. Moreover they dreamed of turning this politically radicalized Islam into a revolutionary spark in an anti-imperialist fight against Russia in the entire Northern Caucasus.

Maskhadov was totally unfamiliar with these concepts and visions. He was not an Islamic zealot, but a supporter of traditional people's Islam and a Chechen patriot. He refused to accept the Wahhabis and was just as decisively against them as the leader of the Spiritual Administration of the Muslims of Chechnya, the Mufti Akhmad-Hadji Kadyrov whose support against the Islamists could be relied upon. Like his radical challengers however, Maskhadov followed the concept that Islam could be used as a resource to

39 Cf. Ramazan Džabarov, Extremisten gegen Traditionalisten [Extremists against Traditionalists], in: Glaube in der 2. Welt 3/2000, pp. 15-18.

40 More in Otto Luchterhandt, Dagestan - An Ethnic "Powder Keg" on the Caspian Sea, in: OSCE Yearbook 1999, cited above (Note 30), pp. 225-246, here: pp. 235ff.

41 More in Uwe Halbach, "Wahhabiten" im Kaukasus und Zentralasien [The "Wahhabis" in the Caucasus and Central Asia], in: Bundesinstitut für ostwissenschaftliche und internationale Studien [Federal Institute for Russian, East European and International Studies], Aktuelle Analysen [Current Analyses] 19/1998; from a Russian viewpoint: Aleksandr Ignatenko, Islamizatsiya po-chechenski, in: Nezavisimaya gazeta of 20 November 1997, p. 5.

strengthen political unity among the people and to stem the tendency towards disintegration flowing from the teip order.<sup>42</sup> Whether this was done out of conviction, a readiness to compromise or calculation must remain open. In no way did he want to leave this important field of political ideological debate to his opponents. To be able to get this under control he initiated the "Chechen Islamic State" movement in August 1997 on a broad, country-wide basis,<sup>43</sup> which of course made him the prisoner of the developments that Yandarbiev had put into gear when he was acting as transitional President: Already in November 1996, i.e. just before the Chechen presidential and parliamentary elections, Islam had been declared the "state religion" through an alteration in the constitution.<sup>44</sup> Shortly thereafter "Sharia Courts" were established alongside the People's Courts from the Soviet period. These Sharia Courts had exclusive jurisdiction for all disputes between Muslims from then on. This step was also controversial in Chechnya. It was justified on the - doubtful - grounds that strict Islam customs would make the Sharia judges incorruptible and thus give higher authority to the Sharia Courts over the despised "Russian" courts.<sup>45</sup> The main motive behind this Islamic court reform however was to further strengthen Chechen independence by detaching it from Russian legal space.

A rationale, which one could take more seriously is perhaps the reasoning or expectation that Sharia Courts, because they are more highly accepted by Chechens, were a stronger counterweight to the blood feuds anchored in the customs and codes of customary law than the Russian Courts, whose decisions, experience had shown, had not been able to end disputes burdened by blood feuds in a binding manner. In reality, the increase in violent disputes between teips and increasing kidnappings of persons belonging to other teips during both Chechen wars made the blood feud law, which must be fulfilled, an additional burden to Chechen society. It is significant, that Ruslan Khasbulatov, the former Russian Parliamentary President and a Chechen himself from the North Terek region (the village of Tolstoi-Yurt), placed it second on the list of the main Chechen problems to be solved in the future.<sup>46</sup> Many families are affected by this problem, he said. Unfortunately one learns even less about the extent of this problem from current Chechen press coverage than about the teips, but - along with the teips - it presents an omnipresent force in political events.

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42 Cf. Maksim Shevchenko, *Kakoe gosudarstvo stroit Chechnya?*, in: *Nezavisimaya gazeta* of 12 August 1998, pp. 1/3.

43 Cf. Ignatenko, cited above (Note 41).

44 Article 4 of the constitutional alteration law in the version of 11 November 1996. Cf. Ignatenko, cited above (Note 41).

45 Cf. Andrei Kamakin, "My prosto khotim navesti poryadok", in: *Nezavisimaya gazeta* of 25 September 1997, pp. 1/3.

46 Cf. his programmatic declaration of principles, with which Khasbulatov wanted to recommend himself for the position of administrative head of Chechnya: *Chechnya: Poslednyaya nadezhda. Kak nado zavershit' konflikt*, in: *Nezavisimaya gazeta* of 23 May 2000, p. 8. Khasbulatov put the solution to the "teip problem" (!) at the top of the list.

In November 1997, Maskhadov declared Chechnya an "Islamic Republic". The results of this move were realized much later: In February 1999, Maskhadov, in a decree, made the Sharia the generally binding law of the Republic, abolished the legislative function of the Parliament and commissioned the Members of Parliament and the Muftiate to develop a new Islamic constitution. With this step Maskhadov had conclusively abandoned the foundation of the constitution and thus also his legitimacy as President and relinquished the decisive edge he held over his Islamicist challengers. A draft of the constitution was completed in the spring of 1999, but its adoption through a referendum could no longer be implemented because of the renewed outbreak of war.

The danger that Maskhadov would become a victim of an opposition alliance of materially and economically interested field commanders and his Islamicist challengers, became imminent during the summer of 1998 when the Russian presidential representative to Chechnya, Valentin Vlassov, was kidnapped (1 May) and Maskhadov used this occasion to declare a state of emergency (23 June). In this manner he wished to fight criminality and in particular the scourge of kidnappings that had been occurring more effectively.<sup>47</sup> Three weeks later bloody fighting broke out in Gudermes, the second largest city in the country, between units of the President's National Guard and Islamicist fighting units ("Sharia Guard"; "Islamicist Regiment"). When because of this Maskhadov disbanded all "Wahhabi" organizations, in addition placed a ban on the Islamicist media and announced the expulsion of all irregulars from Arabic countries acting in league with field commanders, an assassination attempt (23 July) was made on his life, which he barely escaped.

Not only did Maskhadov's actions not have any effect, but an opposition alliance was formed against him in September 1998 with the revival of the "All-National Congress of the Chechen People" originally created by Dudaev. In addition to the notorious adventurer Salman Raduev, Shamil Basaev and Khunkarpash Israpilov - both of whom had shortly before sat in Maskhadov's government, the latter as head of the "Anti-terrorist Centre" - took up positions at the head of this alliance. Although Maskhadov was able to have Raduev sentenced to four years of prison for an attempted overthrow of the government by the "Supreme Sharia Court" (4 November 1998), the President no longer had the authority to enforce this sentence; Raduev could for all practical purposes move about freely all over the country and even in the capital, Grozny. Maybe Maskhadov hoped that he could keep the Islamicist opposition in check, in particular through the objective institutional "Islamic" authority of the Sharia Courts, which the President controlled to a limited de-

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47 Cf. *Moskovskie novosti* of 17-24 May 1998, pp. 6/7. 1998 was Maskhadov's fateful year. See Uwe Halbach, *Die Tschetschenische Republik Itschkeria 1998* [The Chechen Republic of Ichkerya 1998], in: *Bundesinstitut für ostwissenschaftliche und internationale Studien* [Federal Institute for Russian, East European and International Studies], *Aktuelle Analysen* [Current Analyses] 49/1998.

gree. But his sums did not add up because *de facto* the field commanders were unassailable.

Thus in 1999, the overly powerful divided forces in the country drove it deeper and deeper into anarchy. When the combat units of the combined forces of the "Jordanian" Al Khattab and those of the "Congress of the Peoples of Chechnya and Dagestan" led by Basaev and Udugov invaded neighbouring Dagestan in July 1999<sup>48</sup> and there was no concrete reaction from Maskhadov this was tantamount to the President's capitulation, to the admission of his powerlessness. Since then Maskhadov's name is only a symbol, which does not radiate any brilliance.<sup>49</sup>

#### *Moscow's Temporary Administration of Chechnya*

Because even before the outbreak of the second Chechnya war, President Maskhadov represented little more than his own power base, one can understand Moscow's refusal up to now to accept him as a negotiating partner - if this was in fact the real reason for their refusal. However, this is not the real reason. In reality President Vladimir Putin is no longer orienting his attempts towards a solution to the Chechnya problem based on the model of negotiations between Chechnya and Russia as they were carried out up to 1998, but is centring it on the principle of a one-sided military administrative scheme imposed by Moscow.<sup>50</sup> An outline of how this was supposed to work could already be seen in the (temporary) "administration of the Chechen Republic"<sup>51</sup> created by Putin on 8 June 2000 by decree and in particular the personnel decisions made. While the administrative heads of many of the 18 districts are Russians, Kadyrov, the Mufti of Chechnya, was appointed central head of the administration with Bislan Gantamirov as his deputy.<sup>52</sup> These decisions on personnel followed an all too well-known basic pattern: Kadyrov comes from one of the most important teips in the country, namely from the

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48 Cf. Uwe Halbach, Krieg in Dagestan [The War in Dagestan], in: Bundesinstitut für ostwissenschaftliche und internationale Studien [Federal Institute for Russian, East European and International Studies], Aktuelle Analysen [Current Analyses] 28/1999; Alexander Iskanderjan, Der Krieg in Dagestan [The War in Dagestan], in: Wostok 4/1999, pp. 18-20.

49 Maskhadov's transformation from a professional soldier who sticks to his ethics to a guerilla using terrorist methods may be understandable from a human point of view. However this does not bring Chechnya any further and degrades Maskhadov to the level of Raduev or Basaev. For more on these developments cf. FAZ of 4 July 2000, p. 8, as well as of 5 July 2000, p. 3.

50 For more on this, see the official statement by the President Putin's Chechnya Representative, Sergei Yastrshembski, in: Nezavisimaya gazeta of 18 July 2000, p. 2; In addition, the remarks of FSB head of department, Alexander Sdanovich in the round-table discussions in Nezavisimaya gazeta, 16 June 2000 supplement, pp. 9/12-14, here: p. 12.

51 Text in: Sobranie Zakonodatel'stva Rossiiskoi Federatsii 2000, No. 24, Pos. 2545.

52 For background information see Nezavisimaya gazeta of 21 June 2000, pp. 1/2. For portraits on these two see the FAZ of 17 June 2000, p. 12 and/or of 3 May 2000, p. 16. Additional materials and especially interviews in: Nezavisimaya gazeta of 14 June 2000, pp. 1/3; 1 July 2000, pp. 1/2.

Benoi teip based in the second largest Chechen city, Gudermes, whereas Gantamirov, as was previously mentioned, is from the Chankhoi teip. There is not only rivalry between these two teips, but personal enmity between Kadyrov and Gantamirov who already during the first Chechnya war, which Kadyrov officially declared a "holy war", fought on opposite sides. From the very start Gantamirov did not leave any doors closed to prevent President Putin's appointment of Kadyrov in June, but this proved fruitless. With the appointment of these two personalities, Moscow was following its century-old unaltered course of the principle of "divide and rule".

These two representatives of the administration could not have more different personal profiles and characters. Kadyrov enjoys a certain amount of standing as a spiritual leader, but does not have any experience in state administration, economics or finances. He does not have the necessary qualifications to carry out practical tasks of Chechen reconstruction. All the same he is regarded as a person with integrity. The opposite is true of Gantamirov who is responsible for the administration of the security apparatus and supervision of the Chechen police. One can only describe his appointment as a cynical provocation. In 1998, a Moscow court sentenced the former mayor of Grozny to six years in prison for misappropriation of funds on a large scale,<sup>53</sup> but Yeltsin pardoned him in November 1999 to be able to utilize his experience and connections in the retaking of Grozny. Within a short period of time Gantamirov had gained the support of over a thousand men from his teip and clan. Apparently army leaders were very pleased with his dedication; the Chief of General Staff, Kvashnin, personally promoted him to Colonel.

Gantamirov's activities as administrative head proceeded in a manner one generally presumed he would take from the start: He refused to do his job from the official seat of the temporary administration in Gudermes because he did not have the support of the teip grass roots there and instead moved to the familiar city of Grozny where he has lived ever since. In Grozny he made sure that a close relative, Supyan Mokhchaev was appointed the mayor of Grozny and that district administrative offices in Grozny were taken over by other members of the Chankhoi teip. Gantamirov's intimate friends from the same teip also took over leading positions in Urus-Martan and Archnoi-Martan.

As a prominent representative of the Benoi teip, Kadyrov benevolently supported Moscow's plan to move the country's capital to Gudermes. However, this led to decisive resistance by Gantamirov, who would have lost a considerable amount of influence if this solution had been implemented.

Kadyrov under no circumstances would have accepted the clan structure of his deputy. When he suspended Gantamirov's appointments in July, this led to outright confrontation between the two: On 18 July 2000, Gantamirov with the mayor of Grozny and 200 militia men from his "Chechen Militia" moved

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53 For the legal proceedings see *Nezavisimaya gazeta* of 22 October 1997, p. 3; *Kommersant daily* of 28 July 1998, p. 5.



into Gudermes, surrounded Kadyrov's office and attempted to force him to reverse these personnel decisions. As could have been expected, an attempt at mediation by a Russian military commander did not produce any results because Gantamirov stubbornly insisted that the appointments for positions in Grozny be left to his own discretion.

This is how the divisive tendency of the teip order, which was the country's undoing in the "Chechen Republic of Ichkerya", has also already influenced the "administration of Chechnya" under Russian auspices, just after it was set up.

One can easily believe that it was not easy for President Putin to appoint Kadyrov.<sup>54</sup>

Of course, he could also have chosen the most prominent Chechen in Moscow, the former Parliamentary President of Russia, Khasbulatov, who has since 1994 been considered a "third side" and the personnel alternative for a loyal Chechnya and is prepared to take on the job. However Khasbulatov is considered headstrong and furthermore would not be able to fulfil the task, which the Kremlin has given to Kadyrov. Moscow needs the Mufti to help them convince war-tired field commanders to put down their arms.<sup>55</sup> At the same time, the appointment of two Chechen leaders who are enemies is useful in helping the Russians maintain control over their work. It prevents them from conjointly following Chechen interests behind Moscow's back. The status of the temporary administration of Chechnya shows that there is no serious willingness to improve the situation in Chechnya.<sup>56</sup>

### *Conclusions*

1. The hypothesis advocated by Chechens of differing political colours that one must allow them to solve their own problems and not allow foreign intervention into their internal affairs thus leading to an improvement in their way of life has, because of the events of the last few decades, proved wrong. There would have been a chance of success from August 1996 to August 1999 when the Chechens were practically independent and had constitutional institutions (a president, government, parliament, constitutional court) with clear-cut, not previously known democratic legitimacy. The political-military elite of the country, those who possessed real - central and regional - power did not take the opportunity to use it rationally, but placed their egotism above the general interest of reconstruction and the creation of a functional nation state and thus plunged the country into chaos. In this manner they gam-

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54 Cf. the interview with him in *Paris Match* of 5 July 2000; Russian text in: *Nezavisimaya gazeta* of 8 July 2000, pp. 1/6.

55 Cf. *Moskovskie novosti* of 1-7 August 2000, p. 6.

56 Cf. Lema Turpalov, *Voinu v Chechne zatyagivayut iskustvenno*, in: *Nezavisimaya gazeta* of 29 July 2000, pp. 1/2.

bled away a historic opportunity, which has little chance of arising again. The burden of the blame can be placed on President Maskhadov for not having prevented this development.

2. Chechen territory is so ravaged and destroyed as a result of two wars fought in complete violation of all international humanitarian law regulations that the Republic will not be in a position to work its way to a minimal level of modern civilization - neither from an administrative nor infrastructural nor economic perspective. Chechen energies have been exhausted by huge losses in human life, innumerable deaths, the injured, the handicapped, through the misery of hundreds and thousands of refugees and moreover they have been debilitated and poisoned by enmity, hatred and mistrust. Therefore Chechnya needs outside support and aid to be able to rebuild, to recover and renew the country. Naturally this must come from within the Russian Federation itself, not only from its central government, but also from the regions neighbouring Chechnya.

However, the opportunity for and effectivity of aid from these sources have huge obstacles in their paths. As is well known, the financial and economic resources of the Moscow central government are so meagre that they do not have the slightest chance of sufficing to fulfil the most elementary tasks at the federal level. Furthermore, the neighbouring regions of Chechnya - Dagestan, Ingushetia, North Ossetia, the Stavropol Kray - which to a certain extent have themselves been severely hit by the war belong to the poorest, structurally weakest regions of the Federation. Chechnya cannot expect sustainable aid from them and only very limited assistance from the federal centre.

From a psychological perspective, Russian readiness to provide assistance is practically zero because of the wars they have had to fight and the widely held racist discriminatory attitude towards the Chechens. Aid to Chechnya is not popular in today's impoverished Russia.

On the Chechen side, the traumatic experience with the authorities, the police and Russian armed forces have not encouraged readiness for close co-operation supported by harmony and trust. The chain of disappointing experiences in the daily events of government is long and further links have continually been added as a glance at the grotesque aspects of Moscow's temporary administration in Chechnya shows or at the current administration of the oil and gas systems, the profits of which have been flowing into the private pockets of - Russian - civilian and military clan structures.<sup>57</sup>

Nevertheless the industrial energy sector could be an important key to the reconstruction of Chechnya. Although the oil and natural gas reserves have only little significance for Russia altogether, for Chechnya itself they could be very important if the profits from energy enterprises

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57 Cf. the impressive research of Politkovskaya, cited above (Note. 29).

were to remain in the Republic. This factor would provide a good basis for the economic recovery of the Republic.<sup>58</sup> The Moscow central government would of course have to be prepared to allow Chechnya to control its own energy sector and take the appropriate steps towards this. A decision of this kind cannot be excluded, but currently seems rather improbable.

3. Because of these circumstances, the question is in what way Chechnya today and in the medium-term future could be provided with foreign aid. It is very urgent that investments be made in the energy sector and the communication system of the country; however it is also clear that no foreign investor - at least for the time being - is going to go into a country that has been "bombed back to the stone age" and torn apart by no less brutal guerrilla warfare,<sup>59</sup> even though a commitment of this kind would be hugely significant to lessen the conflict and lead to domestic peace.

In conjunction with this, considerations as to what ways international organizations and specifically the OSCE could put into effect tasks leading to the end of the war and the development of peace in Chechnya are more obvious. The OSCE has long been the organization with the most intensive experience and simultaneously can take the highest credit for negotiating and diminishing the conflict between Chechnya and Russia in the past.<sup>60</sup> Therefore it is an important achievement that Russia has agreed to the renewed presence of an OSCE Assistance Group in Chechnya with an office in Snamenskoe/North Terek region.<sup>61</sup> The most important part of its mandate is to offer support for the construction of democratic institutions in Chechnya and to offer negotiating services for the political regulation of the conflict with the goal of ending the fighting. It is clear that the latter has the highest priority. At this point in time the task is to create steady contact through talks with Chechen partisans now acting in the underground, especially with Aslan Maskhadov. The OSCE could build on its experiences in 1996, which led to the Khasavyurt ceasefire agreement. Of course "Khasavyurt" will

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58 For economic and financial policy considerations on how to organize the reconstruction see Vladimir Jurovitski, *Chechenski kapkan*, in: *Nezavisimaya gazeta* of 4 May 2000, p. 8.

59 For more on this see the reports in: *Obshchaya gazeta* of 13-19 July 2000, p. 2; *Izvestiya* of 21 July 2000, p. 3; *Nezavisimaya gazeta* of 20 July 2000, p. 2; *Nezavisimaya gazeta* of 18 July 2000, p. 2.

60 Cf. Ursel Schlichting, *Das Engagement der OSZE in Tschetschenien* [OSCE Involvement in Chechnya], in: *Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg* [Institute for Peace Research and Security Policy at the University of Hamburg]/IFSH (Ed.), *OSZE-Jahrbuch* [OSCE Yearbook] 1995, Baden-Baden 1995, pp. 211-220; Tim Guldemann, *Supporting the Doves against the Hawks. Experiences of the OSCE Assistance Group in Chechnya*, in: *Institute for Peace Research and Security Policy at the University of Hamburg/IFSH* (Ed.), *OSCE Yearbook* 1997, Baden-Baden 1998, pp. 135-143; Skagestad, cited above (Note 30).

61 Cf. OSCE set to return to Chechnya, *OSCE Newsletter*, May 2000, pp. 1-2.

not recur because Moscow will no longer relinquish the presence of Russian security forces in Chechnya. Finally the continuing second Chechnya war is serving to re-establish the territorial integrity of Russia, which in principle particularly Western states support.

Nevertheless there is considerable leeway within Moscow's stipulations to solve the issues affecting the future political order of a "Chechen Republic inside Russia". This opens up a large field of action for the OSCE and its Assistance Group to mediate, which could be effected in close co-operation with the Council of Europe.

Another important dimension of activities directed towards confidence-building as well as control through an international presence would be the continual contact of the OSCE Assistance Group with the temporary administration of Chechnya as well as with the staffs of the acting security forces on Chechen territory, the ministry of defence, the ministry of the interior and the Russian state security services (FSB). One of the main goals of these contacts would have to be the combating and preventing violations of human rights by marauding Russian units - one of the main problems of the military presence in Chechnya today, which has been driving the Chechen population into the arms of the guerrillas and lengthening the war artificially.

In the long-term the OSCE could further make fundamental contributions to easing the conflict if it successfully convinced the Moscow central government to allow the Republic to enjoy the profits of the oil and natural gas industries. To put this into effect an administrative model would have to be developed, which would exclude private access of Chechen and Russian clans to these resources. Against the background of the teip and clan structures described, as well as endemic corruption, this would be a "Herculean task", but it should nevertheless be attempted. To be able to do this the inclusion of international economic organizations and well-known consulting firms should be canvassed.

4. A decisive prerequisite for the success of the mission of the OSCE Assistance Group is that in their negotiations they should no longer work based on the hypothesis of maintaining the political-constitutional status of Chechnya open, but they should see their task as aiding the Chechen Republic in gaining a position with equal rights in the Russian Federation to make peaceful development in the tension between autonomy and integration possible. As a federal member ("Subject of the Federation"), Chechnya, also in the future, will face the unsolved task - under the omen of their strivings for independence - of the formation of functional modern statehood. The solution to this task would be associated with a gradual transformation of the teip order. This is, at best, a long-term prospect.

In the medium-term, the problem of building democratic institutions must be solved. This addresses the continuation of the mandate of the

OSCE Assistance Group. In this respect they can rely on their far-reaching experience as joint organizers of the January 1997 elections. In view of the teip structures in this society, parliamentary elections are particularly important because this would allow the teips to participate in government to a broader extent and increase their representation at the central level of the Republic. The Parliament could play the part of a fundamental clearing-house function in the reconciliation of interests between the regions, clans and teips and thus make a large contribution to the reduction of the conflict potential in Chechnya.



## A Central Asian Focus





## A Sustainable Stabilization Policy in and for Central Asia

### *The OSCE Central Asian States*

In January 1992, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan became "participating States" in the CSCE, which was renamed the OSCE in 1995. Whether you give a detailed evaluation of their participation in the OSCE from the view of these five states themselves or from the perspective of the OSCE as a whole, one thing is clear: The Central Asian states and the OSCE have made continual progress in their efforts towards comprehensive integration. Central Asian OSCE States' interest in dynamic improvement of their co-operation with the OSCE is the driving force behind this process. However, one thing should be made plain from the start, the five OSCE States in Central Asia each have their own individual history with and within the OSCE.

It all began in January 1992, four weeks after the dissolution of the Soviet Union. There was no clear consensus among CSCE "participating States" on whether to allow "admission" to the newly independent states. However two arguments gained acceptance against the objections that these states were not geographically a part of Europe and therefore could not be part of the CSCE: Since they had belonged to the Soviet Union, the territories of these states were part of the CSCE area from the start; thus it followed that these states should be *integrated* into the CSCE and not segregated (inclusion versus exclusion) in order to assist them in solving foreseeable problems after the fall of the Soviet Union. With this view towards co-operative security, the participants of the Prague CSCE Council of Ministers (January 1992) made the decision to admit all Soviet Union successor states to the Conference. Simultaneously they worked out a programme "of co-ordinated support to such States, through which appropriate diplomatic, academic, legal and administrative expertise and advice on CSCE matters could be made available".<sup>1</sup>

This was the starting point of a dual-track process of increasing integration and co-operation. Step-by-step the Central Asian states developed their active collaboration in the CSCE, in particular by assigning Permanent Representatives to the OSCE bodies in Vienna. The OSCE Chairmen-in-Office established a tradition of making regular visits to the five capitals of the Central Asian partners. The increasingly intensive work of the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and

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1 Prague Meeting of the CSCE Council, 30-31 January 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. 821-839, here: p. 826.

Human Rights (ODIHR) and later that of the Representative on Freedom of the Media strengthened the dialogue and made co-operation with the Central Asian states in each area of their performance more concrete.

Clear evidence of an intensification of the co-operation between the OSCE and the Central Asian OSCE States became visible through various forms of OSCE on-the-spot presence.

In Tajikistan, it was primarily the United Nations that were responsible for efforts to arrive at a solution to the bloody civil war, which broke out in 1992 (approximately 30.000 dead). However the OSCE has had a Mission in Dushanbe since 1993, which, in co-ordination with the UN Mission, concentrates predominantly on the areas of human rights, democracy and the rule of law. In Uzbekistan the OSCE Liaison Office in Central Asia was set up in Tashkent in mid-1994 at the suggestion of President Islam Karimov. The continual increase in personnel in this Liaison Office is a reflection of the growing interest of all states in Central Asia in more intensive co-operation with the OSCE. The next move towards developing these co-operative efforts came from the United States. In a speech he held in Berlin in January 1998, President Bill Clinton tried to enlist support for an OSCE Central Asia (and Caucasus) initiative. Because this also reflected the desire of the OSCE States in Central Asia, "OSCE Centres" were established in Almaty, Ashgabad and Bishkek during 1998. Since then the OSCE has been represented in all Central Asian states on a continual basis. These "offices" are relatively small with a total of less than 30 international mission members. However despite limited personnel, the OSCE representations in Central Asia have shown once again that a field presence is an indispensable prerequisite for comprehensive and dynamic co-operation. At the beginning of 2000 the OSCE Mission in Dushanbe opened an additional branch office in Khujand (in northern Tajikistan) and the OSCE Office in Bishkek acquired a branch office in Osh (in southern Kyrgyzstan).

The OSCE Permanent Council in Vienna plays a vital role in building closer relations between the OSCE and the OSCE States in Central Asia. All OSCE institutions report regularly to this body on their co-operation with the Central Asian states. This is where all OSCE States hold necessary political consultations and where a consensus is built setting the course for the OSCE in Central Asia. In particular the visits to Vienna by the Presidents of Kyrgyzstan and Kazakhstan as well as the foreign ministers of Central Asian states have led to more in-depth political consultations within the Permanent Council.

A considerable increase in opportunities for co-operation particularly in the years 1998/99 made clear however that common considerations on the part of both the Central Asian states and the OSCE were necessary to be able to develop a strategy for further co-operation. In preparation for this, during the summer of 1999, in my position as Personal Representative of the Norwegian OSCE Chairmanship, I drafted a report to be submitted to the OSCE Perma-

ment Council.<sup>2</sup> When in November 1999 the Presidents of the Central Asian states (Turkmenistan, however, represented by its foreign minister) met for the first time with the OSCE Chairman-in-Office on the periphery of the OSCE Summit Meeting in Istanbul, they conferred on the results of strategy discussions held up to that point. The main components for further co-operation were then established in the Istanbul Summit Declaration.<sup>3</sup>

The Austrian Chair has made increasing co-operation with the OSCE partners in Central Asia one of the focal points of its programme for the year 2000. The OSCE Secretary General, Ambassador Ján Kubiš, who has had many years of wide-ranging experience in Central Asia, was appointed Personal Representative of the Chairperson-in-Office for Central Asia. His appointment is especially welcome because it will bring new impulses to co-operation with Central Asian OSCE participating States without having to create added OSCE structures with new co-ordination requirements and additional costs.

### *Challenges*

All states in Central Asia and their populations are faced with special challenges. One must remember that the term "Central Asia", which specifically defines the area comprising the current states of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, first came into use after the dissolution of the Soviet Union. From a (Western) European view, these states seem to have barely any differences between them. However if you travel from country to country, you will find the distinctive features of each of the five countries in this region are almost more prominent than their common features. At a first glance this is all the more surprising given the numerous common problems and challenges confronting all five states. Nonetheless these problems do take on different forms in each state. And to underline each individual state's identity, single states deliberately describe these problems in a very differentiated manner. The most important challenges are as follows:

- lack of predecessor states which could bequeath a state identity to the current states;
- numerous minorities and in some states numerically large minorities;
- imprecise demarcation of boundaries and in critical zones no demarcation whatsoever;
- unsolved distribution issues, especially in the management of water resources;

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<sup>2</sup> CIO.GAL/58/99.

<sup>3</sup> Cf. Organization for Security and Co-operation in Europe, Istanbul Summit Declaration, Istanbul, November 1999, reprinted in this volume, pp. 413-424, here: p. 416.

- growing economic and ecological problems and the social concerns related to them;
- costly and politically difficult entry into world markets for natural gas and crude oil, the most important resources for economic development;
- the lack of traditions in democracy and the rule of law;
- calling the secular state into question;
- international terrorism, violent extremism, organized crime, trafficking in drugs and weapons;
- geopolitical position - point of intersection for the strategic interests of the Russian Federation, the USA, Turkey, China and Iran.

A particular challenge is the proximity of all Central Asian states to the conflict in Afghanistan which is yet unresolved. In most of the capitals of the region this is considered the biggest and most pressing security risk. It is common knowledge that drug trafficking is cultivated by Afghanistan. But also active international terrorism in the region and initiatives promoting Islamic fundamentalism have roots in Afghanistan. This was again made clear in January 1999 with the assassination attempt on President Karimov in Tashkent and during the autumn of 1999 when a group of terrorists poured into southern Kyrgyzstan. If, in addition, one takes into consideration the civil war in Tajikistan, which caused the country immeasurable damages, as well as the developments in Chechnya, the apprehension in the region is justified. Central Asian states have been disappointed that those states with global influence as well as the large international organizations in view of the complex situation in Afghanistan have hesitated to commit themselves persistently to a solution. Moreover, for political and socio-economic reasons, terrorists and fundamentalists in Central Asia find themselves in an environment, which is favourable to their objectives. Instituting firm measures against terrorists is a special challenge during this phase, in which the preparation for lasting stability is mainly dependent on the development of human rights and the rule of law. As the US Secretary of State, Madeleine Albright, pointed out on her visit to the region in April 2000, one of the most dangerous temptations for a government fighting terrorism is to react with "heavy-handed" measures which result in violating the rights of innocent citizens. However looking at the situation from a distance one must admit that it is easier to explain terrorism than to bring terrorists under control. It is part of terrorist strategy to press a state founded on the rule of law to its limits. There are a sufficient number of examples of this in Western Europe as proof.

The Fergana Valley, where the most difficult problems of the region are aggravated by extreme overpopulation, deserves a special remark. In this most fertile as well as highly industrialized region in Central Asia, the common features and the rivalries of a long and turbulent history have become intertwined with the socio-economic problems of the present day. Even the centralism and repression of the Soviet epoch were not able to quell ever-recur-

ring confrontations between ethnic groups despite brutal intervention in these conflicts.

Some of the aforementioned challenges imply a risk spectrum, which must be confronted with policies directed towards prevention. The willingness of the OSCE and OSCE States with particular influence to commit themselves to meeting these challenges can only be mobilized if the risks involved are made apparent. On the other hand, the Central Asian states understandably do not have any interest in being labelled as a "crisis region"; unquestionably (private) investors tend to keep wide berth of a crisis area. In an effort to discourage a crisis image, it has been pointed out in Central Asia that after independence it was a widely spread opinion that minority issues would tear the new Central Asian states apart, but that this warning was justified only for Tajikistan, which had been shaped by a specific clan structure. In all the other Central Asian states minorities and governments were able to avoid uncontrollable developments.

#### *Avenues to Comprehensive Security*

Given these challenges in their totality as well as their interdependency a view of the situation emerges that is marked by astonishing complexity. The understandable desire to create convincing and fast-working strategies can hardly be fulfilled even at the drawing-board level. It is all the more important that all OSCE States orient policies in and for the states of the region towards common and comprehensive security. Even in view of tremendous challenges, the OSCE Heads of State or Government explicitly endorsed this ambitious goal at the Summit Meeting in Istanbul (November 1999) in the Charter for European Security.<sup>4</sup> Thus it is right to ask the question in the capitals of Central Asian states how the OSCE can contribute to progress towards comprehensive security also in Central Asia. OSCE representatives are being reminded with growing emphasis that in their efforts to achieve comprehensive security they are to "address the human, economic, political and military dimensions of security as an integral whole".<sup>5</sup>

#### *Strengthening the Human Dimension*

For the OSCE, human rights and fundamental freedoms, democracy, and the rule of law are the core of comprehensive security. This corresponds with the institutional experience of the CSCE and the OSCE since the inception of the

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4 Cf. Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, reprinted in this volume, pp. 425-443, here: pp. 427-428.

5 Ibid., p. 428.

CSCE process in the Helsinki Final Act (1 August 1975).<sup>6</sup> The "power of the ideas of the Helsinki Final Act" as is stated in the Paris Charter (21 November 1990)<sup>7</sup> has put an end to the confrontation between East and West. And since the Charter of Paris the human dimension has proved to be the indispensable basis for effective efforts to prevent conflicts and manage crises in the OSCE area.

The operative institutions of the OSCE in the area of human security have continually expanded their co-operation with the Central Asian states. The *High Commissioner on National Minorities* has in Kazakhstan and Uzbekistan, and especially in Kyrgyzstan had discussions with political leaders and with representatives of numerous minorities. During these he made use of his extensive experience in the development of pragmatic solutions for minority issues and contributed to their implementation through seminars and co-operation also with non-governmental organizations (NGOs). The *Office for Democratic Institutions and Human Rights* has accompanied the transition processes in the Central Asian states with a wealth of activities covering a whole range of tasks. With Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan further co-operation with the ODIHR has been established in extensive Memoranda of Understanding. During the last twelve months ODIHR has engaged in particularly important activities. They have followed elections while giving advice on and supporting the development of democratic electoral laws and electoral procedures and they have taken part in intensive election monitoring or offered the presence of experts. In view of the limited developments in the freedom of the press, the *OSCE Representative on Freedom of the Media* has made visits to all the countries of Central Asia, some more than once. Moreover the *OSCE Mission* to Tajikistan and the *OSCE Offices* and *Centres* in the other Central Asian states have made the human dimension a focal point of their work. Their continued presence in the region facilitates a realistic differentiated evaluation of problems in the area of human rights, democracy and the rule of law. Based on this concrete foundation, they hold a continual dialogue with government and parliament as well as with NGOs and individual citizens.

In 1999, the Central Asian states approved the establishment of several OSCE Offices. This as well as the Memoranda of Understanding with ODIHR again made clear that the OSCE States in this region are interested in more intense co-operation with the OSCE in the human dimension area. The Central Asian states are in fundamental agreement with the OSCE that there are connections between the development of this area and increasing stability. During the good eight years since their independence, the Central Asian states have achieved a certain degree of progress different in each country.

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6 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 1), pp. 141-217.

7 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (Ed.), cited above (Note 1), pp. 537-566, here: p. 537.

However on the whole this progress has been modest and coincides increasingly with retrograde steps and setbacks. The OSCE works in an environment where serious and to some extent systematic violations of human rights occur. However this can only lead to the conclusion that efforts towards dialogue and co-operation should be further intensified.

As has been the case in all the successor states to the Soviet Union which came into being after a long period under an authoritarian regime, it has been a balancing act for the international organizations to further the dialogue on human rights and to develop and implement their projects. The right amount of understanding for the specific problems of the "transitional phase" must be combined with differentiated but unambiguous critique when countries do not conform to the OSCE standards accepted by all Central Asian states, or when countries violate human rights and fundamental freedoms, and do not follow or deliberately deviate from the fundamental rules of democracy and the rule of law. OSCE partners in Central Asia do not as a rule cast doubts on OSCE standards. However emphatic questions have been raised on issues like whether, in light of the historical realities in Central Asia, democratization can be implemented according to the "Westminster model". And often the widely spread opinion held in other regions of Asia is referred to: i.e. it is impossible to implement "good governance" commensurate with human rights standards as long as citizens have not yet grasped its meaning. Then usually attention is drawn to the fact that it is of utmost importance that the outbreak of chaos "similar to that of other CIS countries" be prevented. One aspect of the balancing act would be responding to these arguments decisively by promoting lasting stability through more and farther-reaching reforms and not by postponing reforms.

Behind the arguments of Central Asian states, eager to increase understanding for their difficult situation, is clearly also a keen interest in avoiding a reputation of not moving closer to OSCE standards. Particularly these "young" states are seeking international reputation; it would certainly be damaged if they were to be caught in the role of being the OSCE outsiders. But this also involves more tangible interests. For the European Union (particularly within the framework of the partnership and co-operation agreements), for the international financial institutions and for the United Nations, the resolve and the determination towards "good governance" are important criteria when these organizations make their decisions on whether to offer financial support. The same is true for the majority of individual donors involved in bilateral transactions - although one does hear from reliable sources in Central Asia that the OSCE places a stronger emphasis on maintaining human rights and fundamental freedoms than some of its leading participating States do in their bilateral relations.

Individual OSCE States in Central Asia are showing varying degrees of preparedness to implement perceptible improvements in the areas of human rights, democracy and the rule of law. However, the intensity of the dialogue

and the broad spectrum of assistance in creating rule-of-law and democratic institutions, especially the numerous and differentiated activities in the area of elections, show that there is potential for progress in all Central Asian states. Where in specific areas new approaches are being fostered in a professional and sensitive manner a new trend in the right direction is emerging. Promoting the work of NGOs plays an important role here. Specifically NGOs working on environmental protection demonstrate that there are citizens ready to engage themselves and who cautiously extend their activities in such a way that these cannot be easily categorized as "anti-government" hence running the risk of repression.

For a *sustainable* stabilization policy in Central Asia, the OSCE not only must continue the existing dialogue and co-operation in the human dimension, but also extend them according to the willingness on the part of single Central Asian states to participate in this process. The political leaders of Central Asia must be encouraged, despite all existing problems, to initiate dynamic reform processes and they should not be left alone in doing it.

#### *Taking Other Dimensions into Account*

The further intensification of co-operation achieved in the human dimension cannot be separated from the necessity that the OSCE objective of *comprehensive* security be taken seriously. Especially because the human dimension must remain the key area in OSCE contributions to lasting stability, the OSCE must at all costs avoid taking "one-dimensional" actions, i.e. direct its interests *exclusively* towards human rights, democracy and the rule of law. However especially since the Charter of Paris, the OSCE has had difficulties in finding its role in other areas of comprehensive security (economic, environmental, political and military). The Organization cannot simply look for the largest number of possible OSCE fields of action to enable it to raise the OSCE flag and then not be in a position to make a significant contribution in these fields. The OSCE does not have the resources available to finance large economic or environmental projects. Rather it must recall its strengths as a predominantly political organization. From this perspective the OSCE could become actively involved in a number of critical areas engaging as a catalyst to attract attention and gain support.

The selection of these areas should be based on the priorities of the Central Asian states, the utilization of the comparative OSCE strengths and the proximity to central OSCE goals. In view of this, certain areas deserve special attention.

To be able to solve the urgent economic and social problems in the Central Asian states, the development and realization of a market economy fitting for the Central Asian countries is of decisive importance. The OSCE can help to create the rule-of-law institutions necessary for a market economy. These in-



clude democratically legitimized parliaments acting with transparency, independent and effective courts as well as fair administrative bodies not riddled with corruption. The more highly developed a civil society becomes, the more attractive a country becomes for investors whether domestic or foreign. Issues surrounding the utilization of water resources are playing an ever-greater role in Central Asia. The ecological catastrophe in and around the Aral Sea is just one element of an extraordinarily complex challenge with a considerable potential for conflict. Before the Central Asian states became independent, water utilization issues were the responsibility of the Soviet central government and were decided in Moscow - or not decided at all. After their independence the five Central Asian states had to develop methods towards common solutions through international co-operation. In the interim a number of national, regional as well as bilateral and multilateral international platforms, plans and projects have emerged to solve the problem of water utilization. One thing that is certainly not needed is yet one more international organization wanting to have a say in this subject. However support of the efforts to link *already existing* approaches and strengthening them through additional political impulses by consciously focusing on "conflict prevention" could contribute to a solution of the problems. Approaches to this type of an integrating function for the OSCE require careful preparation. Essential interests of Central Asian states being affected, any promising approach has to take into account the varying interests trying to balance them from the very beginning.

Another field where the OSCE could make a contribution would be finding solutions in fighting drug trafficking. The leading organization in this area is the UNODCCP (United Nations Office for Drug Control and Crime Prevention). This organization as well as the Central Asian states would very much welcome the support of the OSCE on this critical issue. The main point would be to give additional political impulses. The OSCE Offices in Central Asia could give practical support on a case-by-case basis.

Thus water management and drug trafficking are good examples of an opportunity for more extensive OSCE involvement because solutions to these problems must be achieved through intensive regional co-operation. The interest in regional co-operation varies from state to state in Central Asia and is not yet particularly pronounced. Although there is no lack of regional meetings and wordy declarations, many initiatives have gotten bogged down before they could be implemented. In some Central Asian capitals the development of a national identity and the demonstration of one's own relative strength are prioritized to the extent that regional co-operation is not completely excluded, but rather regarded as an exception to the rule. Because of the potential regional co-operation has for the development of common security, it is important that the OSCE encourage it and demonstrate its effectivity in the implementation of concrete projects.

The military aspects of security are another interesting field for co-operation with the OSCE States in Central Asia. There are several plans for confidence-building measures originating from initiatives in the region. The OSCE should continue to give its support for these measures with political advice and expertise.

#### *Using Limited Resources more Effectively*

It would be unrealistic to draft a stabilization policy in and for Central Asia based on a massive increase of the funds earmarked for this purpose by the international community. However one could achieve more active involvement on the part of states and international organizations especially when it is made clear that existing opportunities are used effectively.

Moreover the OSCE could make more effective use of its own instruments and the very limited resources it does have at its disposal. The OSCE structures and instruments created for operational measures, as is the case in other international organizations, were not developed systematically. New institutions sprouted in a kind of "rank growth" as reactions to concrete challenges or specific suggestions from individual participating States in response to those issues on which a consensus could be reached. Organizational and structural weaknesses have now become visible in the implementation of the more important and long-term tasks, like those in Central Asia; however these tasks also offer a chance to introduce the necessary corrections.

The main thing in Central Asia will be to achieve clearer coherency of all activities "under the OSCE umbrella". Thus the OSCE Chair is in the process of planning a very flexible yearly framework programme based on contributions from all OSCE institutions. This framework could make it easier for individual OSCE institutions to co-ordinate their activities more effectively with other OSCE actors. This is particularly true of the co-operation between the Central Asian OSCE Offices and OSCE institutions in Vienna, The Hague and Warsaw.

It will also lead to a higher degree of continuity in the co-operation between the OSCE and the Central Asian OSCE States. Isolated events, which interest sponsors more or less accidentally, seminars which have not been fully prepared and do not have any perspective for the implementation of results, damage the respectability of OSCE work. In particular the OSCE Chair must set great store in continuity. Despite the endeavours of the OSCE Troika, composed of the Chair, his predecessor and his successor, to maintain continuity, there has been the feeling in Central Asian capitals that they have had to "explain everything anew every year".

Central Asia is an area with good prospects for the future if its human resources are allowed to flourish and its natural resources can be developed. This necessitates an environment tending towards sustainable stability. Currently all states in Central Asia are procrastinating on problems to a great extent unresolved and partially highly explosive. The political leaderships in the five states do not view this point any differently. However there is very little agreement on the roots of these problems, their risk priority and solutions. These are issues that will have to be discussed and where necessary argued out within the OSCE framework. Because of the experiences made in the past few years the OSCE in general has good chances of conducting this necessary dialogue in a spirit of solidarity with the people and the leaders in Central Asia with the goal of intensified, constructive co-operation.

However this does have a price and not alone for the OSCE budget. A culture of prevention cannot emerge based solely on high enthusiasm for non-violent conflict settlement. There must be a willingness to make the necessary commitment before violent solutions to the problem are put into operation and then escalate. The OSCE is now faced with new challenges as the admission of the Central Asian states to the Organization has established *reciprocal* obligations and responsibilities. The OSCE must continue to make sure that its participating States in Central Asia, with all their strengths and weaknesses, with their challenges and problems are taken seriously. In the past few years, structures have been created, which allow the OSCE to make major contributions to policies oriented towards sustainable stability. Now the political will of all OSCE States must be mobilized so that these structures are utilized and common security also for the OSCE Central Asian States becomes an obtainable goal.



## The OSCE and Islam - A Chance at Self-Fulfilment?<sup>1</sup>

Cases of "terrorist acts with an Islamist orientation"<sup>2</sup> on the southern border of the former Soviet Union are making headlines more often now and are also a matter of concern to politicians and experts. Research analyses report: "In Dagestan the rebels declared an 'Islamic state'; the actions in southern Kyrgyzstan are considered by some observers to be related to groups aimed at achieving the same goal in the Fergana Valley (...)"<sup>3</sup> There is concern about a "bridge between the Caucasus and Central Asia with respect to the radical Islamist tendencies on the southern edge of the former Soviet Union".<sup>4</sup> Within this context, one should remember the civil war in Tajikistan (1992-1997), which was only marginally perceptible to the Western world. Islamists of the Party of Islamic Rebirth (PIR) belonged to the initiating forces in this war, which led to over a hundred thousand victims, a half a million refugees and economic devastation. This was hardly a good starting position to embark upon statehood.

Are the OSCE, the West, Russia and the other OSCE participating States, being confronted with a societal potential and political factors - namely Islam, "Re-Islamization", Islamism and Islamic fundamentalism - which could destabilize their common space and endanger security?

The societal potential to consider here is comprised of 40 different Islamic peoples encompassing a population of around 57 million.<sup>5</sup> The volume of this concentration is largest in Azerbaijan (Caucasus) and in the five Central Asian states: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan with a population of 42 million. The Russian Federation also has a large Muslim population. The data varies tallying between eleven to 22 million people, who belong to over 40 different ethnic groups and who form between eight and 15 per cent of the total population. Estimates assume that in about 30 years, 30 to 40 million Muslims will be living in Russia.<sup>6</sup>

Thus, even *quantitatively* the "Islam factor" plays a role in the Eurasian region of the OSCE, affects the domestic and foreign policy of the countries in

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1 This article is a supplementary result of research funded by the Volkswagen Foundation.

2 Uwe Halbach, *Dжихад vom Kaukasus bis Mittelasien?* [Jihad from the Caucasus to Central Asia?], in: Bundesinstitut für ostwissenschaftliche und internationale Studien [Federal Institute for Russian, East European and International Studies], *Aktuelle Analysen* [Current Analyses] 33/1999, p. 1 (all quotations from foreign-language texts are our own translations).

3 Ibid., p. 3.

4 Ibid., p. 1.

5 Cf. Karl Grobe-Hagel, *Rußlands Dritte Welt* [Russia's Third World], Frankfurt am Main 1992, p. 293.

6 Cf. Aleksei Malashenko, *Islamskoe vozrojdienie v sovremennoi Rossii*, Moscow 1998, pp. 7-8.

that region and may become a constituent part as well as disquieting element for conflict situations or constellations.

### *Changes in the Geo-Strategic Dimensions*

With regard to the *external* dimension of this potential, it must be considered that these states, although they are members of CIS, have to a certain extent reverted back to the Islamic world. Having been part of it since the introduction of Islam by Arabic conquerors (651-874), these countries were to a large extent separated from the Islamic cultural circle through Russian colonial policies and subsequently their integration into the USSR. Because they border on the Muslim states of Afghanistan, Iran, Turkey and Pakistan, which build a bridge to the Arab world, the return of the post-Soviet Eurasian Muslim states to the Islamic sphere restored this area to approximately its old historical dimensions. Together they constitute a "powerful Muslim colossus"<sup>7</sup>, which now extends into the OSCE. Even today Tajik politicians are seriously considering building a highway to the Pakistani coast of the Arabian Sea - well aware of the geo-strategic potential deriving from the fact that from their corner at the south-eastern tip of Central Asia it would only take five hours to get to Islamabad by car while it takes five days to get to Moscow.

Against this background, this OSCE region gradually ceases to be what it was when it joined the OSCE after the USSR collapsed and ceases to be what it was when the West first welcomed it: a kind of "Soviet Orient", an Asian adjunct to a European, OSCE-oriented and *secular* Soviet Union. In the shadow of our Western European debates on "core Europe" and "EU eastward enlargement - with whom and how large?" - geo-strategic constellations in that OSCE area where the majority of the population has Muslim roots have shifted almost unnoticed. New elites have emerged through transformations and state-forming. Their interests, their understanding of domestic and external stability as well as security, and their expectations of the OSCE are all changing. When it comes to security and stability, even today these elites often have very different intentions and goals than the West.

Right before our eyes islands of "non-Western" culture have emerged in what has up to now been a monolithic secular OSCE region. This raises new questions: Will Islam through its existence in OSCE States become a part of the destiny of our common political space after all? What does this mean for the OSCE community of shared values and its self-image? How should and how will it deal with these new realities?

Actual practice leaves us with contradictory impressions: Without a doubt the war in and around Chechnya, the recourse to violence, is one of the saddest examples of the political helplessness, which characterizes all those directly

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7 Ibid., p. 9.

or indirectly participating in the conflict and contributing to its causes. It is true that the West and the OSCE have ample room for criticism of Russia because of its excessive use of violence. At the same time however, one cannot overlook that even in their own political space they are far from developing a concept on how to deal with the Islam factor, radical Islamist forces and movements for national (ethnic) and cultural self-determination controlled by these forces.

On the other hand, the OSCE has with its concept of "security through democratization" - which is the core of its strategy for Central Asia, *de facto* already begun considering Islam and Islamist fundamentalism<sup>8</sup> in Eurasia. And even though it sometimes seems that they and their election observers are not completely aware of the fact, it is inevitable that the Islam factor be dealt with in OSCE space. However several critical questions must be posed: How will this be achieved and which goals will be strived for?

To be able to answer these questions, *qualitative* specific regional components of the societal potential, which is linked to Islam in the space in question, have to be taken into account. *Co-operative* OSCE policies cannot be implemented without considering these components. This is particularly true at the point of departure and also for the future prospects of Islam in the societies of the region.

### *Point of Departure and Future Prospects of Islam*

Despite Russian colonialism and later Russian-Soviet cultural imperialism, Islam never stopped being the foundation for and is a lively element of the social relationships and consciousness of the peoples of this region. This is true although it was hard-hit by the destructive sides of the Soviet cultural revolution (which did in fact have constructive sides). In its endeavour to force back the religious influence in Muslim societies, and to make them Soviet, within 70 years this "cultural imperialism"<sup>9</sup> had repressed classical Islamic literature through alphabet and educational reforms, abolished the Islamic educational and legal systems, and liquidated the religious elite. Despite this, the regulatory traditions and norms stemming from Islam and determining the way of life were maintained. These traditions and norms in the even now essentially patriarchal societies in the Caucasus and Central Asia

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8 Henceforth the author uses the term "Islamist" in relation to "political Islam". That is in the sense of political groups and trends, "which intend to introduce and extend Islamic Law - as recorded in the Koran and the written records of the actions and communications of the prophet Mohammed - to all areas of public and political dealings". Stefan Wild, Islam und Moderne [Islam and the Modern Age], in: *Wirtschaft und Wissenschaft* 4/1997, p. 16.

9 In this context, "cultural imperialism" is understood as "the efforts of a (foreign European, i.e. Russian-Soviet - A.C.S.) culture to rule or to expand in order to create a political unit", Ernest Gellner, *Nationalismus und Moderne* [Nationalism and the Modern Age], Hamburg 1995, p. 24.

adapted to the superimposed foreign system along with a traditional "people's Islam", which was tolerated by the Soviets for tactical reasons. Against this background the basic elements of Islam were able to maintain a kind of "parallel existence" adjacent to the ruling political system.

The independence of Central Asian states, the beginning of the transformation of the political system, their state-forming and the vacillating direction of their political development emerging from it, fundamentally altered the circumstances of Islam in two respects.

*First* its future prospects: Objectively Islam will become a constituent factor in the state-forming process. It is one of the decisive foundations and sources of consciousness of the indigenous majority of the population as well as determining their social relationships, behaviour and norms. The Islam factor must be taken into consideration otherwise the specific social conditions in Central Asia will not allow statehood or the formation of its societal mechanisms (i.e. content of and methods to create party systems, consensus mechanisms, culture, education, the law etc.) and thus the transformation of the system as a whole to function adequately. However, if statehood in Central Asia cannot do *without* Islam, this means that Islam in itself "evolves as a state".

This in turn implies that the Islam factor in the Eurasian region is not an optional variable, to be regarded or disregarded at the will of policy-makers. Through Islam "state evolvement" the notion can be derived that Islam not only *has* a future, but that this future is tightly interwoven with its institutionalization in and through the process of state-forming. The upshot of this is that any outside actor intervening in this process will have to deal directly or indirectly with Islam and the part of the political elite, who is attached to it.

*Second* its politicization: Recently one of the most prominent Islamist politicians in Central Asia told me he was full of admiration for the democracies in Western Europe and even in Russia. He maintained that these democracies and the peoples who supported them drew their strength from each of their own specifically historical forms of "Christianity as a matter of course for the people and their culture".

This statement from a politician, who until recently was a radical Islamist in the Tajik civil war, has the following rational core: He would like to have conditions in his country so that the Muslim population (which makes up 90 per cent of the total population there) can profess their "Muslim identity" as a matter of course in state and society. In other words: He is striving to accomplish state- and nation-forming so that they conform to socio-cultural identity. After this had been pushed to the limits of its existence through an imposed foreign societal model during the last decades, this is a comprehensible desire.

However those political elites, who came to power after the independence of the Central Asian states, not only laid down secularism in the constitutions of "their" states. Step by step they even began deviating from liberalization ten-



dencies, which had emerged during Perestroika, in the relationship of the state to religions and had given Muslim activists the hope of a "better future". For example in 1991 Islamic fundamentalists in Uzbekistan expected that in the new constitution, their country would be declared an Islamic state.<sup>10</sup> However not only in Uzbekistan were they confronted with policies that rather resembled those of the former "red colonizers" with respect to Islam and which led to curtailing, controlling, marginalizing and outvoting it. Everywhere they were made subject to efforts to minimize the influence of Islam on social policy, which had increased particularly in the early years when the national curiosity of those peoples about their identity was roused.

A determination not to let the "zero hour" go by, at the beginning of statehood, without influencing the decision on the future orientation of the political order of their young state, combined with general disappointment gave rise to Islamist groups, "which were marked by excessive intolerance and extremism towards the existing order".<sup>11</sup> In the attitude towards Islam by the "new-old" elites and their political representatives they recognized the same combination of secularism and communism that had always been their major enemy. This led them to a new understanding of their dispute<sup>12</sup> - which until then had been a constant battle, but primarily on the purity of their religion - on the question of whether Uzbekistan should be a "house of Islam" ("Dar al-Islam") and hence of peace or a "house of war" ("Dar al-harb"<sup>13</sup>): that of a dispute between "an unbelieving minority (in the sense of the ruling secular elites - A.C.S.) and a Muslim majority".<sup>14</sup> The Islamists of Chechnya, where Islam is combined with a national liberation struggle, had a similar logic when they used the attempted coup during the summer of 1991 in Moscow as an opportunity to overthrow the leadership of the Communist Party of the Soviet Union in their Autonomous Republic. In Tajikistan in 1992 the Islamists in a coalition with national but secular democrats made a grab for power. Even after the civil war, the deletion from the constitution of the designation of Tajikistan as a secular state was at the core of the political dispute between the Rakhmonov government and PIR.

The disputes occurring during the process of state-forming in Central Asian OSCE participating States, and also in Chechnya, which were fought out as to the direction the political order should take, confirm to a large extent the statement by Bassam Tibi that the "politicization of religion by the fundamentalists is being directed against the secular national state and is an expres-

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10 Cf. Bakhtiyar Babayanov, *Ferganskaya dolina: Istochnik ili jertva islamskogo fundamentalizma?*, in: *Centralnaya Aziya i Kavkaz* 5/1999, p. 130.

11 *Ibid.*, p. 128.

12 Which is why Islamic fundamentalism is known historically and not a new phenomenon for the Eurasian region as well.

13 "Dar al-harb" means "house of discord" in the sense of orthodox Muslims disputing with non-orthodox Muslims or with other religious minorities.

14 Babayanov, cited above (Note 10).

sion of an ideological conflict on concepts of order".<sup>15</sup> This poses the following questions in view of OSCE policies: How can one prevent differences in socio-political orientations and values from winding up in conflict? What must be done to prevent religion (Islam) from being politicized along these differences and changing into radical Islamist fundamentalism? And finally, how can fundamentalism, once it has originated, be transformed into a peaceful, reform movement? Only when this is achieved, will the OSCE also be able to maintain stability and security in its Eurasian region.

However here the OSCE ends up at the centre of the competition on what direction the political order should take. Above all, the forces competing are inner-state actors and the process is a domestic one. However despite all indecisiveness related to this struggle, one must assume that with the Islamic socio-cultural identity of the indigenous majority of the population a preliminary decision with respect to the *direction* of development exists. Islam "state evolution" will inevitably lead to the fact that within the OSCE Christian and Islamic states will exist on a parallel basis. What an unusual metamorphosis and such innovation for the European community of states.

### *Strategic Consequences*

Faced with this prospect, the main strategic question for politicians and policy-makers is not so much whether Islamic fundamentalists gain power or not, tomorrow or day-after-tomorrow. More to the point is to clarify conceptually and instrumentally how to make policies effective and how to furnish them with the right tools in order to enable them to cope with the specific characteristics of the cultures established in that part of the OSCE space as well as coping with the *practical* state-forming process and the processes of the formation of a political order based on these in a manner beneficial to stability and security. Specifically, policies must take into account the dominance of more-or-less traditional patriarchal societies with an Islamic culture, also taking into consideration that a part of their political elites seeks a secular political order while the others are directed towards an Islamic political order.

In view of these complexities, the opinion expressed in OSCE "working groups" that one can treat the Islam factor by merely ensuring that religious freedom and freedom of speech are guaranteed, "fundamentally" does not go far enough. The same is true for an approach, which reduces this issue to dealing with Islamist fundamentalism (as in the case of Chechnya). Moreover the complexities described pose the question to the OSCE and the West of whether their undifferentiated (because it is oriented towards Western democracy standards) criticism of the *currently* ruling elites due to their

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15 Bassam Tibi, Religionen und Werte [Religions and Values], in: Internationale Politik 2/2000, p. 29.

"authoritarianism", does not simultaneously alienate those *secular* forces who they *still* have contact with - in a region rich in fossil fuels (and therefore highly interesting to the West). Should we not consider that these may be the last secular elites in power? Will they perhaps be the long-term losers in the power politics games to determine a political order and will forces much harder for the West to handle replace them?

In their dealings with Muslim regions and the Islam factor, the OSCE and the West are moving through much rougher waters than the surface indicates. They have already run aground on certain reefs: They have already alienated their partners on the state level, the ruling secular regimes, with their "criticism of authoritarianism". If one uses OSCE conventions on democracy, rule of law and human right standards as a basis, these regimes are now only partly legitimate and viable. At the same time the OSCE does not have a specific concept for its dealings with "Islamists". Despite this "partner dilemma" the OSCE has taken direct action in the contest to develop a new political order in the countries of this region with a strategy in which the "human dimension (human rights, democracy, rule of law) will continue to be at the centre of OSCE efforts to provide comprehensive security".<sup>16</sup>

However, in view of this partner dilemma, who would be a reliable partner for co-operation for the OSCE and predictable in the long-term? Given this strategy, their *political* hand is pretty poor (with the exception of the "cutting edges", i.e. the IMF and the World Bank) for them to avoid making enemies on all fronts. On the one hand, this is because the socio-cultural preliminary decisions on the *direction* developments should take offer the worst perspectives for those options that are oriented towards Soviet, socialist or Western systems. (Chinese policies for reform have a certain attraction as well as the secular orientations of states with Muslim populations like Turkey, Egypt, Iraq or Syria. Even for an Islamic state formation, as has been shown, certain basic social prerequisites do exist which should not be underestimated.)

On the other hand, the OSCE, the West and even Russia are being confronted with increasingly defensive reactions due to apprehensions about heteronomy. Even if the question on orientation towards a specific political order has not yet been answered - and will not be answered in the near future - in the practical policies of state-forming, the ruling elites pursue pragmatic conceptions of "national rebirth" and "strengthening national consciousness" which are strongly oriented towards the traditional and the national. The political and intellectual elites of all ideological colours have already conformed in their rejection of heteronomous "proposals for models" and these conformities could certainly lead to coalitions of secularists and Islamists targeted against the West.

Currently two external "cultural forces" are becoming infused in the vacuum of political order: the West with its model for society on the one hand and the

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16 Report of the Chairman-in-Office (Follow-up to the Oslo Ministerial Council "Decision on Central Asia"), Vienna, 15 July 1999, p. 4.

radical Islamists who are demanding the transformation of the Central Asian and Caucasian states and regions into Islamic states and who receive substantial support from the Islamic world on the other. For the most part the Islamists are using two important strategic "destabilizing reserves": the further deterioration of the socio-economic situation for large segments of the population and growing pressure from the West to assume a heteronomous value system again where the Central Asian societies have just escaped such a system or where certain sections of the Caucasus are still subject to one. Between the parameters of "state-forming connected with secularism" on the one hand and "disregard of specific national (religious, ethnic etc.) characteristics" on the other, foreign and domestic radical Islamists set their traps.

#### *What Are the OSCE Approaches?*

There is a good chance the OSCE will not fall into these traps: First of all it can draw on the wealth and political potential the plurality and cultural diversity its participating States harbour. Secondly no one can stop the OSCE from drawing conclusions about the effects of the cultural imperialism of Western colonial history and now that of Russian-Soviet nationality policy and their misguided handling of Islamic civilization and culture. Third: It could resolve its partner dilemma by reflecting on its original philosophy of building bridges, as the common child of the European political East and West. In the case of its Eurasian region, this means it must take on the role of an "honest political broker" to be able to help reconcile the contradictions that could drive Islamists and secularists into violent conflict, thus endangering European security in general.

"Islam and the West - this is a cultural challenge, an intellectual exercise and a practical structural problem all in one."<sup>17</sup> That secularists and Islamists are gradually striving to reduce *violent* confrontation through the recognition that they have certain points in common in the formation of their "unpolished statehood" is evident when considering experiences in Tajikistan. Within the framework of the peace process - which however has not been fully secured - the Islamists have gotten involved in a (more-or-less free) dispute with the "secularists" (the Rakhmonov regime) on how to shape their common state and the life of the people (Muslims).

It is only against the background of the "Dar al-harb" of Uzbek Islamists that the transition to the "Great Jihad", announced in March 2000 by the Tajik PIR chairman Sayyid Abdullo Nuri gains its real importance. Nuri describes the "Great Jihad" as "peace and the path of politics" which is to substitute the phase of the "Minor Jihad", the phase of "bloodbath and war": "Only in peace

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17 Udo Steinbach, Nachwort [Afterword], in: Kai Hafez (Ed.), *Der Islam und der Westen, Anstiftung zum Dialog [Islam and the West, Encouragement towards Dialogue]*, Frankfurt/M. 1997, p. 219.

can the political parties and the people prove to the almighty God that they are worthy of him (...) Let us all turn to helping the people and to bring progress to our country."<sup>18</sup> That he proclaimed this transition towards an orientation to peaceful reform despite his deep annoyance about the extensive manipulation of election results to the detriment of his party shows his ability to make constructive use of his experience and thus political maturity, which might lead to changes also in the ranks of Islamist politicians. Khoja Akhbar Turajonzoda, who was head of negotiations for the United Tajik Opposition in the UN-led intra-Tajik talks until 1997 and who today is First Deputy Prime Minister, has meanwhile also come to the conclusion that if he wants to avoid the disintegration of his state he must "protect Muslim unity". Henceforth he too links *Islamic consolidation* "with the development and prosperity of the country".<sup>19</sup>

If this means that the leaders of the Tajik Islamic movement came to the conclusion that a system could also be changed through peaceful politics and not only through the violent overthrow of a secular regime which they have pursued up to now, then this would be of great importance and would make it possible to engage in politics with Islamists again.

### *Challenges to the OSCE - Resources towards Self-Fulfilment*

The "Islam factor" is a huge challenge for the "old" OSCE because it changes the political cultural parameters of multilateral control of relationships in its region. In Central Asia the specifics of the processes, which the OSCE "must deal with", are that state-forming, system transformation and national consolidation coincide and are linked to one another. Therefore, with a view to Central Asia, this control is to a large extent dependent on whether foreign and domestic actors complement one another in favour of the stability of the ongoing process or whether they are caught up in conflict with one another. The quality of this interplay is in turn moulded by practical answers the OSCE and its participating States find to practical questions, which have already emerged from every-day political life. These affect its programmes for democracy, rule of law and human rights (e.g. the relationship to the unfinished - and in addition, conceivably Islam-oriented - nation state) and the *national* acceptance of *multilateral* OSCE control instruments (as a multilateral organization whose policies should "not be understood as foreign domination, but as collective self-determination"<sup>20</sup>).

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18 Statement of Sayyid Abdullo Nuri of 2 March 2000.

19 Khoja A. Turajonzoda, *Razve islam - eto tolko partiya vozrojdeniya?*, in: *Narodnaya Gazeta* of 25 February 2000.

20 Fritz W. Schrapf, *Demokratie in der transnationalen Politik* [Democracy in Transnational Politics] in: Ulrich Beck (Ed.), *Politik der Globalisierung* [Politics of Globalization], Frankfurt/Main 1998, p. 232.

In the end, the area under discussion is the intercultural dimension of multinational politics in the OSCE. In this respect there are also new issues to consider: To what extent is the valid OSCE paradigm of "*one* community of shared values" affected, if through the existence of islands of "non-Western" culture, OSCE policies do not find socio-cultural acceptance in parts of the common Euro-Asian space any longer? Under these circumstances, does the OSCE require specific policies of "coexistence and co-operation between different cultures"? If so: How should these be structured?

The reader who is particularly concerned about the complexity of the relationship of the OSCE to its Muslim regions could ask the following question: Was it perhaps a mistake after all to accept these states in a *European* OSCE after the disintegration of the USSR? And: To what extent can the OSCE afford to put its own value system to the test in its relationships to those states?

When considering an answer to these questions one should not forget that the West and the East as well as the OSCE, through the processes of reshaping and reforming themselves for the past ten years, have become the creators of fundamental reform processes elicited by globalization and the European integration process, the latter coinciding with systems transformation in post-socialist space. The process of state-forming integrated in this represents a specific dimension not only with respect to the region but also related to the approach to "reforms" in general. It must allow these states the opportunity to look for their own, original, adequate concepts and processes adapted to their specific societal structures, requirements and historical developments to form states in which "transition" and "tradition" are united and not divided.

This is exactly what the colonial powers neglected to do in their dealings with the Muslim societies in their former colonies. This grave error has blessed us today with a huge number of so called "fundamentalisms" that are currently causing concern. If today state-forming is to go hand-in-hand with societal transformation, we must keep an eye on the astonishingly long-term effects of misdirected control on societal processes introduced so long ago.

It should be in the power of the OSCE, in the course of these fundamental reform processes to face the challenges, also in the area of tolerance, and develop a broad plural conception of itself as a "community of *values*" in which individual "communities of values", whether this means its Muslim or any of the others, are equal partners without having to fear being outvoted and segregating themselves politically. This would strengthen the *co-operative* character of the OSCE. This is where there is a chance to understand the "Islam factor" as a resource for self-fulfilment and to accept it positively.

## Security through Democratization - Reflections on a Strategy and Its Adaptation

### *A Tajik Perspective*

In the OSCE, but also in the field of political science it is assumed that there is a strong connection between the consolidation of democratic values in a society and the security of a country. Therefore, also from a Tajik perspective, every effort to transform Tajikistan into a totalitarian state must be seen as a threat to its security. Impeding basic democratic values would be a direct threat to the Tajik national security.

The task of security policy is to avert threats to the long-lasting existence of a state and its society. The political security of Tajikistan is dependent on certain factors, which at the same time also affect the inner stability of the Republic. Moreover, the balance in a political system, which even during modernization is always characterized by a certain capacity towards self-preservation, determines the degree of its political stability. If this balance is disturbed, the political system will become inequitable and the society instable. In view of this, it is important to structure the process of democratizing Tajik society in such a way that the political security of the state and the freedom of its citizens are not endangered.

Tajikistan is currently in a decisive phase of state-forming and rebirth. One of the most important issues related to this is to what extent the Tajiks would be capable of constructing a democratic society. Some people may question whether there will ever be a democracy in Tajikistan. Whatever your stance is: Tajikistan is making efforts to develop an optimal model to democratize its societal relationships, in which both the individual and society as a whole are the most important values. Universal basic democratic values can certainly be applied to Tajik society. However there are also certain specific features, which should be taken into account.

I find it entirely acceptable that international organizations measure the degree to which democratic transformation has occurred in Tajik society according to Western criteria. However, Western academicians and politicians should take into consideration that the Tajik Republic in its present condition is not yet in a position to fulfil all these criteria. Accordingly it has been an immense challenge for Tajik academicians and politicians to design a model of society, which on the one hand preserves the unique forms of societal relationships and ways of life, which have grown traditionally among the Tajik people, and on the other, links them with the fundamental principles of democracy. For example, the West considers human rights a natural priority, which has precedence over societal rights. In today's Tajikistan this can be

found at best in the wording of a law. However in our daily lives we must not classify the interests of society as being inferior to human rights - especially in view of maintaining the interests of the individual. The most probable way to comply with the priority of individual interests would be through a change in the distribution of property. Private property and the development of market-economy relations are those two factors, which could also change societal consciousness to a certain extent.

#### *An Attempt at Balancing the Accounts*

There are already features of political democracy - in differing shapes and forms - in effect in Tajikistan today. Although there is still much to be done to be able to fully meet the requirements of democracy in the political system of the country, an attempt will be made to evaluate the effectiveness of democratic fundamental principles in the present Tajik situation.

First the problem of societal control on those in high public-service posts and/or the manner in which these people are appointed, the so-called "cadre policy", must be considered: The government-run "cadre policy" is not limited by any societal control. This is due to several factors:

- First of all, there is no legal basis for such control. The new Parliament has just been elected. Moreover its capacity to influence the formation of the government is limited. According to the constitution, the President, who is the head of state and of government simultaneously holds this authority.
- Second, clan and regional interest groups still exercise a great deal of influence in Tajikistan. Especially this fact must be taken into consideration for certain governmental appointments so that a balance of power is guaranteed and destabilizing tendencies are prevented. For this reason, dealing with the regional factor demands a great deal of tact. However, it is possible the regional factor will fade into the background as the party system in Tajikistan becomes more highly developed.
- Third, the political elite of Tajikistan is not a particularly large group. Thus the opportunities to select new candidates for governmental positions are relatively limited.

For all these reasons, a radical change in present practices would risk destabilizing the political situation. On the other hand: As long as the old cadre policy is not changed, society will have no control over this area. One can only hope that things will occur in an honest and predictable manner. However cadres are still appointed in the shadow of "wheeling and dealing" behind the scenes.



As to the role and the position of political minorities: Political minorities are more or less ignored in Tajikistan. In practice, they are only able to make themselves heard or gain due attention by appealing to influential international organizations or the international media. The fact that political minorities in Tajikistan are subject to restrictions cannot be denied and it is no less true that these restrictions are even deliberately instituted policies. Even the parliamentary majority in Tajikistan, the supporters of presidential policies and the faction of the People's Democratic Party in the Majlis Oli,<sup>1</sup> completely ignore political minorities. Occasionally they support minorities on trivial matters, but only to create the image that they are a democratic party. The supporters and members of this party make up the governmental majority. However, also representatives of the political opposition as well as ethnic minorities are part of the government. The endeavour to maintain a line that is directed towards the maintenance of the political balance and also shows a positive tendency towards using democratic methods in cadre policy is thus clearly evident.

The weakest link in the chain of democratic transformation is the media: Alternative information services are lacking and/or have only a low profile. Although all parties have the right to their own press and they do make use of this right, the present situation on the media scene gives cause for concern, especially in view of the fact that social pluralism demands the media be independent of the government. This important point is an indicator of the degree to which democratic transformation is occurring in Tajikistan. Nevertheless, we can count on the fact that also in this area, things will develop in the right direction. Even so, a lot is dependent on the material and financial potential of the society.

Political democracy is based on a system of free elections. The relevant laws presently valid in Tajikistan are in no way inferior in content or quality to similar laws in countries where there are developed democracies. We are referring to the laws "On the Election of the President of the Republic of Tajikistan" and "On the Elections to the Majlis Oli". It can be said that with respect to electoral law, all legal guarantees for the participation of the total adult population have been created. Every citizen who has reached the age of 18, independent of race, nationality, religion, sex or political conviction is entitled through constitutional law to take part in all elections.

But this alone is not enough. Above all, it is important that the political system acts in accordance with the principles of democracy. Tajikistan will certainly require a longer period of development to achieve this. However, what is most important first is that the democratic norms that have already been achieved are anchored in the Constitution. This guarantees their gradual realization to the same extent that young politicians who think democratically grow more mature, step into the political limelight and determine the destiny of the country. However, even today the foundation must be laid for societal

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1 The lower house of the Tajik Parliament.

relationships, which will make it possible for Tajik society to develop an appropriate model for political democracy on its own.

From this perspective, directed towards the future, one can certainly say that Tajikistan has started on the path towards the construction of a democratic free state under the rule of law. There are still many deficiencies and omissions in current politics and policy-making, however political reforms have already had a positive effect on the development of societal relationships. Political pluralism, a multi-party system as well as a developing new political elite speak for the existence of factors promoting democracy. They have found expression in additions and alterations to the constitution, which were adopted in a referendum, in the laws mentioned above as well as in the law on "On Political Parties" and thus to a certain extent became more firmly established. One should not overlook the fact that Tajikistan is the only country in Central Asia in which the Islamic opposition can take action legally. These circumstances have all been reached during a relatively short period and prove the willingness of Tajik society to create a democratic state.

After a terrible civil war, the Tajik people now have the re-establishment of harmony in their societal relationships very much at heart. This also includes a democratization of the political processes because this contributes to transforming and modernizing relationships bound by tradition. "The most important basic condition for successful democratization is political stability. However even this has its prerequisites: i.e. reforming society in a legally regulated manner and sustaining the ability of state institutions to guide the country."<sup>2</sup> Not only do many academicians take this standpoint, it is also confirmed by the experiences Tajikistan has made and the course it has taken in building a democracy. In their preliminary report on the elections to the Majlis Oli, international election observers emphasized the "importance" of "the participation of parties who had previously been enemies as well as other parties in the election process and of the fact that the multi-party elections, which had been conducted for the first time in Tajikistan, had taken place in an atmosphere without violence".<sup>3</sup>

If one summarizes the successes Tajikistan has achieved in the process of democratizing its society, one would come to the following conclusions:

1. A multi-party system is developing in Tajikistan whose fundamental contours have already been clearly outlined.
2. Up to now Tajikistan is the only country in Central Asia in which there is a party that represents political Islam and is legal. This party plays according to the democratic rules of political competition.

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2 V.P. Pugachev/A.J. Solov'ev, *Vvedenie v politologiyu*, Moscow 1997, p. 247 (this and all further quotes from foreign-language sources are own translations).

3 Kofi Annan, *Prodvizhenie k stabilnoi demokratii eshcho tolko nachalos*; cited in: *Vechny Dushanbe* of 14 April 2000.

3. For the first time in Tajik history a professional Parliament has been elected. The elections were based on a democratic alternative between several parties.
4. The most important political forces in the country have been integrated into the government.
5. The Republic is based on a constitution, which fulfils the basic democratic requirements of this kind of document.
6. The activities of parties and mass organizations have been legally protected and are regulated by the laws "On Political Parties" and "On Movements in Society". This is also true of the constitutional regulation of elections through laws which are democratic at the core: i.e. "On the Elections to the Majlis Oli" and "On the Election of the President of the Republic of Tajikistan".
7. There are several hundred NGOs in Tajikistan engaged in most diverse activities.
8. The participation of women in government has been guaranteed through a presidential decree according to which women must be represented in all state and leadership bodies. This decree is unique in the entire post-Soviet space.

Up to now our discussion has centred on political change. However, transformations on the economic front have also had a democratic quality and are being realized in co-operation with influential international financial organizations. According to an assessment by UN Secretary-General Kofi Annan "the parliamentary elections held recently have shown: The movement towards a stable democracy has just begun and the international community must continue their endeavours to further support (Tajikistan, author's insertion)".<sup>4</sup>

The achievements mentioned have had a direct effect on the democratization of the political process in Tajikistan. However, we are not treating this as a competitive process in which Tajikistan intends to catch up to or overtake other countries. We understand democracy much more as the most advanced form of societal relationships existing in the world today. Nevertheless, democratization in Tajikistan is still facing a series of obstacles and limitations. Some of the principles of democracy have already been introduced while others will only be able to be implemented to the extent that the objective and subjective prerequisites necessary for them have developed.

#### *Are there Limits to Democracy and How are these Limits Structured?*

It is important in the search for an adequate course in Tajikistan to decide whether limitations on freedom and democracy are permissible. There are

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4 Ibid.

three levels of sources of this type of limitation: international law, scenarios of outside threats and finally the specific features of domestic policy in the development of Tajikistan.

On the first level, valid international norms as well as those international agreements and treaties that have been adopted by Tajikistan restrict possible limitations within the Tajik state. These include: the Universal Declaration of Human Rights of 1948, the CSCE Helsinki Final Act of 1975, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE in 1990, the International Covenant on Civil and Political Rights of 1966 as well as the 1950 (European) Convention for the Protection of Human Rights and Fundamental Freedoms. Tajikistan recognizes these documents as binding for domestic as well as foreign policy actions. These documents determine the binding civil rights in democratic states. However, they also contain limitations. For example, in the Universal Declaration of Human Rights, Article 29 paragraph 2 states: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."<sup>5</sup> The International Covenant on Civil and Political Rights states more precisely in Article 19 paragraph 3: "The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals."<sup>6</sup> There are similar limitations in the (European) Convention for the Protection of Human Rights and Fundamental Freedoms, the Copenhagen Document and others.

The first level of limitations permissible according to international law, which are also in harmony with Tajik commitments, contain the following: a) limitations, which are related to the rights and freedoms of citizens, and b) limitations, which are related to state security threats and the protection of public order and morals.

Those limitations, which Tajik laws currently include, do not contradict its international commitments.

The second level of limitations can be derived from outside threats arising from the international system that Tajikistan is part of, from the degree of regional conflict potential, the number of neighbouring countries as well as existing alliances. Central Asia is characterized by a high potential for conflict, which gives rise to security threats. After the decline of the USSR, numerous

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5 Universal Declaration of Human Rights, in: Rudolf Bernhardt/John Anthony Jolowicz (Eds.), *International Enforcement of Human Rights*, Heidelberg 1987, pp. 163-168, see: p. 168.

6 International Covenant on Civil and Political Rights, in: *ibid.*, pp. 179-196, see: p. 186.

problems related to the territorial delimitation of states, the water supply and the exploitation of natural resources remained unsolved. After the Central Asian states had become independent, these problems became more compelling because they were intertwined with the creation of national consciousness. People consider any attempt to discuss border demarcation a hostile action and an attack on their sovereignty. Other states could influence the economic opportunities of the country positively or negatively through their policies towards Tajikistan.

The third level of limitations arises from domestic policy developments within Tajikistan. First, it is necessary to look at the limitations, contained in the Constitution as well as in relevant laws, which effect the democratization of political processes.

Article 1 of the Tajik Constitution states that the Republic of Tajikistan is a "sovereign, democratic, secular and unitary state under the rule of law".<sup>7</sup> It is important that the state has committed itself in a legally binding manner to democracy because this is in accordance with international law and the goals of Tajik society. Article 100 of the Tajik Constitution states that "the democratic form of government, the territorial integrity, the democratic, secular and societal character of the state founded on the rule of law are unalterable".<sup>8</sup> That means that the democratization of political processes in Tajikistan is a state objective anchored in its Constitution. Accordingly the laws guarantee citizens the usual rights under international law to economic, political and intellectual freedom. At the same time, the Constitution limits the rights and freedoms of citizens exclusively with the goal of guaranteeing other citizens their rights and freedoms, as well as maintaining public order, constitutional order and territorial integrity. It also prohibits war propaganda, racism and nationalism.<sup>9</sup> The Constitution provides limitations for specific purposes on the rights and freedoms of citizens in the form of measures limited in time when a state of emergency has been declared. At the same time, Article 47 of the Constitution states that also "in a state of emergency, no limits can be placed on the rights and freedoms in Articles 16, 17, 18, 20, 22, 25, 28".<sup>10</sup> This is not in contradiction with international legal norms.

The new law "On the Elections to the Majlis Oli" contains a series of restrictions on candidates for office to legislative bodies. Article 33 states in detail the category of citizen who does not have the right to be a candidate for Parliament:

- "citizens who do not fulfil the specific requirements set out by the Constitution and the present law";<sup>11</sup>

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7 Konstitutsiya Respubliki Tajikistan, Dushanbe 1994, p. 3.

8 Ibid., p. 25.

9 Cf. *ibid.*, Articles 11, 14, 23, 35 and more.

10 Ibid., p. 9.

11 The limitations mentioned here refer to the age and other personal requirements for the right to be a candidate.

- citizens who the courts have declared incapacitated to act for themselves or who because of a court decision are confined in penal institutions or medical institutions;
- citizens who are actively serving in the military, soldiers, ensigns, personnel in the armed forces, the Ministry of Security, the Ministry of the Interior, the Ministry for Extraordinary Situations as well as the Presidential Guard, who are not yet retired;
- professional officials in religious organizations and associations who are active in these offices."<sup>12</sup>

Of course, in one way or another these limitations are also violations of human rights. However, the specific features of the developments in Tajikistan, guaranteeing the security of all candidates and creating an equal opportunity for them all make these necessary. The reason for this is first of all that during the course of the civil war, military commanders gained a significant amount of influence and are now striving to have a greater say in the political developments of the country. If the laws were to allow this, the civilian population, the intellectual elite and others would run the risk of being restricted in their ability to take advantage of their constitutionally anchored right to become candidates for election. However, with the help of the limitations mentioned, the *civilian* political leadership in the country has been able to maintain control of the armed forces as well as law-enforcement bodies and security services. Thus these limitations have proved important for the development of the democratization process in Tajikistan.

#### *The Dialectic of Democratization, Societal Stability and Security*

The limitations at the third level are related causally to the construction of the state, the party system and the conflict level, which predominate in a society. However, objective factors are not the only elements determining the strength of a state. If one is to examine the factors determining the development of the political system in Tajikistan, subjective factors must also be considered. The problem of the differing interests at the various levels of society must be examined: i.e. the interests of society as a whole, state interests, governmental interests, as well as regional, group and individual interests.

The interests of Tajik society as a whole are reflected in the desire of all Tajiks to strengthen stability, prevent new armed conflicts, overcome poverty, achieve economic prosperity and realize the principles of social justice. The interests of society as a whole therefore are a reflection of the all-embracing needs of all societal strata.

State interests are a part of the interests of society as a whole, which are reflected in principles like the maintenance of the integrity and unity of the

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12 Law "On the Elections to the Majlis Oli", Dushanbe 1999, pp. 72-73.

country, political and economic stability, sustaining geopolitical interests, as well as preserving the culture and the interests of the Tajik minorities living in other countries. In spite of this, one should consider that in societies with a high conflict potential, the legitimacy of a state to "represent the interests of society as a whole on the international level does not mean that the state also really represents the domestic interests of the whole society".<sup>13</sup> Political pluralism in Tajik society today is made up of the actions of political parties, who have totally different values: i.e. Democratic, Communist and Islamic. These parties do not always see the state as the defender of their interests. This affects state domestic and foreign policy and confirms that there can be a huge gap in the interests of parties and the state, and that the interests of society as a whole can be different from state interests.

Government interests are in the realization of socio-economic programmes and reforms, in raising the standard of living of the population as well as protecting their own corporate interests. In Tajikistan, government interests do not always reflect state interests and not to the full extent. Government actions are generally dependent on subjective factors.

As an institution of the state, the government endeavours to act in the state's interests. If it is successful, the state is strengthened. If not, it is weakened.

Regional interests become effective when *a particular* region defends its socio-economic interests. They are expressed in the endeavour to recruit regional elites and to steer one's "own" people as "lobbyists" for local interests into the central state bodies. In a federal state structure, this can go as far as antagonistic contradictions between the political centre of the country and its regions, which could then cause violent clashes or resistance to the central power. As an example, one need only consider the relationship between Russia and Chechnya or between Russia and Tatarstan and other subjects of the Russian Federation.

Although it is a unified state, the search for a balance between the centre and the regions is a highly relevant current topic for Tajikistan. Regional interests must therefore be considered when forming governments and in other state institutions. During the civil war in 1993/1994, for example, critical situations developed because regional elite leaders in Gorno-Badakhshan and Leninabad pursued separatist goals and attempted to break away from the unified Tajik state, thus threatening the existence of the state itself. Some of the causes of these tendencies are certainly to be found in the low level of consciousness for political responsibility and political culture.

In the relationship between the centre and the regions, group interests directed towards satisfying the interests of individual clans as well as economic and financial group interests play a role. To be able to influence government power, certain groups have made claims to represent all-encompassing societal, state and regional interests. Although, on the one hand, this can be a

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13 A.D. Voskresenski, *Rossiya i Kitai: teoriya i istoriya mezhgosudarstvennykh otnoshenii*, Moscow 1999, p. 133.

positive development, group interests of this kind could also become so highly mobilized that they destroy the political system. As during the parliamentary elections at the beginning of the year 2000, candidates who represented the interests of certain groups of military leaders began to threaten, blackmail and murder their rivals, this was a clear step against state interests and the Central Election Commission felt obliged to suspend their candidacies.

Individual interests are changeable economic features that characterize the political, economic and intellectual elite in Tajikistan. The elite makes important decisions, which regulate the development of a country. State leaders determine the foreign and domestic policies of a country and act in the name of their people. Thus the personal characteristics, the convictions, the values and experiences of those belonging to the elite are particularly important.

After having demonstrated the variety of interests on these different levels, which must be considered for maintaining a balance in Tajik society, criteria can be derived, which indicate a threat to the democratization of the political process and thus the stability of the Republic, as well as the political security of Tajikistan. The following could be considered threats to national security: the re-establishment of a political one-party system and the invalidation of more than two parties, the obstruction or prohibition of free democratic elections, the emergence of political separatism directed towards the elimination of territorial integrity and unity of the state, the refusal to allow access to alternative sources of information as well as the failure to subordinate the armed forces, the units of the ministry of the interior, security services and other military structures to civilian leadership.

If politicians understand these criteria and incorporate them into their political calculations, it will help them find a realistic course towards balancing interests within society thus leading to inner stability and political security.

In this light, certain limitations on democracy and freedoms appear to be necessary for the maintenance of the level of freedom that has already been achieved in Tajik society today. Thus, maintaining the capacity of the state to guarantee those democratic rights and freedoms already existing in the current stage of the development of political processes in Tajikistan turns out to be the most important aspect of the restriction issue. The fact that it is in turn necessary to limit rights and freedoms for this purpose is a clear indication that there are real, genuine deficiencies in the political order and the legal system. Nonetheless, the fact that we have drawn attention to these deficiencies and are striving to overcome them proves how serious the Tajik people are about creating a democratic state under the rule of law.

The world today is facing the challenges of new interdependent relationships. This is occurring through the prism of globalization concepts. However, globalization also creates certain problems and dangers, particularly for those states that have just become independent and sovereign. This was what UN Secretary-General, Kofi Annan, was referring to when he stated that "crimi-



nality, drugs, terrorism, environmental pollution, disease, weapons, refugees and migrants are moving in currents faster and on a larger scale than before".<sup>14</sup> President Rakhmonov has also devoted much attention to these new threats. He has indicated that they not only have regional character, but have implications for states outside the region as well. Also in dealing with these problems, strengthening the state leads to reinforcing its capability to take the necessary countermeasures.

In the current developmental stage of the Tajik state, one of the tasks to be fulfilled is to make the positive aspects of democratic development clearer to the Tajik people and to create consciousness for democratic values. How far and fast democratic values can be socially and psychologically internalized in the Republic depends to a large degree on the political culture of Tajik politicians and the intellectual elite. If democratic transformation proves its value and leads to positive results, its chances of being accepted by the *entire* population improve. Of course, domestic policy factors, which promote the democratization of political processes, play a crucial role. On the other hand, outside factors can also stimulate this process. How effective they will be will depend to a large extent on the openness of Tajik society towards the international community. The more Tajikistan is integrated into their democratic structures, the less the country will have the opportunity to give up the democratic principles for the political welfare of society. However there is also an inverse logic to this concept: The openness of Tajik society is also dependent on the influence and the authority of international organizations as well as the degree of willingness that Tajik authorities have towards civilized methods structuring societal order. Thus domestic as well as outside factors are crucial to the perspectives for the democratization of Tajik society.

Ultimately however, the democratization of Tajikistan will be decided by the development of economic reforms and the successes of the country. A state that succeeds within a calculable time period in decreasing unemployment, implementing a just policy for privatization of property and increasing the level of material security in society, can reckon that the population will have a positive attitude towards it. If the present state does not achieve this, a reversion to Communist or Islamic order will occur. The success of economic reforms and the conduct of the current political elite of the country will determine the direction Tajikistan will ultimately take.

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14 Annan, cited above (Note 3).



## The Human Dimension and the Development of Democracy



## Human Rights in Kosovo

January to December 1999

### Introduction

The violation of human rights was both the cause and consequence of the conflict in Kosovo. OSCE guiding principles are respect for human rights and fundamental freedoms, democracy and the rule of law as essential components of security. Yugoslav and Serbian security forces<sup>2</sup> flouted these principles in the first six months of 1999. Escalating human rights violations in Kosovo led to a breakdown in security which in turn produced a human rights and humanitarian catastrophe with violations on a massive scale. The NATO air campaign, which began on 24 March 1999 and concluded in early June 1999, drove Yugoslav and Serbian security forces from Kosovo. During the eleven-week war an estimated 90 per cent of more than 1.45 million Kosovo Albanians were brutally forced out of their homes to neighbouring countries resulting in the worst humanitarian crisis in Europe in over 50 years.

Equal only to the swiftness of their forced expulsion, more than 800,000 Kosovo Albanian refugees flooded back into Kosovo as soon as the war ended and the Yugoslav and Serbian forces withdrew. Upon their return many refugees found the complete destruction of their villages, homes and communities. Throughout Kosovo, villages considered to be sympathetic to the now demilitarized Kosovo Liberation Army (*Ushtria Clirimtare E Kosovës*, UCK/KLA) were systematically cleared and destroyed by Yugoslav and Serb forces. Those returning to Kosovo were often further displaced to overly inflated and ill-equipped cities. In Peć, 55 per cent of which was destroyed and nearly deserted at the end of the war, the population swelled within weeks to more than 102,800 which was a 30 per cent increase over its

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1 Sandra Mitchell served as the Head of the Human Rights Division for the OSCE Kosovo Verification Mission, the OSCE Task Forces for Kosovo and the OSCE Mission in Kosovo between December 1998 and April 2000. This summary is compiled from reports and personal notes and the two-volume report on the findings of the human rights missions published by the OSCE in December 1999 entitled "As Seen, As Told Parts I and II". The latter reports are relied on extensively herein and are available in their entirety on the OSCE's website <http://www.osce.org>.

2 This term as used herein refers broadly to the Armed Forces of Yugoslavia (*Vojska Jugoslavije*, VJ); the Ministry of Interior and their special units (*Ministarstvo Unutrasnjih Poslova*, MUP); the State Security Service (*Sluzba Drzavne Bezbednosti*, SDB); and paramilitary groups active in Kosovo. For a more detailed description of the different forces see: As Seen, As Told Part I, cited above (Note 1), pp. 21-30.

pre-war estimate.<sup>3</sup> As Kosovo Albanians returned, the minority communities in the Province, particularly Kosovo Serbs and Roma, began their exodus fleeing acts of revenge and retaliations.

Whereas the first six months of 1999 in Kosovo are characterized by gross and atrocious human rights violations committed by Yugoslav and Serb security forces against the ethnic majority, the latter six months of 1999 are remembered for shocking, albeit on a lesser scale, human rights violations against ethnic minorities committed in the presence of international peacekeepers by returning Kosovo Albanians. Throughout these events, the OSCE fielded its largest ever human rights missions to Kosovo. This article attempts to further summarize the over 750 pages of human rights reporting already published by the OSCE in December 1999. A brief description of the different human rights missions in Kosovo during 1999 and an overview of the methodology and field practices used by the missions' Human Rights Division follow. Against this backdrop, the article then endeavours to summarize the human rights situation in Kosovo between January and December 1999.

### *OSCE Human Rights Field Missions in Kosovo*

Between January and December 1999, the OSCE effectively fielded three human rights missions in Kosovo. The OSCE Kosovo Verification Mission (OSCE KVM)<sup>4</sup> verified humanitarian law and human rights violations throughout Kosovo between November 1998 and March 1999. During this period the OSCE KVM enlarged its staff to more than 1,350 seconded international personnel of which the Human Rights Division comprised approximately 75. The OSCE KVM functioned in a state of armed conflict and was withdrawn from Kosovo amidst a rapidly deteriorating security situation on 20 March 1999. The NATO air campaign against Serbia began four days later on 24 March 1999. After the OSCE KVM was withdrawn, the Mission was scaled down from more than 1,350 international personnel to around 350. The remaining 350 internationals were re-deployed into OSCE Task Forces in Albania and the former Yugoslav Republic of Macedonia (FYROM) to assist in the humanitarian efforts and to continue the documentation of on-going human rights violations occurring in Kosovo. At this time the size of the Human Rights Division doubled to over 150 personnel. During the two phases of its deployment, the OSCE KVM Human Rights Division collected a mass of data on the prevailing human rights situation in Kosovo.

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<sup>3</sup> Cf. As Seen, As Told Part II, cited above (Note 1), p. 47

<sup>4</sup> The OSCE Kosovo Verification Mission (OSCE KVM) was established in the "Agreement on the OSCE Kosovo Verification Mission" between the OSCE and the Federal Republic of Yugoslavia (FRY) on 16 October 1999. Under the terms of the Agreement the OSCE KVM was responsible for verifying that all parties in Kosovo complied with UN Security Council Resolution 1199 and the cease-fire. The OSCE KVM Human Rights Division was operational between December 1998 and June 1999

This included hundreds of individual case reports, daily and weekly reports compiled by human rights officers, all of which were removed when the Mission withdrew.

During the humanitarian crisis OSCE KVM human rights officers were deployed to the refugee camps of Albania and FYROM and collected nearly 2,800 victim and direct witness accounts of humanitarian law and human rights abuses from fleeing refugees. The speed with which the OSCE deployed its human rights staff enabled the OSCE to gather comprehensive first-hand information about the gross violations committed by Yugoslav and Serbian forces during the NATO air campaign in Kosovo. When the conflict ended, the OSCE promptly moved its human rights officers back to Kosovo<sup>5</sup> this time as the pillar within the United Nations Mission in Kosovo (UNMIK) responsible for human rights monitoring. By the end of June the newly formed OSCE Mission in Kosovo (OSCE MIK) had full regional coverage as refugees returned. According to documentation collected by the OSCE MIK Human Rights Division the last six months of 1999 in Kosovo was a period characterized by acts of revenge against minorities and perceived collaborators. Sadly, and despite the presence of nearly 35,000 NATO peacekeepers and thousands of international civil servants, such revenge was committed in a climate of lawlessness and impunity.

*Published Analysis of the Human Rights Findings of the OSCE Missions in Kosovo*

On 6 December 1999, the OSCE released a two-volume human rights report that offers extensive documentation of violations in Kosovo during the previous twelve months. It was the first time the OSCE published the human rights findings of one of its missions on this scale. The first volume, entitled "As Seen, As Told", contains an analysis of the OSCE KVM findings and covers the period October 1998 to 9 June 1999 when the OSCE KVM was officially withdrawn. The second volume "As Seen, As Told Part II" documents the period of 14 June to 31 October 1999. The latter volume was prepared under

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5 The third of the OSCE human rights field operations in Kosovo was established through OSCE Permanent Council (PC) Decision No. 305 of 1 July 1999, following the dissolution of the OSCE Kosovo Verification Mission (KVM) on 9 June 1999. PC Decision 305 determined that OSCE would constitute a distinct component or pillar within the overall framework of the United Nations Interim Administration Mission in Kosovo (UNMIK) and as such derive its legal authority from United Nations Security Council Resolution 1244 (1999). Despite a changeover from KVM to OSCE MIK, the human rights component ascribed to OSCE remained essentially unchanged throughout 1999. OSCE MIK assumed the lead role in matters relating to institution-building, democratization and monitoring, protecting and promoting human rights. OSCE MIK's human rights mandate includes "unhindered access to all parts of Kosovo to investigate human rights abuses and ensure that human rights protection and promotion concerns are addressed through the overall activities of the Mission". See also: Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/1999/779, 12 July 1999.

field conditions to complement the OSCE KVM report, which was prepared with the support of the OSCE Office for Democratic Institutions and Human Rights in Warsaw. Together the volumes total over 750 pages and provide an extensive insight into the tragic events that occurred in Kosovo during 1999. The reader is encouraged to review the two volume report in more detail in order to gain a better understanding of the atrocious human rights situation that existed in Kosovo throughout 1999 and the challenges that lay ahead.<sup>6</sup>

### *Human Rights Monitoring Standards and Methodology*

The OSCE human rights field operations in Kosovo utilize international and domestic human rights and humanitarian law standards when monitoring, documenting and investigating allegations of human rights violations and abuses.<sup>7</sup> The Human Rights Division adopted a methodology consisting of full documentation, strict confidentiality, security protocols, independence in investigations and centralized reporting procedures. The sheer number of human rights allegations received by the OSCE throughout 1999 approached 5,000 rendering it impossible to investigate each one thoroughly. Thus, accurate documentation became an essential component of the division. Standardized forms were used for incident reports, victim/witness statements, as well as missing person reports and related databases were developed. Some 30 categories of possible human rights violations were identified for classification. These included both civil and political rights as well as economic, social and cultural rights. Complaints from direct witnesses or victims of alleged human rights violations were given priority. Human rights officers sought supporting documentation from various sources including medical authorities, corroborating statements from other witnesses, etc. Videotapes of crime scenes, killing sites and mass graves were taken. Human rights officers monitored (and continue to do so) official investigations.

For the OSCE KVM Human Rights Division it was extremely difficult to plan a long-term strategy during the armed conflict and humanitarian crisis.

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6 Both reports can be accessed in their entirety through the OSCE website, <http://www.osce.org>.

7 Standards and instruments used include: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child; International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Geneva Conventions and Additional Protocols (all UN instruments ratified by the Federal Republic of Yugoslavia); the standards and obligations of the Helsinki Final Act and the Charter of Paris for a New Europe, and applicable law. Although technically some of these standards may be only binding on a state that has ratified the instrument, they are used by the OSCE Human Rights Division for the purpose of human rights monitoring of those who exercise a degree of "effective control" over any part of Kosovo, or who hold themselves out as governmental authorities and provide official services to the population or demand compliance from them.



Instead the OSCE KVM identified core human rights tasks and priorities, which included monitoring/documenting the conduct of the armed forces, police, and investigative judges, allegations of humanitarian law violations (this took on a higher priority after investigators from the International Criminal Tribunal for the former Yugoslavia were prevented from entering Kosovo) and intervening with the Yugoslav and Serb security forces and UCK/KLA on individual cases. In terms of prioritizing which allegations of human rights violations would be investigated, the Human Rights Division focused on the right to life, right to liberty, rights related to detention and fair trials and issues relating to missing persons. During the collection of information in the refugee camps, human rights officers focused on gathering the experiences of victims and direct witnesses to human rights and humanitarian law violations. Efforts were made in the camp to collect information from both genders, all age groups (except children because field personnel were not properly trained to do so) and different socio-economic groups with geographic diversity.

Human rights tasking priorities changed during the post-conflict and reconstruction period that began in June 1999. These priorities included: the treatment of returnees and minorities; the conduct of self-styled authorities; discrimination in the access to vital services and employment; and the documentation of gravesites related to past human rights violations. The OSCE's work relating to minorities was done in close co-operation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the NATO Kosovo Force (KFOR) and other pillars of UNMIK. Information related to mass graves and humanitarian law violations was shared with the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY). Co-ordination and co-operation between international organizations and non-governmental organizations on human rights issues in Kosovo during 1999 were an improvement over earlier experiences in Bosnia and Herzegovina.

Against this backdrop of the methodology used by the OSCE to document human rights abuses, the following is a broad overview of the human rights catastrophe that befell Kosovo in 1999.

#### *January to March 1999*

Conditions on the ground during the first three months of 1999 reflected the state of armed conflict that existed. Kosovo during the tenure of the OSCE KVM was a place of war, albeit restrained at times. Nevertheless, Yugoslav armed forces occupied the Province with tanks and heavy war equipment. Yugoslav and Serb security forces restricted the movement of civilians and at times fighting broke out with UCK/KLA forces. The majority of humanitarian law and human rights complaints received by the OSCE KVM involved:

extra-judicial killings, summary executions, disappearances and abductions; incommunicado detention; abuse by the police and security forces; the disproportionate use of force against the civilian population, the destruction of civilian property, pillaging, illegal property evictions; and restricted freedom of movement for Kosovo Albanians. Although the OSCE KVM verified human rights violations, its ability to report and intervene was hampered first by personnel shortages and later by the escalation in military activity ultimately leading to the withdrawal of the Mission on 20 March 1999.<sup>8</sup>

The arbitrary killing of unarmed civilians was a much reported occurrence in the first three months of 1999. There were killings by the Serbian security forces of Kosovo Albanians and killings by the UCK/KLA of Serbs as well as of Kosovo Albanians who were believed to be "collaborators" or sympathizers with the Serbian authorities. Despite a string of shocking massacres in Račak, Rogovo and Rakovina in January and February 1999, the more frequent occurrence in early 1999 were killings on an individual basis. With hindsight the massacres were more indicative of what was to follow in the period from late March to early June. The OSCE KVM dealt with many individual killings which appeared linked to the security crisis, or appeared to follow a given pattern but which could not be attributed to one party or the other. The effect of these very frequent incidents was to heighten fears and tensions in all communities. Events and facts as verified by the OSCE KVM indicated evidence of arbitrary detentions, extra-judicial killings and the mutilation of unarmed civilians by Yugoslav and Serb security forces.<sup>9</sup>

On 15 January 1999, the gravity of the deteriorating human rights situation in Kosovo was felt in Račak, a small village 30 kilometres outside of the Provisional capital of Priština. On that date, 45 Kosovo Albanian civilians were killed, including an 18-year-old woman and a twelve-year-old child. The Račak massacre provoked an international outcry. The killings were seen as a turning point regarding efforts to peacefully resolve the Kosovo conflict, as the international community recognized that human rights violations were at the conflict's core. The Office of the Prosecutor of ICTY was called upon by the OSCE KVM's Head of Mission Ambassador William Walker to investigate the killings. When the ICTY's Chief Prosecutor attempted to enter Kosovo to view the crime scene she was denied entry by Belgrade authorities. In the absence of the ICTY, OSCE KVM human rights officers documented the crime scene, obtained statements from survivors and witnesses and endeavoured to preserve forensic evidence until experts from Finland arrived.

The Račak killings and their aftermath had a major impact on the OSCE Mission insofar as they brought human rights violations firmly to the foreground, necessitating a shift of focus within the Mission towards the Human Rights

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8 Cf. ODIHR, Report on the Human Rights Tasks of the KVM - The First 60 Days of the Mission (16 Oct.-15 Dec. 1998), Warsaw, 7 January 1999.

9 Cf. As Seen, As Told Part I, cited above (Note 1), p. 353; OSCE-KVM/HQ, Special Report "Massacre of Civilians in Racak", 17 January 1999.

Division. By mid-2000 it was still not possible to give a final and definitive account of the actual events in Račak on 15 January 1999. The case was under investigation by the Office of the Prosecutor of ICTY which has indicted top Federal Republic of Yugoslavia (FRY) officials including Slobodan Milošević for directing, encouraging or supporting forces of the FRY in committing a mass killing in Račak.<sup>10</sup>

Increasingly during the same period, arbitrary arrest and detention, and the violation of the right to a fair trial, were becoming systemized practices in the Serb controlled administration of justice, often resulting in the suppression of Kosovo Albanians' civil and political rights. The OSCE KVM received many complaints concerning torture and ill-treatment from the very beginning of its deployment. Many of these allegations were confirmed by medical records or first-hand evidence. Extensive photographic material exists of wounds and bruises inflicted on persons in police custody.<sup>11</sup> It appeared that violence was an essential element of the treatment of persons under arrest or in detention, and was applied as a general means of emphasizing the authority of the police over detainees. It was also used to extort "confessions" of criminal and "terrorist" activities, the signing of self-incriminatory statements, the naming of other suspects or a promise to co-operate in the future.

Systematic and repeated ill-treatment became even more prevalent after the OSCE KVM's withdrawal and the start of the NATO air campaign, with police powers extended significantly by wartime legislative changes in Belgrade. During the air campaign, Yugoslav and Serb security forces used various buildings throughout Kosovo as improvised detention facilities. Reports of torture and ill-treatment at such facilities are widespread. It is alleged that retreating Serb forces took more than 1,900 detainees with them to prisons throughout Serbia. Following the release of some detainees, a prison census conducted by the International Committee of the Red Cross revealed that at the end of 1999 approximately 1,800 Kosovo Albanians remained in Serbian prisons. The conditions of detention in Serbia proper are a serious concern, with widespread reports of ill-treatment and inadequate care. This issue remains one of the most painful and emotional issues for the families of the detained and missing and for international representatives who struggle to obtain their release.

Another priority task of the OSCE KVM while deployed in Kosovo was trial monitoring. Trials of people facing charges relating to "terrorism" or "subversive activity" were far from a new phenomenon in Kosovo. Such trials can be traced back as far as over ten years. The presence of OSCE KVM and other international monitors<sup>12</sup> at trials had some positive effects. According

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10 Cf. *As Seen, As Told* Part I, cited above (Note 1), p. 355.

11 Cf. *ibid.*, pp. 46-47.

12 The Office of the United Nations High Commissioner for Human Rights, Amnesty International, Human Rights Watch, the Commission for Human Rights and Fundamental Freedoms and the Humanitarian Law Center all conducted some trial monitoring in Kosovo.

to some detainees and their families, the presence of an international observer reduced beatings and allowed the detainee some access, albeit limited, to legal counsel. Findings from the OSCE KVM indicate however that a large number of accused persons were convicted in proceedings that fell far short of international fair trial standards. Often physical evidence was scarce in "terrorism" cases, and when it was present, it rarely amounted to more than circumstantial evidence. Convictions were usually based on "confessions" which defendants were rarely able to exclude on the basis that they were obtained under duress or ill-treatment. Trials were conducted in the Serbian language often without translation into Albanian for the defendant. And in most trials monitored by the OSCE KVM, the presence of armed police in the courtroom and building was extensive. The group most at risk during this period and throughout the air campaign, for killings, arbitrary detention and torture were young Kosovo Albanian men of fighting age, every one of them perceived by Serb authorities as a potential "terrorist".

After the killings at Račak, the OSCE KVM's security situation deteriorated along with that of Kosovo's. Yugoslav and Serb security forces increased their presence throughout the Province and began asserting more and more control with a heavy use of force. Throughout this period OSCE KVM documented the tactics and strategies used against the Kosovo Albanians. This included the launch of Yugoslav army "winter exercises" which involved the shelling of villages and the forced expulsion of villagers in Vucitrn municipality in February and March 1999, a military and police offensive in Kacanik in February in which the tactic of burning and destroying civilian homes to clear the area of the UCK/KLA was employed, and a violent crack-down in an Albanian quarter of Priština in early March after the killing of two police officers. These events reveal patterns of grave abuses by Yugoslav and Serbian forces against the civilian population. Such patterns of abuse recurred on a more shocking scale after the withdrawal of the OSCE KVM on 20 March 1999.

#### *OSCE Human Rights Field Missions in Kosovo, March to June 1999*

After the OSCE KVM withdrew from Kosovo, the Human Rights Division continued to operate and monitor the human rights situation in Kosovo. Human rights officers collected first-hand information about the situation in Kosovo from refugees who were often victims and direct witnesses to grave human rights and humanitarian law violations prior to, and in the course of fleeing or being expelled to Albania and FYROM. In all, the OSCE KVM conducted 1,111 refugee interviews in Albania and 1,653 in FYROM. The scale on which human rights violations occurred during the eleven-week NATO air campaign is staggering. It has been estimated that more than 1.2 million Kosovo Albanians were displaced during the conflict. The death toll

has yet to be set, but by the end of 1999 thousands remained missing and unaccounted for. Throughout 1999 the OSCE Human Rights Division co-operated with ICTY and assisted in the documentation of graves. In November 1999, when exhumations of mass graves were suspended for the winter, the Chief Prosecutor of ICTY said that forensic teams had exhumed 2,108 bodies from mass graves in Kosovo. In total, however, the Prosecutor said only a third of the 529 reported gravesites were exhumed in 1999, and 11,334 deaths have been reported to ICTY.<sup>13</sup> Some sites have yet to be discovered.

The violence meted out to Kosovo Albanians during the eleven-week war was extreme and appalling. Human rights findings of the OSCE KVM state that forced expulsion carried out by Yugoslav and Serbian forces took place on a massive scale, with evident strategic planning and in clear violation of the laws and customs of war. Expulsions were often accompanied by deliberate destruction of property, looting, extortion, beatings and killings. Such violations were reported in all areas where Kosovo Albanians lived. The onslaught of these violations could be inflicted on a community with little or no advance notice, with great speed and with great thoroughness. Such experiences were replicated in rural areas all across Kosovo and would be repeated if villagers attempted to return to their homes. Elsewhere, in the towns, Kosovo Albanian communities endured attacks over many days or weeks combining arbitrary violence and abuse with an overall approach that appeared highly organized and systematic. Everywhere attacks against Kosovo Albanians appear to have been dictated by strategy, not by a breakdown in command and control.

Opportunities for extortion of money were a prime motivator for Yugoslav and Serbian perpetrators of human rights and humanitarian law violations. Refugees were often beaten at police and border checkpoints and robbed of their belongings, money and identity documents. Thousands of refugees witnessed Yugoslav and Serb security forces looting houses and loading the goods onto trucks. OSCE monitors witnessed similar actions before the war and at the end of the war by the same security forces. Yugoslav and Serb forces seem to have made a point of destroying buildings of communal value (clinics, printing houses, cafes, schools) as well as religious and cultural sites. Another systematic practice was the contamination of wells and the killing of cattle and livestock in the rural areas.

Rape and other forms of sexual violence were applied sometimes as a weapon of war. Women were placed in positions of great vulnerability, and were specific objects of violence targeted at their gender. There is chilling evidence of the murderous targeting of children, with the aim of terrorizing and punishing adults and communities. Prominent, educated, wealthy or politically or socially active Kosovo Albanians were a prime target for killings.

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13 Cf. United Nations, Remarks to the Security Council by Madame Carla Del Ponte, Prosecutor International Criminal Tribunal for the former Yugoslavia, New York, 10 November 1999.

Local staff of the OSCE KVM and others associated with the Mission were harassed or forcibly expelled and some killed. Many refugees also reported that they were used as human shields to protect Yugoslav and Serb forces from NATO attack. This included being forced to accompany the movement of military equipment, or to provide cover when villagers were being expelled.

The conclusions of human rights findings of the OSCE KVM are that clear strategies lay behind the human rights violations committed by Yugoslav and Serbian forces; that paramilitaries and, in some cases, armed civilians committed acts of extreme lawlessness with the tolerance and collusion of military and security forces whose own actions were generally highly organized and systematic; and that the violations inflicted on the Kosovo Albanian population on a massive scale after 20 March were a continuation of actions by Serbian forces that were well-rehearsed, insofar as they were taking place in many locations well before that date. While both parties to the conflict committed human rights violations, there was no balance or equivalence in the nature or scale of those violations - overwhelmingly it was the Kosovo Albanian population who suffered.

#### *June to December 1999*

In June, when the war ended, the OSCE quickly re-established its human rights monitoring mechanism and began documenting events from within Kosovo. Within weeks over 800,000 Kosovo Albanians returned to Kosovo where many found destruction, unemployment, and a general state of lawlessness. There was no effective law enforcement or functioning judicial system. The absence of domestic remedies for alleged human rights violations existed throughout 1999. This, coupled with the widely held view that remaining minorities, Kosovo Serbs, and Roma in particular, were collectively guilty for the war crimes and human rights violations of the past, contributed to a continued poor human rights situation.

June, July, August and September in Kosovo were characterized by acts of revenge committed in a climate of lawlessness and impunity. Kosovo Serbs, Roma, Muslim Slavs and others perceived to have collaborated with Yugoslav or Serb security forces, were targeted for killing, expulsion, harassment, intimidation, house burning and abduction. This led to an exodus of these communities from Kosovo. Before the war, Priština and its surrounding villages was home to an estimated 51,000 Kosovo Serbs, by the end of 1999 that number had fallen to less than 600, the majority leaving after the entry of the NATO Kosovo Force.<sup>14</sup> When the OSCE returned to the Gnjilane region of eastern Kosovo on 20 June 1999 only one house in the town had been destroyed. By the end of October 280 houses had been burned or destroyed; 150

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14 Cf. As Seen, As Told Part II, cited above (Note1), p. 68.

belonged to Kosovo Serbs and 130 to Roma.<sup>15</sup> In the southern city of Prizren, more than 250 houses were destroyed during the same period, all belonging to minorities. The destruction of the Roma quarter, the rapid development of armed Serb neighbourhood "watches" and the large community of displaced Kosovo Albanians, left the town of Mitrovica a divided and segregated powder keg subject to violent street rioting.

On 23 July in Gračko, a small village south of Priština, 14 Kosovo Serb men between 15 and 60 years of age were shot in the fields they had just harvested. The massacre sent shockwaves across Kosovo. KFOR arrived on the scene moments after shots were fired and found 13 bodies grouped together. The group appeared to have been executed with gunshots to the head. Another body was found 150 meters away. Six farm vehicles belonging to the victims were found at the scene with their engines still running.

Violent grenade attacks against the homes and property of Kosovo Serbs and Roma were also common throughout Kosovo in June, July and August. Fatalities and related destruction often led to an exodus of the entire minority community from the area. In addition to leaving Kosovo, victims of such attacks and their community responded with roadblocks and barricades. While KFOR troops and UN personnel were often allowed through such barricades any other "outsider" was denied entry or travelled at their own peril. Kosovo Serb enclaves quickly formed during this period and in the cities, Roma, Kosovo Serb and other minorities sought protection in their own ethnic ghettos. Arrests of alleged war criminals and the disappearance of 15 Kosovo Serbs and six Roma from Orahovac in central Kosovo created a siege mentality throughout that municipality. Tensions were further heightened in the area and a blockade erected for more than 75 days by the Kosovo Albanians in protest of the proposed deployment of Russian KFOR troops.<sup>16</sup> Hundreds of Kosovo Serbs, Roma and other minorities were reported killed or missing throughout Kosovo during the three months after the war.

While the desire for revenge is only human, the act of revenge itself is not acceptable and must be recorded and addressed. The effects on the Kosovo Albanian population of accumulated discrimination and humiliation over the past decade is documented and cannot be doubted. Neither can it be doubted that the "ethnic cleansing" during the war had a deeply traumatic impact on the Kosovo Albanian community, leaving virtually no family untouched. Given this stark backdrop to the post-war setting, only a strong law enforcement and judicial system could have restrained the climate of vindictiveness that perpetuates violence. The absence of a robust international response to the lawlessness contributed to the revenge and impunity that has pervaded post-war Kosovo. The presence of international police, investigators, prison

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15 Cf. *ibid.*, p. 23.

16 Kosovo Albanians in Orahovac believe that during the war Russian mercenaries fought alongside the Yugoslav and Serb security forces that attacked the city and therefore opposed any Russian presence in the city.

officials and international judges during this period would have greatly aided the re-establishment of the rule of law.

In addition to the Kosovo Serbs, other particular victims of violence documented by OSCE MIK in the second half of 1999 were the Roma and Muslim Slavs. Many Kosovo Albanians labelled the Roma as collaborators: Accused of carrying out the dirty work, such as disposing of bodies, they were tainted by association with the regime in Belgrade. Human rights officers documented the decimation of the Roma community in many parts of Kosovo, driven from their homes in fear of their lives. The Muslim Slav community, largely concentrated in the west of Kosovo, may share the same faith as the Kosovo Albanians, but they are separated by language. To be a Serbo-Croat speaker in Kosovo is to be a suspect and can be enough in itself to incite violence. Other non-Albanians that are reported to be victims of human rights violations include the Turks and Croats. One of the most alarming trends documented by human rights officers was the participation of juveniles in human rights violations. Young children, some only ten or twelve years old, harassing, beating and threatening people, especially defenceless elderly Kosovo Serbs, solely because of their ethnicity. With the absence of a juvenile justice system, such children enjoyed *de facto* impunity for their crimes. A disturbing theme documented at the end of 1999 was the intolerance, unknown before, that emerged within the Kosovo Albanian community. Rights of Kosovo Albanians to freedom of association, expression, thought and religion have all been challenged by other Kosovo Albanians. Opposition to the new order, particularly the (former) UCK's dominance of the self-styled municipal administrations, or simply a perceived lack of commitment to the UCK cause led to intimidation and harassment. A further aspect of inter-Kosovo Albanian intolerance were the challenges made in the Peć area to the rights of Catholic Albanians to express their religion.

Ethnically motivated violence that seemed to run rampant during June, July and August began declining in September and the remainder of the year. The increased presence and deployment of international police and KFOR troops contributed to an obvious improvement of the security situation. By the end of September, however, many of the minorities that remained after the war had left or had moved to enclaves or ghettos. By August, an emergency judicial system set up by UNMIK was moving cases forward. Re-establishing the judiciary in Kosovo however has been one of the greatest challenges for the international community. The basic material needs of running a court were largely absent after the war with damaged buildings and a shortage of equipment and supplies. There remains an insufficient number of judges and prosecutors and minorities refuse to participate because of security concerns. The payment of judges and others working in the judicial system were viewed by those involved as inordinately low with monthly stipends for judges amounting to 300-500 DM per month. OSCE MIK human rights monitors reported allegations of discrimination and bias by Kosovo Albanian



judges and prosecutors in cases involving ethnic minorities. Questions regarding the quality of the legal representation available for ethnic minorities were raised regularly. Confusion over the applicable law also hindered the start-up of the emergency judicial system. At the end of 1999, the absence of effective domestic remedies perpetuated systematic human rights violations affecting all in Kosovo.

Other human rights violations, such as denied access to public services, healthcare, education and employment were used as a tool by both the Kosovo Albanians and the Kosovo Serbs to prevent the integration of traditionally mixed institutions. Restricted access to education, with its long-term implications for the life-chances of those affected; poor healthcare; limited employment opportunities - these are the emerging elements that lock segments of the population into a cycle of poverty and divide communities both on ethnic and on economic grounds. They constitute on-going violations of civil, political, economic, social and cultural rights.

On 19 September 1999, the UCK/KLA officially disbanded and was demilitarized.<sup>17</sup> Many UCK/KLA members applied for positions in the Kosovo Protection Corps (*Trupat e Mbrojtes se Kosoves*, TMK). Pursuant to UNMIK Regulation 8, the TMK is a civilian force with a mandate to provide emergency assistance and community services.<sup>18</sup> The TMK has no legitimate law enforcement or defence mandate<sup>19</sup> nor is it the "army" or the "UCK transformed". One of the more sensitive areas of OSCE MIK human rights reporting was the extent of UCK/KLA and TMK involvement in the abuse of human rights during the period from June to December 1999. Although many incidents in this period were disparate individual acts of revenge, others assumed a more systematic pattern and appear to have been organized. The evidence in part points to a careful targeting of victims and an underlying intention to expel. A consistent reporting feature was UCK/KLA presence and control of most "self styled" authorities that filled the law and order void left at the end of the war. More than 900 allegations of human rights violations were reported to the OSCE MIK in the latter half of 1999. These reports were littered with witness statements testifying to UCK/KLA involvement, both before and after the demilitarization deadline of 19 September ranging from reports of UCK/KLA "police" to accusations of intimidation by self-proclaimed members of the TMK. It is clear that the UCK/KLA stepped in to fill a law and order void, but this "policing" role was unrestrained by law and

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17 Cf. United Nations Security Council Resolution No. 1244 and the Undertaking of demilitarisation and transformation by the UCK, signed on 20 June 1999.

18 "The Kosovo Protection Corps shall be established as a civilian emergency service agency, the tasks of which shall be to: (a) provide disaster response services; (b) perform search and rescue; (c) provide a capacity for humanitarian assistance in isolated areas; (d) assist in demining; and (e) contribute to rebuilding infrastructure and communities." Regulation No. 1999/8 On the Establishment of the Kosovo Protection Corps, UNMIK/REG/1999/8, 20 September 1999, para. 1.1.

19 "The Kosovo Protection Corps shall not have any role in law enforcement or the maintenance of law and order." Ibid., para. 1.2.

without legitimacy. In Peć and Prizren, for example, there is compelling evidence that they operated "police stations" and called people in for what they term "informative talks". Undoubtedly, apart from the fact that they disregarded its own mandate, such activity gave the impression that the UCK/KLA or TMK had a legitimate role in law enforcement. This was particularly true in 1999 when UNMIK and local police were not fully operational. Throughout this period the highest levels of the former UCK/KLA leadership and current TMK hierarchy openly denied any connection of their members to the violence that occurred.

Discrimination in economic life and employment was barely restrained in 1999. Personnel shortages and financial shortfalls delayed the establishment of the UNMIK civil administration as was called for in UN Security Council Resolution 1244. Upon their return to Kosovo, local Kosovo Albanian leadership often influenced by the UCK/KLA set up "self-styled" authorities that named "directors" to companies, public utilities, hospitals and schools. In many places such appointments were influenced by corruption and nepotism. While there is much dissatisfaction among the workers because of such appointments, they are usually afraid to talk about it. Job opportunities for minorities in this public sector were nearly non-existent at the end of 1999. Given the pattern of appointments many Kosovo Serbs have not gone back to work. With no income, and no possibility of generating income, the pressure on them and their families to leave will only increase. As the UNMIK civil administration began to take hold such appointments could be reviewed and some changes made. Although there were numerous claims that overstretched UNMIK administrators were merely rubber-stamping the decisions of the self-styled authorities in some municipalities.

Also, in the closing months of 1999, the scope of the organized crime problem began to emerge. OSCE MIK human rights officers reported on the trafficking of women and UN International Police and KFOR increased efforts to combat smuggling, extortion of businesses and "gangster"-like behaviour of some groups. The year ended with KFOR and UNMIK reporting a decrease in ethnic violence and an increase in organized crime. It should be noted however that while organized crime for economic gain is unlikely to recognize ethnic distinctions, putting Kosovo Albanians equally at risk, this development is particularly worrying for ethnic minorities since crime tends to victimize the vulnerable and there is no doubt that ethnic minorities face heightened degrees of vulnerability.<sup>20</sup>

1999 concluded with an agreement for the co-administration of Kosovo between UNMIK and the three leading Kosovo Albanian political parties. The agreement provided for the establishment of an Interim Administration Council (IAC) comprised of UN and Kosovo Albanian leadership. While the IAC provided for a Kosovo Serb representative the seat remained empty in

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20 Cf. UNHCR/OSCE Third Assessment of the Situation of Ethnic Minorities in Kosovo, February 2000, p. 3.

1999 as a Serb protest to the establishment of the structure. In addition, the agreement provided for 14 administrative departments, which provide the public administration with the opportunity to implement the policy guidelines formulated in the IAC. The administrative departments will be jointly led by a Kosovo and an UNMIK Co-Head. In a further effort to foster minority involvement in the administration of Kosovo the Kosovo Transitional Council (a consultative body established after the war) was expanded to be more representative of Kosovo's ethnic composition and planned to include more women. One important pre-condition for the establishment of the joint administration was the dismantling of all self-styled authorities and parallel structures, namely Hashim Thaqi's "Provisional Government" and the "Presidency of the Republic of Kosovo". As far as possible, these structures were to be integrated into the joint administration. It is hoped this will further curb illegal policing and human rights abuses.

### *Conclusions*

Conclusions about the human rights situation in Kosovo after the war must include recognition that deficiencies in the law enforcement capability provided by the international community and the lack of sufficient assistance in the administration of justice fostered the climate in which the human rights violations in the second half of 1999 occurred. Impunity for the acts committed resulted from failures to conduct serious investigations and this impunity, in turn, perpetuated the violence. Additional investigative resources must be ensured, including investigators and forensic teams and the facilities to enable them to function. The legal and judicial framework must be strengthened so that periods of pre-trial detention can be reduced and trials conducted in a timely manner. The infusion of more international police and international judicial experts would greatly assist in ending the cycle of impunity. Continued human rights monitoring by the OSCE and other organizations will assist in identifying on-going abuses and can provide guidance in promoting the protection of human rights in Kosovo. By identifying and denouncing the violations that have been committed to date, we are better positioned to construct a Kosovo that is founded on the principles of respect for human rights and fundamental freedoms.



## The Lund Recommendations on the Effective Participation of National Minorities in Public Life

"The Lund Recommendations on the Effective Participation of National Minorities in Public Life" were published in 1999 by the Foundation on Inter-Ethnic Relations.<sup>1</sup> They were developed by 18 experts on international law, political science and sociology illustrating ways to improve participation of national minorities in public life and hence strengthen domestic stability in states with minority populations as well as international security in general.<sup>2</sup> It is certain these Recommendations will not fail to gain the attention of other experts in the field. Its authors are leading authorities on minority problems, who have incorporated their experiences from many different parts of the world in this document. They represent the current position on what is "feasible" in implementing contemporary policies for minorities. However this alone does not justify reporting on the recommendations of a non-governmental organization (NGO) in the OSCE Yearbook. There are much better reasons for pursuing this endeavour. For one thing the "Foundation on Inter-Ethnic Relations" was created in 1993 as an NGO whose sole task was to support the OSCE High Commissioner on National Minorities (HCNM).<sup>3</sup> This meant they had close links with his office, in other words, an OSCE body. A second point is that the HCNM commissioned the experts with the development of the Lund Recommendations personally. He was continuing a practice he had started in 1996 with the "The Hague Recommendations Regarding the Education Rights of National Minorities" followed by the "Oslo Recommendations Regarding the Linguistic Rights of National Minorities" in 1998.<sup>4</sup>

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- 1 The Lund Recommendations on the Effective Participation of National Minorities in Public Life are reprinted in this volume, pp. 445-469. References to specific passages of the Lund Recommendations are noted in parentheses with Roman and Arabic numerals as well as capital letters.
  - 2 The conference in which agreement was reached upon a final text for the Recommendations was conducted under the chairmanship of Professor Gudmundur Alfredsson at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund. Thus this document is named after that Swedish university city. The author of this article was a member of the group of experts.
  - 3 This foundation was dissolved at the end of 1999 because the office of the HCNM was enlarged.
  - 4 These Recommendations can be found at the following website: [www.osce.org/inst/hcnm/index.html](http://www.osce.org/inst/hcnm/index.html). Cf. also J. Packer/G. Sieminski, *Integration Through Education: The Origin and Development of The Hague Recommendations*, in: *Int'l Journal of Group Rights* 4 (1996/97), pp. 187-198, and J. Packer/G. Sieminski, *The Language of Equity: The Origin and Development of the Oslo Recommendations Regarding the Linguistic Rights of National Minorities*, in: *Int'l Journal of Group Rights* 6 (1999), pp. 329-350.

The remarkable thing about the HCNM's approach is that he has directed his attention to the general problems of protecting minorities. In this respect he has to a certain extent changed the focus of his activities, which since the inception of his office on 1 January 1993 were almost solely concerned with the circumstances of national minorities in individual states. Because each minority situation differed substantially in practice, it was nearly impossible to come to general conclusions. One common fundamental point was merely that in those states where there were minorities, there were usually other states where these were majorities. The HCNM was often forced to put great effort into furthering his proposals for solutions to such minority problems. In the meantime these proposals have provided a foundation and the initial efforts have produced some results. They have led to practical improvements in some states and in others to at least psychological ones.<sup>5</sup>

Of course, one must admit that these activities have been carried out predominantly in the "new" (or re-established) states in the former Soviet sphere of influence. This gave the impression that minority problems in the West had been overlooked. And this perception is not without a certain basis, because Western states where violent minority problems exist (e.g. Great Britain, Spain and Turkey) contributed to creating the High Commissioner's mandate to a considerable extent - and this mandate prohibits dealing with conflicts in which organized acts of terrorism are involved.<sup>6</sup> The fact that this regulation leads to inequality in the treatment of real or potential pressure cookers by the HCNM has been criticized in the literature repeatedly, also in this Yearbook.<sup>7</sup> In the long run, this procedure can certainly not be justified. Therefore it is a welcome development that with the publication of general recommendations on basic issues in minority policy, now a cross-section of the issues on minority protection in *all* OSCE States has been taken into consideration. In addition these recommendations fulfil the HCNM goals of conflict prevention and co-operation between minorities and majorities in a special way. In fact, these proposals are designed to illustrate ways of avoiding and settling minority conflicts. The Lund Recommendations contain important suggestions especially with respect to the HCNM's contribution to post-

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5 Because we are dealing with preventive measures here, success cannot be calculated precisely. Relevant reference: Rob Zaagman, *Conflict Prevention in the Baltic States*, ECMI Monograph 1, Flensburg 1999, p. 51.

6 Cf. Rob Zaagman/Arie Bloed, *Die Rolle des Hohen Kommissars der OSZE für nationale Minderheiten bei der Konfliktprävention* [The Role of the OSCE High Commissioner on National Minorities in Conflict Prevention], in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg/IFSH [Institute for Peace Research and Security Policy at the University of Hamburg] (Ed.), *OSZE-Jahrbuch* [OSCE Yearbook] 1995, Baden-Baden 1995, pp. 225-240 (the 1995 Yearbook is available as German version only).

7 Cf. Hans-Joachim Heintze, *Minorities in Western Europe - (Not) a Subject for the OSCE?*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook* 1997, Baden-Baden 1998, pp. 215-226, and for an even more critical view, see Berthold Meyer, *Zwischen Souveränitätsvorbehalten, Selektions"zwängen" und Selbstüberschätzung* [Between Reservations on Sovereignty, Selective "Forces" and Self-Misjudgement], in: *Friedensbericht* 1999, Chur 1999, p. 255.

conflict rehabilitation in re-establishing circumstances so that different ethnic groups can live together in a tolerable manner.<sup>8</sup> The comprehensive participation of minorities in public life is probably one of the most promising methods of decreasing their disadvantages and the tensions surrounding them.

Finally it must be mentioned that the creation of a catalogue of possible measures to combat minority issues is by no means a new method of solving these problems. On the contrary, the Council of Europe has also decided upon *à la carte* agreements<sup>9</sup> like the European Charter for Regional or Minority Languages<sup>10</sup> and "catalogue" agreements like the Framework Convention for the Protection of National Minorities.<sup>11</sup> These allow member States the option of which articles in the treaties they would implement according to their specific regional requirements. Although one cannot underestimate the fundamental difference between these conventions and the Lund Recommendations - both Council of Europe instruments are treaties under international law with (weak) enforcement procedures - the approaches in a framework convention and a set of recommendations like the Lund document are still very similar.

### *The Value of the Lund Recommendations*

The Lund Recommendations are not an international OSCE document. They are a set of opinions by independent experts and are neither politically nor legally binding. Nevertheless there is a connection to the OSCE States. In 1998 in Locarno at the OSCE conference on "Governance and Participation: Integrating Diversity", the participating States expressly called upon the HCNM to further develop the concepts of the participation of minorities in responsible governance. Thus the Lund Recommendations are to be seen as an "assignment" and not "simply" commentary by experts.

Moreover the HCNM aspires to use the Lund document in a manner, which underlines this special characteristic. Most probably it will be utilized in a manner similar to that of the The Hague and Oslo Recommendations. In his dealings with states, the HCNM has frequently made references to these documents and encouraged the application of the proposals in them. Because

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8 The activities of the HCNM in Greece should be mentioned in this context, cf. his statement in: Helsinki Monitor 4/1999, p. 78.

9 Cf. Heinrich Klebes, Minderheitenschutz durch den Europarat: Richtungswechsel durch "Entrechtlichung" von Verträgen? [Protection of Minorities through the Council of Europe: A Change of Direction through the "De-legalization" of Contracts?], in: Hans-Joachim Heintze (Ed.), Moderner Minderheitenschutz [Contemporary Protection of Minorities], Bonn 1998, p. 156.

10 Council of Europe, European Charter for Regional or Minority Languages, Strasbourg, 5 November 1992, European Treaty Series No. 148.

11 Council of Europe, Framework Convention for the Protection of National Minorities, Strasbourg, 1 February 1995, European Treaty Series No. 157.

of the confidentiality in the discussions between the High Commissioner and governments, there is of course not always evidence of this. There is however clear proof when it comes to the linguistic rights of minorities. In a report written by the HCNM on guaranteeing these rights in the OSCE area, not only international law agreements and customary international law but also "other documents" are dealt with in the illustration of existing international standards. These "other documents" include the much cited UN Minority Rights Declaration (Res. 47/135)<sup>12</sup> as well as the The Hague and Oslo Recommendations. Specifically the report states: "Although these Recommendations are formally non-governmental in origin and have not been accepted by States through the mechanisms of the OSCE, they nonetheless have been presented to participating States by the High Commissioner as a point of reference and have generally been received positively by them."<sup>13</sup> This approach by the HCNM is no doubt covered by his very extensive mandate. At the end of the day, it is left up to his discretion, which issues he handles and which documents he uses to back up his work.<sup>14</sup>

There is another reason why the Lund Recommendations are not just another set of expert opinions among many. This is due to their contents which many of the states view as a "hot potato". After all, participation in public affairs is a basic problem in any democratic system and poses a range of difficult questions. For example there are issues of the development of participation as a group right, reverse discrimination as well as whether self-government should be in the form of territorial or personal autonomy. All these questions have been discussed in the literature for some time now yet have not been reflected in the development of international law.<sup>15</sup> The fact that the HCNM has requested proposals encouraging "participation" is evidence that in the long run actual practice must include consideration of the basic conceptual issues in protecting minorities.<sup>16</sup>

The Lund document is also important because in the explanatory notes to the actual recommendations the extensive commitments by the states to institute the effective protection of minorities, which inevitably must include the political participation of persons belonging to minorities, are stated clearly. Particularly in OSCE documents, there is a large range of relevant provisions.

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12 Cf. Allan Phillips/Alan Rosas (Eds.), *The UN Minority Rights Declaration*, Åbo 1993, pp. 11ff.

13 OSCE (Ed.), *Report on the Linguistic Rights of Persons Belonging to National Minorities in the OSCE Area*, The Hague 1999, p. 7.

14 Cf. Jakob Haselhuber, *Der Hochkommissar für nationale Minderheiten der OSZE* [The OSCE High Commissioner on National Minorities], in: Erich Reiter (Ed.), *Grenzen des Selbstbestimmungsrechts* [Limitations on the Right of Self-Determination], Graz 1996, pp. 109ff.

15 One of the leading experts in the area of the protection of minorities put this in a nutshell: "It is difficult to say where minority rights begin and end." Patrick Thornberry, *Introduction: In the Strongroom of Vocabulary*, in: Peter Cumper/Steven Wheatley (Eds.), *Minority Rights in the "New" Europe*, The Hague 1999, pp. 3f.

16 These practical questions are handled impressively by Javard Rehmann, *The Weakness in the International Protection of Minority Rights*, The Hague 2000, pp. 4ff.



The carefully compiled list of - according to OSCE practice - "politically binding" commitments by the OSCE participating States<sup>17</sup> alone would have been enough to justify publishing the Lund document, all the more true for the expert proposals going above and beyond this, striving for further development of OSCE standards as well as stating them more precisely.

### *General Aspects of Human Rights*

It is inherent in the preamble of the Lund Recommendations that minority rights come under the category of human rights. This implies that these rights are viewed as individual rights - i.e. the rights of an individual member of a minority group - and not group rights. In this respect the Lund experts were following the traditional approach in international law that was accepted in 1966 in Article 27 of the International Covenant on Civil and Political Rights.<sup>18</sup> Also the Council of Europe took the path of individual rights in 1995 in its Framework Convention for the Protection of National Minorities.<sup>19</sup> Finally the Lund group of experts also had limitations on an innovative approach to group rights because the CSCE/OSCE itself had indicated "respect for the rights of persons belonging to national minorities as part of universally recognized human rights" in paragraph 30 of its fundamental Document of the Copenhagen Meeting from 29 June 1990.<sup>20</sup>

This integration of minority rights in human rights places the Lund Recommendations on secure legal ground. Nevertheless, this approach is surprising because the HCNM's mandate explicitly is not aimed at the individual rights of persons belonging to a minority. He is even prohibited from accepting individual petitions. Instead the HCNM usually negotiates with representatives of minority parties and organizations so that *de facto* his approach is more geared towards group rights. Despite these systematic contradictions, which tend to raise questions of legal theory, the established human rights approach of the Lund document has the advantage that one of the basic elements of contemporary protection of minorities can be dealt with first: The decision as to whether an individual belongs to a minority or not rests with that individual (I 4). In this manner the commitment is fulfilled that each individual can

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17 Especially since some of these - according to OSCE standards - politically binding provisions already fall under international law in bilateral agreements, Cf. Hans-Joachim Heintze, *The International Law Dimension of the German Minorities Policy*, in: *Nordic Journal of Int'l Law* 2/1999, pp. 117ff.

18 International Covenant on Civil and Political Rights of 19 December 1966 (UNTS Vol. 993), p. 171.

19 Framework Convention for the Protection of National Minorities, cited above (Note 11).

20 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, here: p. 456.

define his identity himself and that no person shall suffer any disadvantage as a result of such a choice or refusal to choose.

*The Significance of an Active and a Passive Right to Vote*

The individual rights approach also makes it possible to demand all other human rights for persons belonging to minorities. However, the Recommendations place special emphasis on equality and non-discrimination. It is just as important that all the norms of the UN Covenant on Human Rights are automatically applied to persons belonging to minorities. Article 25 is particularly relevant in ensuring the right to effective participation in public life. It expressly stipulates participation in public affairs especially by means of free elections. The primary responsibility of a state is to carry out elections and make it feasible for its citizens to use their right to an equal, secret and free vote. This is the ideal public law procedural guarantee for the implementation of political rights.<sup>21</sup> Without a doubt Article 25 is the most decisive international law norm on the subjects dealt with in the Lund Recommendations.

However the UN Covenant on Human Rights is not the only international instrument emphasizing the importance of elections. In the words of Article 21(3) of the Universal Declaration of Human Rights of 10 December 1948: "The will of the people shall be the basis of the authority of government."<sup>22</sup> Article 3 of Protocol I additional to the European Convention on Human Rights also articulates this concept.<sup>23</sup> On the whole, in all the relevant documents, elections play a central role towards the right of participation in public life. Thus the election topic is the focus of section II in the Lund Recommendations (Participation in Decision-Making). It is instructive here that the opportunities available to minorities to organize are treated first. Compliance with the "international law principle" of freedom of association is stipulated in this section. Although the term "principle" is rather surprising (it should read "international law norm"), the core of this concept is that minorities are entitled to establish political parties. However one should not forget that this right is embedded in the catalogue of other human rights. Thus the rights of others, non-violence and non-discrimination are also to be respected. This means ultimately that a purely ethnic orientation could under certain circumstances be in conflict with the ban on discrimination. However because a number of states prohibit the creation of minority parties in general, the emphasis on freedom of association seems necessary even though it should not be made absolute.

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21 Cf. Manfred Nowak, CCPR Kommentar [CCPR Commentary], Kehl 1989, p. 467, margin no. 1.

22 Reprinted in: Rudolf Bernhardt/John Anthony Jolowicz (Eds.), *International Enforcement of Human Rights*, Heidelberg 1987, p. 166.

23 *Ibid.*, p. 216.

The experts in Lund were in agreement that there is no such thing as a neutral electoral system. Thus there can be no one system, which meets the needs of all interests groups equally. Because this is true, states have been called upon to find the most representative governmental form for their particular situation.<sup>24</sup> In many cases this may lead to giving minorities special privileges, e.g. in the form of lower numerical thresholds for representation in the legislature to be able to secure their inclusion in governance (II B 9). In the past, effective protection of minorities was evaded by a discriminatory representation system in constituencies. In light of these experiences, it is recommended that geographic boundaries of electoral districts should facilitate equitable representation of national minorities (II B 10).

However the Lund Recommendations are in general vague about the active and passive right to vote (II B) even though this is *the* fundamental issue in rights of political participation. The reason for this is easy to determine: It is due to the question of citizenship. The Lund experts made a detour around this problem as it is controversial whether international law protection of minorities can only be applied to a country's citizens or whether it may also be applied to foreigners living in the country. The UN International Covenant on Civil and Political Rights stipulates that Article 27 protects *all* persons belonging to linguistic, religious and ethnic minorities. Citizenship is not a prerequisite to belong to these categories of the regulation. This has been repeatedly confirmed by the Committee for Human Rights<sup>25</sup> and eventually led to General Comment 23 (50) of 1994 which states: "A State party may not (...) restrict the rights under article 27 to its citizens alone."<sup>26</sup> This requirement is emphasized in the professional literature, which also calls for including the so-called new minorities in the categories covered in Article 27.<sup>27</sup>

Although this interpretation can certainly not be contested from a legal theory angle, it is in striking contradiction to state practice. The interpretation of the law in many European states is that to enjoy protection persons belonging to a minority must be citizens of the state concerned. The German government for instance has emphasized this repeatedly. Upon adopting the UN Declaration on Minorities as well as the Council of Europe's Framework Convention for the Protection of Minorities, they explicitly stated that persons belonging to a minority must have citizenship.<sup>28</sup> In view of this apparent contradiction between theory and practice, it is understandable that the Lund Recommenda-

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24 Cf. Dieter Blumenwitz, *Volksgruppen und Minderheiten - Politische Vertretung und Kulturautonomie* [Ethnic Groups and Minorities - Political Representation and Cultural Autonomy], Berlin 1995, pp. 129ff.

25 UN-Doc. CCPR/C/23/CPR.1. This interpretation has been criticized by Deschenes in the respect that "the use of the word 'persons' appears equally natural, even given the underlying concept of citizenship". UN-Doc. E/CN.4/Sub.2/1985/31, p. 8.

26 In: *Human Rights Law Journal* 15/1994, p. 235.

27 Cf. Rüdiger Wolfrum, in: Catherine Brölmann et al. (Eds.), *Peoples and Minorities in International Law*, Dordrecht 1993, pp. 153ff.

28 Cf. BT Drs.12/6330, p. 8 and BGBl. 1997 II, p. 1418. Cf. also Peter von Jagow, *Minderheitenschutz in der außenpolitischen Praxis* [Protection of Minorities in the Implementation of Foreign Policy], in: Heintze (Ed.), cited above (Note 9), pp. 76f.

tions do not include the subject of citizenship with respect to persons belonging to a minority.

Despite this unresolved dispute, the protection of stateless persons belonging to a minority has played an outstanding role in HCNM's activities, for example in Estonia.<sup>29</sup> Each statement in the Lund document on the relationship between citizenship and the rights of minorities should have taken this into consideration. However, this would have overcharged the already explosive topic of the rights of participation of minorities. Nevertheless one must consider whether the issue of citizenship in conjunction with the rights of minorities should not be analysed by experts at some point in the future. Perhaps this could be a topic for forthcoming recommendations to be commissioned by the HCNM.

One advantage of the approach in the Lund Recommendations was the consideration of all relevant documents on the political participation of minorities. The variation in their legal or political character did not play a role. On the contrary, the main goal in this document was to illustrate developmental tendencies in the states as well as in international relations. In addition to international law treaties and political agreements, other documents like the General Comments of the UN Human Rights Committee - i.e. a treaty enforcement body - were brought into play. Although these instruments are unquestionably of differing legal value and acceptance, it is only this kind of approach that allows a comprehensive analysis of complex questions.

### *Democracy and Participation*

More than the UN, the OSCE is a "community of values". Since the adoption of the Charter of Paris on 21 November 1990<sup>30</sup> it has been based, *inter alia*, on the values of democracy, market economy, human rights and minority rights. In the development of this Charter, the states were able to fall back on the pioneering Copenhagen Document (1990), which lists the basic elements of a democratic society and combines them with the requirement of effective protection for minorities. At the time this should have received more attention because the topic, protection of minorities, had been a taboo up until the end of the East-West conflict. The other European community of values based on a democratic state order - the Council of Europe - considered protection of minorities a "shady business" up until the nineties.<sup>31</sup> They only began dealing with the topic after the OSCE got the ball rolling.

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29 Cf. Timo Lahelma, The OSCE and conflict prevention: The case of Estonia, in: Helsinki Monitor 2/1999, pp. 27-28.

30 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (Ed.), cited above (Note 20), pp. 537-566.

31 See the Austrian international law specialist, Felix Ermacora, in: Der Minderheiten- und Volksgruppenschutz vor dem Europarat [Protection of Minorities and Ethnic Groups in Connection with the Council of Europe], Vienna 1972, p. 75.

In view of the commitments of the OSCE to democracy and the protection of minorities, it is a matter of course that the Lund Recommendations are based on democracy (I 1). Only in a democratic society can there be effective participation of minorities in public life and in fact, this is a prerequisite. Democracy lives from the participation of all people, but it does require good governance, tolerance and the rule of law (I 1; I 2). This is closely linked to the fact that minorities must be able to form organizations. However the Lund Recommendations do not state whether minorities should or could create institutions. This could be a result of the fact that they have an approach based on individual rights. Instead the experts assume that states may have an obligation to create their own institutions to "ensure" the participation of minorities in public life. This is the experts' approach to encouraging "affirmative action". Of course they were perfectly aware of the dangers of these supportive measures. Thus in the same recommendation (I 3), they expressly emphasized the obligation to respect human rights of those persons who have not been the beneficiaries of such affirmative action. This proposal is also linked to the requirement that a climate of confidence be created by governments and minorities. Transparency is the first prerequisite for this as it is essential for a democratic society. There is also a reference to the importance of the mass media.

The subsidiarity principle plays a special role in states with minorities. This principle is to ensure that decisions are made not through anonymous and distant central authorities, but at a local administrative level in the lowest echelons. This can for example be of crucial importance for regionally concentrated linguistic minorities.<sup>32</sup> The subsidiarity principle raises practical questions on what forms of self-governance would be necessary to guarantee comprehensive participation of minorities in public life.

### *Self-Governance*

The central statements of this document can be found in Part III of the Lund Recommendations titled "Self-Governance", which could also be paraphrased as autonomy. This topic has been taboo for so long that it is impossible to avoid this assessment. Therefore, up to now there has been no international document, which treats international law obligations in this area in an all-inclusive manner.<sup>33</sup> Despite the widely accepted positive moments in the protection of minorities, which have been achieved through autonomy regula-

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32 Cf. Michael Brems, *Die politische Integration ethnischer Minderheiten* [The Political Integration of Ethnic Minorities], Frankfurt/M. 1995, pp. 46ff.

33 However, there are a series of regulations on individual cases. Cf. the survey by Hurst Hannum (Ed.), *Documents on Autonomy and Minority Rights*, Dordrecht 1993. In the past few years there have also been many additional provisions, see Markku Suksi, *On the Entrenchment of Autonomy*, in: Idem (Ed.), *Autonomy: Applications and Implications*, The Hague 1998, pp. 151ff.

tions, there is no willingness on the part of the states to consider this concept as a general solution for minority conflicts. This has been made clear through various initiatives, which were aimed at enhancing the value of autonomy models. Thus Recommendation 1201 was passed by the Parliamentary Assembly of the Council of Europe in 1993, but found no approval in the Committee of Ministers. One of the reasons for this was certainly that in Article 11 a "right to have at their disposal appropriate local or autonomous authorities or to have a special status" had been stipulated.<sup>34</sup> This example proves that "the sensitivity on autonomy is still very intense in certain member States no matter what shape it takes".<sup>35</sup> How strong the reservations were can be seen by Slovakia's refusal to ratify the treaty on good-neighbourly relations with Hungary in 1995<sup>36</sup> because there was a reference to the legally binding character of Recommendation 1201 in it.

The reason that there are widespread reservations on the part of the states about autonomy is because the granting of state authority to self-governing institutions of minorities is often considered as a step towards secession.<sup>37</sup> Thus despite differing assertions in the literature,<sup>38</sup> international law does not recognize a legal claim guaranteeing autonomy. This becomes particularly clear in view of the Copenhagen Document with its in general extremely far-reaching provisions on minority issues (therefore the document has been mentioned numerous times in this article). Although bold and extensive statements have been made in it on the role of minorities in democratic societies, paragraph 35 carefully mentions autonomy "as one of the possible means" of developing regulations on minorities: "The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned."<sup>39</sup>

However it is very positive that autonomy was mentioned at all in the Copenhagen Document. This made it possible in the Lund Recommendations to pick up where was left off in Copenhagen. Analogous to the general para-

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34 Recommendation 1201 can be found in the list of adopted texts at the following web site: [http://stars.coe.fr/index\\_e.htm](http://stars.coe.fr/index_e.htm).

35 Heinrich Klebes, *Rahmenübereinkommen des Europarats zum Schutz nationaler Minderheiten* [The Framework Convention of the Council of Europe for the Protection of National Minorities], in: *Europäische Grundrechte-Zeitschrift* 10-12/1995, p. 266 (translation).

36 On the importance of these agreements cf. Arie Bloed/Pieter van Dijk (Eds.), *Protection of Minority Rights Through Bilateral Treaties, The Case of Central and Eastern Europe*, The Hague 1999, p. 8.

37 Cf. Stefan Oeter, *Minderheiten im institutionellen Staatsaufbau* [Minorities in State-Building Institutions], in: Jochen A. Frowein et al. (Eds.), *Das Minderheitenrecht europäischer Staaten* [The Minority Right in European States], Part 2, Berlin 1994, p. 494.

38 Cf. Douglas Sanders, *Is Autonomy a Principle of International Law?*, in: *Nordic Journal of Int'l. Law* 1/1986, p. 17.

39 Copenhagen Document, cited above (Note 20), p. 458.

phrasing of autonomy in international law, the Lund experts based the Recommendations on the following understanding of autonomy: Parts of a state could have the authority to regulate certain affairs through self-governance, in particular by passing laws, without acquiring the quality of being a state. When minorities live in demarcated territories, regional autonomy regulations are the obvious solution. If this is not the case, then the individuals belonging to a widely dispersed minority are the holders of autonomous rights. In light of these two different situations, the experts speak of territorial and non-territorial measures, which may be required for the effective participation of minorities in public life. The states should devote adequate resources to such measures (III 14).

Special emphasis has been placed on the fact that there is no standard model for all minority situations. Individual regulations are necessary which may include asymmetrically allocated functions. In the commentary to this recommendation there is an explicit reference to the fact that the experts are against ethnic criteria for territorial measures. The reason for this stance is their rejection of a misuse of autonomy regulations for "ethnic cleansing".

With respect to non-territorial forms of self-governance, personal autonomy, reference is made primarily to the traditional field of culture and its potential to encourage the identity of minorities. The approval that minorities can determine and enjoy their own symbols and other forms of cultural expression is a welcome addition (III 18). Until only very recently the perception of these cultural rights caused certain states substantial problems.<sup>40</sup> This estimation is even more true when it comes to territorial measures, which often make states very suspicious. Thus the Lund Recommendations have been expressed very carefully. Even in the introduction (III 15), states have been placated through the confirmation of functions generally exercised by central authorities including defence, foreign affairs, immigration and customs, macroeconomic policy and monetary affairs, to prevent all separatist movements. In contrast areas like education, culture, language, environment, local planning, natural resources, economic development, local policing functions, housing, health and social services are seen as being part of territorial self-government.

The Lund experts purposely fall short of what is legally "feasible" in these situations. After all, in the meantime certain autonomy regulations have come into existence, which transfer a much higher degree of authority from central government to local autonomous administrations.<sup>41</sup> Nevertheless the Lund Recommendations can only be seen as an initial impulse showing fields of

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40 Cf. Dieter W. Bricke, *Slowakisch-Ungarische Minderheitenprobleme* [Slovakian-Hungarian Minority Problems], in: Hans-Joachim Heintze (Ed.), *Selbstbestimmungsrecht der Völker - Herausforderung der Staatenwelt* [The Right to Self-Determination of the Peoples - A Challenge for the World of States], Bonn 1997, pp. 274ff.

41 The best example of this can be found on the Åland Islands. Cf. Sten Palmgren, *The Autonomy of the Åland Islands in the Constitutional Law of Finland*, in: Lauri Hannikainen/Frank Horn (Eds.), *Autonomy and Demilitarisation in International Law: The Åland Islands in a Changing Europe*, The Hague 1997, pp. 85ff.

territorial self-government, which are relatively straightforward. States that have shown hesitation can thus gain initial experience with the principle of subsidiarity before other areas are incorporated into the autonomy regime. The functions, which could be managed jointly and fall under both central and regional authority are stated in III B 20 of the Lund Recommendations: taxation, administration of justice, tourism and transport.

The developments in Kosovo after the NATO intervention, where there is now clear dominance by the Albanian majority, have shown once again that the regulations of self-government built entirely on ethnic criteria are always tied to the misuse of power. Acts of revenge against persons belonging to the group of Serbs<sup>42</sup> who had prevailed before are a constant threat. They are easier to commit because the power relationships in the autonomous area have been reversed. The previously (suppressed) minority - in relation to the whole state of Serbia - takes power and the relationship between majority and minority is for practical purposes inverted. In light of relevant experiences the Lund Recommendations emphasize that the authorities of an autonomous region must respect and ensure the human rights in particular of "new" minorities (III B 21). This must be seen as a basic rule of any autonomy regulations whatever its nature.

### *The Enforcement of Minority Rights*

It is common knowledge that the proclamation of rights by states is not enough in itself, but that enforcement mechanisms are necessary. The most important instrument to achieve this is the law. Therefore the last section of the Lund Recommendations is devoted to constitutional law and other legal safeguards of the rights of participation by minorities. The difficulty in the development of particularly this section is the tremendous variety in the legal systems of OSCE States. Nevertheless it emerged from the discussions that special attention must be given to measures that would change the rights of participation of minorities. In practice there seems to be a tendency for governments to restrict those rights of participation when they lead to "unpleasant" results. For that reason the Lund document suggests instituting a higher threshold for changes in this area. As a rule they recommend approval by a qualified majority in Parliament, the legislative organ, or the implementation of a plebiscite (IV A 22). Furthermore periodic reviews of different forms of participation are suggested.

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42 The attack on the Serbian people after the NATO Kosovo intervention is one of the most heart-rending examples of this because it occurred after the "humanitarian intervention" and in the presence of troops for the "protection of human rights". Cf. Peter Glotz, *Gewaltiger Hass*, in: *Die Woche* of 18 June 1999, pp. 8f., and Matthias Z. Karádi/Dieter S. Lutz, *Der Preis des Krieges ist seine Legitimität. Zu den Kosten und Folgekosten des Kosovokrieges* [The Price of War Is Its Legitimacy. On the Costs and Post-War Costs of the Kosovo War], in: *Vierteljahrsschrift für Sicherheit und Frieden (S+F)* 3/1999, p. 159.



It is to be seen as state-friendly that provisional arrangements may be "considered" or could be established to be able to test their usefulness. Particularly the latter recommendation shows caution on the part of the experts, who refrain from the use of any "confrontational" undertone and instead make proposals geared completely towards co-operation between states and minorities. This is also expressed in the last paragraph with regard to enforcement mechanisms, in which they explicitly not only rely on legal remedies, but give priority to consultation mechanisms. The prevention concept is behind this idea, which emerges from the fact that after the outbreak of (especially violent) conflict, co-operative settlement of the dispute is most often no longer feasible.<sup>43</sup> This recommendation, of course, also has its origins in the HCNM's mandate, which requires him to act preventively.<sup>44</sup>

Nevertheless, and this is something you would expect of a group of experts who are predominantly jurists, the Lund Recommendations advocate that an opportunity should be opened up to settle conflicts legally. In particular they favour procedures for the judicial review of legislative or administrative actions (IV B 24). Of course, the prerequisite for this is the existence of an independent judiciary. Here the circle is complete: Although the Lund Recommendations initially assume the necessity of democratic structures in the OSCE States, at the end of the day they again state that the indispensable criteria for real participation of minorities in public life is to be seen in the rule of law and the separation of powers.

### *Conclusion*

The Lund document is a set of recommendations. It is not expected that they will be implemented in their entirety in all states. However, they are to be seen as suggestions, of which one or the other could offer a meaningful opportunity for a state to achieve more effective participation of minorities. This could be necessary to be able to fulfil international commitments adequately or to eliminate deficits, which impair the inner stability of a society. There is no doubt that each situation involving minorities is different and consequently unique solutions must be strived for. Thus there is no universal remedy. The Lund Recommendations also allow states the required freedom to go their own way in finding an optimal solution for the specific minority in each individual state. Their goal is clearly the prevention of conflict. Especially in ethno-political conflicts, when bloody hostilities have occurred and the peaceful co-existence of majorities and minorities is disturbed for long

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43 Cf. P. Terrence Hopmann, *The OSCE Role in Conflict Prevention before and after Violent Conflict: The Cases of Ukraine and Moldova*, in: *Studien und Berichte zur Sicherheitspolitik* 1/2000, pp. 25ff.

44 Cf. Daniela Späth, *Effektive Konfliktverhütung in Europa durch den OSZE-Hochkommissar für nationale Minderheiten [Effective Conflict Prevention in Europe through the High Commissioner on National Minorities]*, in: *Die Friedens-Warte* 1/2000, pp. 81ff.

periods of time or even impossible without foreign intervention. As the HCNM has repeatedly and adamantly pointed out: "It is evident from the experience of Bosnia, of Chechnya, of Nagorno-Karabakh, of Georgia and elsewhere, that once a conflict has erupted, it is extremely difficult to bring it to an end. In the meantime, precious lives have been lost, new waves of hatred have been created and enormous damage has been inflicted. It is my firm belief that money spent on conflict prevention is money well spent, not only because it is cheaper, but especially because it saves so many lives."<sup>45</sup>

The Lund document is the work of independent experts whose statements do not represent the opinions of states, politicians or the HCNM. These experts were asked to participate in the elaboration of these recommendations based on their personal knowledge and their long years of experience in the field of minority protection. Ultimately, these recommendations serve to fill the gap in the legal and political grey areas, which the general international instruments on the protection of minorities inevitably exhibit to be able to deal adequately with the variety of situations in each individual state. Opinions may differ on the validity of one or another of the recommendations, but one cannot dispute that *all* OSCE participating States have a legal and political commitment to guarantee the effective participation of minorities in public life. In conclusion, it must be recognized as historical progress that today the discussion does not revolve around whether the protection of minorities is a necessity, but "how" they are to be protected. This includes the possibility of an increasingly comprehensive guarantee that the identity of minorities will be promoted, which must also include participation in public life. The continuing and serious dialogue between states and their minorities is a prerequisite for this and the goal behind the Lund Recommendations is to promote this dialogue. A dialogue can only exist under the assumption that no insurmountable hurdles will be constructed. The experts have without a doubt held to this simple insight and on various occasions could have created the impression that the Recommendations were formulated with too much orientation towards the states. Of course this is only a superficial assessment of the situation. At any rate, addressing self-governance means addressing problems which not so many years ago were taboo. The step-by-step, voluntary implementation of the proposals relevant to each individual state will be a learning process for the states as well as the minorities. The increase in the influence of civil society, which can be observed worldwide, will make the reservations held on both sides more relative and these new experiences will encourage a sequel to the Lund Recommendations based on actual practice.

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45 Max van der Stoep, *Minorities in Transition*, in: War Report No. 48, January/February 1997, p. 16.

## The Roma in Slovakia - Past, Present and Future

The acceleration of globalization in our world has also made certain communities more dynamic. As a result they have been increasingly forced to deal with the effects of this trend on their own development. This makes it imperative for citizens, social groups, states and nations to devise their own strategy above and beyond "normal" political, economic and social problems and - most important - to react and take action within the framework of these developments.

This is a comprehensive worldwide problem that characterizes the transition of humanity to the third millennium. Like the development of human society thus far, typical signs of increasing entropy and a high level of disorder in the system will doubtless accompany this process as well. All societies, who would like to deal successfully with realities, should take these facts into account.

It is a particularly delicate problem for communities, who have not attained certain existential conditions that others possess. The Kurds and the Roma, who currently do not have their own territory, are an example of this. Will they be in existence in the near future and under what conditions? Will their status as nationalities become stronger? Will they melt together with other nations to become a global society without maintaining their identity? Or will their identity as a nation become stronger?

Up until the fundamental changes occurring in 1989, the history of the Roma in the area that is now the Slovak Republic was for decades characterized by continual fluctuations in the political stance taken towards them. These shifts in attitude ranged from open hostility to decisions being made for them, which was more a humiliation than a relief. To be able to describe the current life of the Roma community and explain the complications involved in solving their problems, first the developments of the last eighty years will be outlined summarily.

### *The First Czechoslovak Republic and the Second World War*

In 1927 the first Czechoslovak Republic<sup>1</sup> passed Law No. 117/27 Sb. "On nomadic gypsies". This law was modelled on its French and Bavarian precursors and was regarded at that time as one of the most stringent in Europe.

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1 The first Czechoslovak Republic came into being in 1918. It fell apart 21 years later through the proclamation of the Slovak state.

"Gypsies moving from place to place and other work-shy vagabonds"<sup>2</sup> were under the jurisdiction of this law. The people subject to it were required to be registered and instead of normal identity cards, they were issued "gypsy legitimacy cards", which every Roma over 14 was required to carry with him or her at all times. The law allowed the state administration to institute a broad range of repressive measures and bans against Roma communities (e.g. they could take children under 18 away from their parents and place them in special institutions. In general, Roma families were considered incapable of bringing up their own children between the ages of six and eight because allegedly these children needed a strict institutional regime...).<sup>3</sup> Due to this, the law was in direct conflict with the constitutional guarantee of equality for all citizens in the first Republic.

It was characteristic of this epoch that old Roma villages and neighbourhoods began to grow and new ones emerged in which hundreds of Roma and more were forced to live together in very confined spaces. Their life was characterized by their isolation from the rest of the environment and society as well as from economic and social life. Illiterate and undernourished children grew up in unhygienic circumstances.

The period of the Second World War is the most tragic chapter in Roma history. Racist ideology during fascism placed special emphasis on the Roma, along with Jews, as being a "physically, psychologically and morally degenerate race".<sup>4</sup>

The constitutional law on citizenship passed in 1939 stripped those Roma, who had no permanent place of residence and no profession or no permanent job, of their citizenship. Yet only citizens had full public and political rights. Citizenship was also rescinded, especially from Jews and half Jews.<sup>5</sup>

The Holocaust did not hit the Roma in Slovakia as horrendously as it did in Bohemia where practically the whole Czech Roma population was exterminated by the Nazi regime (this tragedy is multiplied by the fact that the Czech authorities collaborated with the Nazis). Nevertheless even today, the Slovak Roma remember this period in great detail. Most Roma men worked as forced labourers in so-called labour brigades that were created to teach discipline to the Roma, "who did not submit to any rules". Many Roma were banned from their flats and houses. The Slovak fascists and the German Nazis murdered dozens of Roma in pogroms in the villages. Roma who lived among the non-Roma population were often forced to leave their homes and move to special isolated Roma settlements outside the cities. A direct effect of this policy was the emergence of isolated Roma ghettos. Even today many

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2 P. Lhotka, *Stručný přehled dějin Romů v českých zemích do roku 1945*, in: *Rómové národ bez budoucnosti?*, Brno 1999, p. 11 (author's translation).

3 Cf. V. Gecelovský, *Právne normy týkajúce sa Rómov a ich aplikácia v Gemeri (1918-38)*, in: *Neznámi Rómovia*, p. 82.

4 Quoted from H.S. Chamberlain, *Grundlagen des Neunzehnten Jahrhunderts* [Foundations of the Nineteenth Century], Munich 1940 (author's translation).

5 Cf. Anna Jurová, *Vývoj rómskej problematiky na Slovensku po roku 1945*, Bratislava 1993, p. 14.

of these ghettos are still in existence. Roma were only allowed to go into the city on certain days and were denied access to restaurants, theatres, parks and public transport. After the occupation of Slovakia by the German armed forces in 1944 many Roma were murdered and several Roma villages were eliminated.

According to estimates, around 300,000 European Roma were killed during the Second World War.<sup>6</sup>

### *The Development of the Assimilation Policy of the Totalitarian State*

According to the first population survey after the war in 1947, over a hundred thousand Roma lived on Czechoslovak territory with 17,000 residing in Bohemia (15,000 of these were moved there from Slovakia) and 84,000 making their homes in Slovakia.<sup>7</sup>

The Czechoslovak state took a different stance towards the Roma than that of the Slovak state during the war or than the protectorate of Bohemia and Moravia. At the same time however, due to a refinement in bureaucratic mechanisms, intrusions in the lives of the Roma reached a climax. The new authoritarian measures included programmes for forced resettlement of the Roma with the goal of "civilizing" them. The first Communist government in Czechoslovakia did not recognize the Roma as an ethnic group, but viewed them as a backward social class, which had to be civilized.

After the events of February 1948,<sup>8</sup> the problem of the Roma minority continued to be seen from an ideological perspective. The living standard in real terms achieved by most Roma was in contradiction with the goal proclaimed by the Communists to develop socialism. Thus, the Roma problem was transformed into a means of political manipulation: It was meant to solve itself in the course of industrialization and the construction of a socialist order. Based exclusively on the effects of this political order, the Roma were meant to be compensated for the injustice they had suffered in the past and to be raised to a higher level according to the concepts and demands of Communist ideology.

Thus in the ensuing period the Roma were denied their ethnic identity and were subject to a policy of social assimilation. The problem of describing the Roma, which arose precisely due to the fact that they had been stripped of their ethnic identity, was solved by the introduction of the term "persons of gypsy origin, gypsies".<sup>9</sup>

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6 Cf. Arne B. Mann, *Rómsky dejepis*, in: *Rómové, národ bez budoucnosti?*, cited above (Note 2), p. 7.

7 Cf. Anna Jurová, *Rómska problematika 1945-1967, Dokumenty I. část*, Prague 1996, p. 10.

8 In February 1948, the Communist Party took power in Czechoslovakia.

9 Jurová, *Rómska problematika 1945-1967*, cited above (Note 7), p. 13 (author's translation).

At the beginning of the period during which the Roma were forcefully assimilated into society, practiced until 1970, the Central Committee of the Communist Party of Czechoslovakia had already passed a resolution on 8 April 1958 "On the work conducted within the gypsy population". With this resolution the highest party organ were able to justify the measures they took at that time to solve the problem. Furthermore, they defined the Roma as a socially and culturally backward population group, who differed from other populations due to certain characteristic features in their way of life.

Nomadic life was again banned through Law No. 74 in 1958 "On the long-term settlement of nomadic persons", whose precursor was the ban on vagabonds instituted in 1956 in the USSR for similar reasons.<sup>10</sup> Due to its repressive effects, this law can be compared with Law No. 117/1927 Sb. "On nomadic gypsies". However it must be noted that paradoxically this law created the prerequisites for the Roma to gradually put down roots and stabilize their communities in one place. This is exactly what the Roma in Western European countries are demanding today. They in turn have been confronted with discriminating measures, which make it impossible for them to gain the right to a domicile or to establish their own business and/or secure citizenship.<sup>11</sup>

Through this single repressive measure against a part of the Roma population, nomadic life in Czechoslovakia was *de facto* abolished until 1959. This was achieved by confiscating horses and wagons of non-settled and half-nomadic people when they went to register with the authorities.

All these concepts ended in failure. Up until 1965 only 45 of the worst (out of over a thousand) Roma settlements had been disbanded in Slovakia. The average number of people living in one hut even increased from 6.1 in 1958 to 7.4 in 1965. The number of Roma holding a job remained low (57 per cent) and illiteracy only decreased minimally.<sup>12</sup>

Paradoxically: Seven years after the law forcing nomadic people to settle had been adopted, the government passed a resolution, which was intended to scatter and systematically deport the Roma population to other sections of the Republic.

The scattering concept was the start of a new step in forced assimilation. It allowed the use of mechanical procedures and made the manipulation of the Roma possible, which essentially was in violation of fundamental human and civil rights. The discrimination against the Roma was concealed by the generous funds made available to implement this concept. In 1966 the government allocated 75 million crowns from their budget reserves for this purpose.<sup>13</sup>

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10 Cf. *ibid.*, p. 16.

11 Cf. Jurov, Vvoj rmskej problematiky na Slovensku po roku 1945, cited above (Note 5), p. 59.

12 Cf. *ibid.*, p. 75.

13 Cf. Anna Jurov, Rieenie rmskej problematiky na Slovensku po druhej svetovej vojne, p. 97.

After the scattering process and deportation, assimilation was doomed to failure. The hypotheses made about this process had not embraced the most fundamental features of the "Roma question": their specific identity, the strong cohesion of this ethnic group and their clearly dissimilar cultural characteristics. Moreover no one gave much thought to the fact that this was primarily an inter-ethnic issue where the coexistence of two different cultures had to be dealt with and that only on a secondary level was this a social problem. The introduction of this policy caused the coexistence between the majority and the minority to deteriorate considerably.

Since the beginning of the sixties the state had been responsible for providing the Roma with housing. However they never pursued a conceptual plan or a consistent policy on this matter. Frequently the most acute cases were simply solved *ad hoc* and with time the total situation worsened. As a result of assignment policies or opportunities to acquire an older flat, the Roma people were concentrated in historical city centres, which then became increasingly slummy. After several years of searching for a solution to the problem of the Roma being concentrated in certain cities, the idea of establishing special new housing settlements was conceived. The result was the emergence of totally dilapidated satellite cities like Lunik IX in Kosice.<sup>14</sup> In this manner inter-ethnic distance and the prejudices linked to it grew and even the policies of positive social discrimination could not stop these developments.

Because of this approach to solving the Roma question, the Roma could not actively pursue cultural and societal integration through their own initiatives. On the contrary they remained a passive object under the protective hand of the socialist state.

On the one hand, the totalitarian regime made several partial achievements, but on the other, through the implementation of its concept, a dogmatic determination to deny Roma identity became evident. This lack of respect for Roma cultural distinctions naturally had immeasurable consequences.

#### *After the Fall of the One-Dimensional Society*

After the fundamental changes in 1989 the Roma were given status as an ethnic group; thus they were given a right to protection and specifically also to international protection.

During the census in 1991, for the first time since the Second World War, the Roma were able to declare their nationality as Roma and their native language as Romani. Since its foundation on 1 January 1993, the Slovak Republic has committed itself to all the most significant international political and legal documents on maintaining and protecting human rights and fundamental freedoms as well as the rights of national minorities. The independent

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14 Cf. Jurová, Vývoj rómskej problematiky na Slovensku po roku 1945, cited above (Note 5), p. 102.

Slovak Republic has since 1993 also participated actively in the preparation of relevant norms within the framework of the United Nations, the Council of Europe, the Organization for Security and Co-operation in Europe and other international organizations and institutions. The government of the Slovak Republic has organized over ten visits by the OSCE High Commissioner on National Minorities (HCNM) to Slovakia. In 1998 because of an initiative of the government of the Slovak Republic, consultations took place with experts of the Council of Europe, the European Union and the OSCE with respect to the evaluation of the existing legislation in the Slovak Republic regarding the use of the languages of national minorities. The OSCE High Commissioner on National Minorities, Max van der Stoep, took part in a meeting of experts to attempt to solve the problem of the Roma minority, which was held in March 1999 in the Slovak city of Čilistovo. As a result of his visit to Slovakia, the HCNM made some recommendations based on his observations. These were related to improvements in legislation for the implementation of international commitments by the Slovak Republic associated with minorities as well as improvements in relations between the government and minority organizations, subsidizing the culture of national minorities and guaranteeing education and instruction of minority languages.

In the present laws of the Slovak Republic or any place else in the world, there is no legal definition of the term "national minority". Moreover there is no formal procedure towards the official recognition of national minorities. The rights of national minorities are derived from the fundamental individual rights of persons belonging to national minorities as they are embodied in the constitution of the Slovak Republic, other relevant national laws and international legal norms in existence. Persons belonging to national minorities have the right to learn the state language, establish and maintain educational and cultural institutions, obtain information in their native language, use their native language in dealing with the authorities, as well as participate in the solution to issues of national and ethnic minorities (Art. 34 and 35 of the Constitution of the Slovak Republic). International organizations like the Council of Europe have expressed no criticism of the legal regulations for the status of national minorities in Slovakia. On the contrary, in 1993 Recommendation No. 1201 of the Parliamentary Assembly of the Council of Europe was aimed merely at complementing existing regulations and not making new changes. According to the last census in 1991 (the next will take place in 2001) a total of eleven national minorities live in the Slovak Republic. 80,627 citizens confessed they were part of the Roma ethnic group, which is 1.5 per cent of the total population. However, according to estimates by experts, 480,000 to 520,000 Roma live in Slovakia. That means that in the Slovak Republic, the Roma have a higher percentage of the total population than they do any other place else in the world (eight to nine per cent of the population).<sup>15</sup> The fact

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15 Cf. M. Vašečka, *Rómovia*, in: *Slovensko 1998-1999 Súhrnná správa o stave spoločnosti*, Bratislava 1999, p. 758.



that during the census only about a fifth of all Roma admitted to being of Roma nationality can be explained by their bad experiences in the past, when their registration with the authorities was followed by sanctions. Furthermore some Roma do not completely understand the term nationality and identify it with citizenship. Moreover others do not want to be viewed as Roma and simply stated another nationality. Another important point here is the position of the Roma in society and the degree of acceptance they are given by the majority of the population.<sup>16</sup>

#### *Activities of the Government after the 1998 Elections*

With the assumption of office by the new Slovak government after the 1998 parliamentary elections there was some progress on certain problems, which hitherto had not been solved or received little attention. This occurred through the direct and extensive participation of representatives of national minorities in state leadership in the highest-level administrative positions, through the creation of the office of a Deputy Prime Minister of the Slovak Republic for Human Rights, National Minorities and Regional Development as well as due to the transformed attitude of the new directors in the relevant ministries. This was true in particular for improving national legislation so that it was in complete harmony with the full range of international commitments made by the Slovak Republic, the fulfilment of the justified demands of each national minority predominantly in the areas of culture, the school system, and the opportunity to co-operate in the affairs that relate to them and - not least - the creation of conditions for the complete integration and participation of all citizens in public life.

The new democratic government of the Slovak Republic declared on 3 November 1998, just after they had formed their cabinet and before the publication of their governmental programme that one of their priority objectives was "(...) the re-establishment of a tolerant atmosphere, of mutual understanding and of coexistence between all citizens belonging to the Slovak Republic (...) The government of the Slovak Republic would like to create an environment and conditions for all its citizens in which they feel secure and in which they find no reason to leave their country. In this context the government of the Slovak Republic confirms their determination to take concrete measures towards the solution to the complex problem of their Roma fellow citizens in all areas of societal, economic and social life. In this regard they are prepared to conduct an open and objective dialogue with representatives of the Roma community."<sup>17</sup>

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16 Cf. K. Kalibová, Romové z pohledu statistiky a demografie, in: Romové v České republice, Prague 1999, p. 94.

17 Government Declaration, in: [www.government.gov.sk](http://www.government.gov.sk) (author's translation).

In February 1999 the government appointed Vincent Danihel as the Government Commissioner for Romani Issues, approved the statute regulating the activities of the Commissioner and in addition made funds available for the expansion of his office. The adverse social situation of a large number of the Roma minority, the existing problems in the relationship between the majority and the minority as well as the openly declared readiness and the endeavours of the government to find the quickest most objective solution to the problem, set in motion an initiative in April 1999, which led to the presentation of a strategy paper for discussion in the cabinet. Roma and non-Roma associations took part in the preparation of this paper, titled "Strategy of the Government of the Slovak Republic for the Solution of the Problems of the Roma Community and Measures towards its Realization in a First Stage". This paper was developed in the secretariat of the Government Commissioner with special emphasis placed on co-operation with Roma associations and important public figures from the Roma ranks. The results of the round-table discussions with representatives of embassies of EU member countries and of the four Višegrád states, Roma representatives, Roma experts, non-governmental organizations and representatives of district offices also became a part of this strategy. The consultations on strategy were also conducted with OSCE experts. The programme of the government of the Slovak Republic is oriented towards a long-term systematic approach to the solution of minority problems. It includes measures for the Roma minority in the areas of education, the development of the Romani language and culture, fighting unemployment, improving the housing situation as well as social and health services.

Thus the goal of the government of the Slovak Republic is not the assimilation of the Roma population, as was the case of state powers during the last decades, but the integration of minorities. We understand this process as leading to the gradually functioning coexistence between the majority and the minority as well as the cultural exchange between majority and minority setting in motion a multicultural society. Only an emancipated minority can integrate into society, otherwise it would not culminate in real integration, but lead to their being absorbed by the majority. The road to emancipation with the goal of becoming a multicultural society is not common in Western Europe. It is more often followed in Central and Eastern Europe (including Austria and Germany) and partially in Great Britain. Most of the states in Western Europe understand the term integration to mean assimilation or they do not even recognize the existence of ethnic minorities in the sense that we do, as the French example shows. Barely two million Roma live in Western Europe (including Greece and Turkey), including 600,000 in Spain, whereas an estimated five to six million live in post-Communist countries. In contrast to Central and Eastern Europe, there are no settled Roma who have not been assimilated; the nomadic Roma are placed in the category of so-called travellers. Because in EU states the situation of minorities differs so widely, the

legal regulation of these circumstances is left to each individual state. The fact that the European Commission does not have the resolve to interfere with these legal regulations has led to only insufficient and fragmentary assistance to the Roma minorities in the countries seeking admission to the EU, or any other countries in Central and Eastern Europe. In face of the traditionally neglected social situation of the Roma community, the assistance from the PHARE programme is not very effective.

In view of the different ways that ethnic minorities are regarded in the individual EU states, where even the existence of minorities is sometimes doubted, it has been suggested lately in international forums that the European Commission and the EU states should guarantee that their associated countries and the candidates for admission in Central and Eastern Europe as well as the Balkans receive joint assistance co-ordinated by the European Commission towards improving the social situation of the Roma. An improvement in the Roma social situation could be achieved with relatively little conflict through EU assistance. The governments of these countries, their populations and the Roma themselves would, in my opinion, welcome taking such steps, which would lead to the majority and the minority moving closer together. These steps would also contribute to the comprehensive affirmation of the ethnic dimension in the development of the Roma minority. They would lead to the promotion and the maintenance of the Romani language, the Roma culture and its educational system, they would preserve Roma traditions, support the establishment of Roma associations and organizations as well as ensure their participation in the administration of public affairs through democratically elected minority bodies. It can be expected that as a result of this kind of a social upturn and the development of an emancipated Roma minority, Roma emigration in EU countries would decrease. Despite the special characteristics of the Roma problem in each individual European country, and despite the differing approaches to their solution, it is evident that the issues surrounding coexistence between the majority population and the Roma have common points in each country. Therefore it is imperative that a joint concept be developed, which would initiate a fundamental stance on this coexistence leading to an improvement in the current situation.

The so-called Roma problem is - not only in the Slovak Republic - primarily a problem of coexistence between the non-Roma majority and the Roma minority. In the last decades (chiefly during the Communist dictatorship), the assimilation policies of the state deepened the mistrust of both groups; the distance between the majority and the Roma grew. The principle of assimilation suppresses identity, culture, traditions and customs, that is, all forms of group difference from the majority. Assimilation has been tested frequently and history has proved its failure. Integration necessitates partnership, i.e. a changed attitude on both sides. During the construction of the one-dimensional, totalitarian society all diversity was suppressed. The result was a predominantly intolerant society, which has not been able to accept human be-

ings of a different culture, with other opinions and attitudes. The adverse social and economic situation of the Roma - and also of the non-Roma - demands economic and social reforms and commitments by foreign investors. Changing the attitude of the majority towards minorities - in this instance towards the Roma - will require time, patience and in certain cases even courage. And perhaps even an honest and critical examination of one's own history.

## Roma Issues in Romania - The Year 2000 and Beyond

The last official National Census (in January 1992) registered 409,111 Roma in Romania. However, it has to be considered that only a fraction of the Roma people would have enough courage to declare themselves as such. The fact that it is difficult in principle to obtain precise figures is due to a basic ambiguity about identity, ethnicity and prejudice. The most conservative estimations of the Roma population in Romania would put their number somewhere between one and two million people. Some Roma activists assume that the numbers are much higher, even exceeding three million. Additional difficulties in registering Roma arise due to their geographical spread, cultural diversity and high degree of social stratification, which in turn make it impossible to develop separate strategies on the Roma. Moreover, the Roma of Romania are being faced with a high degree of assimilation into the majority populations (be it Romanian or, as is the case mainly in Transylvania, Hungarian) and some important elements of Roma ethnic identity have simply disappeared over the centuries. This is not only true of the Romani language (in Romania, only 40 per cent of the people who declared themselves to be Roma speak Romani as their native language - in Bulgaria, the percentage is 98-99, in Hungary, only 20 per cent, and in Spain it is zero per cent), but also of many other historical Roma characteristics (occupational, educational, housing, structure of families etc.).

From 1990-1995, the successive Iliescu's governments set the general framework for the protection of national minorities in Romania. This framework has for all practical purposes not changed since, despite the fact that it was developed as a response to a kind of "political command" by the governmental coalition in power at that time (which included junior partners like the nationalistic, xenophobic and isolationist Greater Romania Party or the Party of Romanian National Unity). The actual system of protection of national minorities in Romania is legislatively based upon Article 4 of the Electoral Law<sup>1</sup>, which stipulates that the NGOs of national minorities can take part in elections and be represented in the lower chamber of Parliament (i.e. the Chamber of Deputies) on condition that one of their candidates accumulates at least five per cent of the average number of votes needed by the representatives of political parties to be elected. Initially, this system was developed to "balance" the legislative and electoral influence of the Democratic Union of Hungarians in Romania (DUHR), but it was also a result of internal and external propaganda. After the elections of November 1996, at which time the DUHR joined the new governing coalition, the Hungarian leaders in Ro-

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1 Law no. 65 of 15 June 1992.

mania realized that: *first*, to reform the Iliescu's system would be very difficult; *second*, the action required to create real reform of the system for the protection of national minorities in Romania would probably have delayed the fulfilment of the "corporate" tasks that DUHR had promised its electorate they would fulfil; *third*, because of this, the Iliescu's system was not a threat to the fulfilment of DUHR goals, and had the advantage that *fourth*, the entire system cost less (e.g. in 1999, a total amount of 40 billion Romanian Lei - approximately US-Dollar 2.5 million - a tiny drop in the ocean of the State budget. It still remains to be seen whether this system will be sustainable in the near future - and I do believe it will, as it comes "cheap", but also gives a "good impression"). Still, seen from a distance - "from a satellite view" so to speak - it was possible to view public policies on national minorities in Romania as a remarkable achievement, especially in the South-eastern European context<sup>2</sup> and specifically within the context of the Yugoslavian conflict and the NATO intervention in Kosovo.

Except for developments concerning the Roma minority, the year 1999 could be considered as one dominated by stagnation with respect to public policies on national minorities. Moreover, especially compared to the period before November 1996, I can say that important progress has been made linked with this extraordinary national minority in Romania. In my opinion, there are only two national minorities in Romania with specific and major problems: the Hungarians and the Roma. All the other minorities (Armenians, Jews, Germans, Greeks, Italians, Bulgarians, Turks etc.) "only" have problems preserving their cultural thesaurus, native language etc. Basically, these other minorities have the necessary resources to ensure the fulfilment of their interests (for example, they have access to the necessary financial sources). I would even say that the Hungarians know how to take care of their corporatist interests very well, and the political context after 1996 has been to their advantage - of course, I am not saying that it has been easy for them. But the experience of the years following 1989 shows that Hungarians in Romania are very resourceful (first and foremost, politically and humanly), and that they can make themselves heard and get responses to the Hungarian communities' petitions in Romania.

On the other hand, the Roma situation is in certain respects more serious. The issues the Roma communities are facing (organizational, social, educational, sanitary-medical, occupational, cultural, housing, discrimination etc.) require quick and firm solutions that would significantly improve the condition of the majority of our Roma co-nationals. Far from being only a matter of "social integration", the Roma issue in Romania is extremely complex, as the situation of most Roma communities is very complex. The Roma populace's main characteristic in Romania is a high stratification level and at the same time there is high degree of assimilation into the majority populations (Romanian

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2 Cf. the article in the Washington Post of 1 June 1999 written by Mr. James Rosapepe, the US Ambassador in Bucharest.

or Hungarian, but also, in the Dombrova region, Turkish). This reality relates, organizationally, to a diversity of forms, some of them historical, others inspired by recent developments. Thus, Roma public policies must be geared, on the one hand, towards people organized in modern NGOs. Nevertheless, they must, on the other, also include people who call their leaders the "King of all Roma" or the "Emperor of all Roma" (these two are in fact cousins and their "royal" and, respectively, "imperial" palaces are on the same street in Sibiu, a city right in the centre of the country).

Many important aspects of Roma problems are common to the majority of the population, irrespective of its ethnicity. Apart from that, in addition to "regular" transitional difficulties, the Roma minority has been confronted with certain other problems, the most relevant of them being discrimination. As long as mainstream newspapers still publish ads like "Security personnel required, no Roma need apply", or "one-room flat for sale in non-Gypsy residential block", it is obvious that there is something wrong with a lot of people in Romania. And what is more, it took the European Union to tell us we were required to care for our citizens of Roma ethnic origin. One of the few political criteria that have to be fulfilled, if Romania is to become part of West-European structures some time in the future, would be the Roma situation in Romania would have to be significantly improved (curiously, it seems that all too often international bodies have to "remind" us of our responsibility to take care of our citizens, of our children etc.).

Since 1999, there has been a sort of political consensus among the main parties that the Roma issue is sensitive and important for the country. Because in Romania, as all over Europe, the Roma seem to prefer to vote left or centre-left, probably because the rhetoric of these parties emphasize phrases like "social protection", "equality of chances" etc. Several Roma organizations in Romania are ready to support these parties. On the other hand, the existing governing coalition (of centre-right orientation) is interested in Roma issues because of the strategic importance the coalition parties attach to the accession of Romania into European and Euro-Atlantic structures. Any government will continue to act for the improvement of the Roma situation in Romania irrespective of what governing coalition will be formed after the late-autumn 2000 elections and for very different reasons. By and large, as a group, the Roma in Romania have a very limited electoral potential. They vote mostly according to political criteria and give most of their votes to left and centre-left political parties. But even if it is only on a minimal basis, the Roma electoral potential should not be neglected. In the case of close elections, especially in the presidential elections, Roma votes could make the difference between the winners and the losers.

In order to try to avoid the political distortions in an electoral year like the year 2000, the government believed that one of the most suitable forms to elaborate a "national strategy on Roma" was through a PHARE project. This would require any (present and future) government to take steps in order to

ameliorate the Roma situation in Romania, including elimination of any kind of discrimination.

Through the Department for the Protection of National Minorities (DPNM), the government of Romania has received two million EURO within the framework of the RO 9803.01 PHARE project, in order to develop a national strategy for the Roma and to test it through pilot programmes. After it became operational at the end of March 2000, the PHARE project RO 9803.01 was off and running. By the end of the year 2000, a White Paper will be published, which should include the already famous "national strategy on the Roma", as a joint proposal of the government and the Working Group of Roma Associations (WGRA). This White Paper will then be the subject of public debates.

Even if it is true that PHARE project RO 9803.01 was delayed for several months, it is remarkable that the project was started at all and that it reached an advanced level of development even before PHARE grants. This is due to the active partnership between government and civil society, especially Roma organizations and associations. In 1999, there were several gatherings of Roma associations (in Mangalia, Predeal, Sibiu, Bucharest etc.). This partnership with the government came about through the protocol between the DPNM and the WGRA, signed on 3 May 1999. According to this protocol, the WGRA is to assign experts to the Inter-Ministerial Sub-Commission on the Roma (ISR), which includes representatives of the WGRA and representatives from different ministries on a parity basis with all ISR members sharing the same rights. Moreover, the ISR has two co-chairmen, one named by the government, and the other by the WGRA. Monthly ISR meetings are held in order to analyse the drafts of "sectorial strategies" (in fields as education, health, culture, housing etc.), and to discuss the general principles of the forthcoming national strategy on the Roma. Almost more important than the ISR debate is the atmosphere based on mutual trust and reliability within this body. Government representatives have had the opportunity to meet authentic Roma experts in various fields of activity and WGRA representatives have realized that not all public officers are corrupt and racist or mean and incompetent.

In contrast to other Central and Eastern European countries, Romania has for historical reasons profited from a remarkable Roma elite. This fact was internationally recognized in the spring of 1999, when the Romanian Roma activist and sociologist, Nicolae Gheorghe, became the Adviser on Roma and Sinti Issues at the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. It is widely acknowledged that Nicolae Gheorghe is a kind of irreplaceable Roma leader and activist, although other Roma leaders have endeavoured to fill this "gap". However, it is notable that Roma leaders are sticking to their course of partnership with the Romanian government. They have understood how important it is to have a comprehensive



national strategy on the Roma. Of course, this is just more evidence of the extraordinary "political maturity" reached by our Roma elite.

Some other countries of Central and Eastern Europe have (or are about to develop) national - i.e. governmental - strategies on the Roma. But I do believe that Romania is the first country to produce such an important programme with the direct participation of the Roma themselves, through the activity of Roma representatives in the WGRA, who are democratically elected by the Roma associations in Romania (currently, there are about 150 such associations and organizations, legally registered).



## The Building of Co-operative Security



## The Contribution of the Istanbul Document 1999 to European Security and Co-operation

The fourth post-Cold War Summit held by the OSCE in Istanbul (18-19 November 1999) has certainly been more positive and productive than those in Budapest (1994) or Lisbon (1996). Indeed, in addition to a standard Summit Declaration, the "Istanbul Document 1999" consists of a Charter for European Security, an updated version of the Vienna Document on CSBMs and a decision (originating from the Forum for Security Co-operation) on small arms and light weapons. It also includes two non-OSCE instruments related to the CFE Treaty.<sup>1</sup> The present analysis will focus on the Charter and the Summit Declaration. After providing an overview of the negotiating process leading from the development of a security model to the elaboration of the Charter for European Security, it will review the seven main issues addressed within the generally complementary provisions of the Charter and the Summit Declaration: new security risks and challenges, institutional structures, the politico-military dimension, conflict prevention and crisis management, the economic dimension, the human dimension and OSCE relations with the outside world.

### *From the Development of a Security Model to the Charter for European Security*

In 1994, as a counter-move to NATO's projects for Eastward enlargement, Russia advocated the transformation of what was still the *Conference on Security and Co-operation in Europe* (CSCE) into an international organization. This organization was to be based on a legally binding charter, to be directed by a decision-making body patterned after the United Nations Security Council and henceforth act as the overarching co-ordinating instrument of all other security institutions of the region (from NATO to the CIS) on the basis of special agreements providing for an appropriate division of labour.<sup>2</sup> Due to the fact that they were utterly unacceptable to the rest of the participating States, these demands received a diluted response. In addition to *formally* changing the name of the pan-European institution into "*Organization for Security and Co-operation*" (OSCE), the Budapest Document announced the participating States' decision "to start a discussion of a model based on the

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1 Those instruments are the Agreement on Adaptation of the CFE Treaty and the Final Act of the Conference of the Parties to the CFE Treaty.

2 Text of the Russian proposals: DOC.433 of 30 June 1994; DOC.621 of 30 August 1994; DOC.645 of 2 September 1994. See also CSCE/FSC/SC.23 of 28 October 1993.

CSCE principles (...) for a common and comprehensive security for the twenty-first century".<sup>3</sup>

Work on the Security Model officially started in March 1995 under the Hungarian Chairmanship. Soon after, the Permanent Council established an open-ended working group and fixed the modalities for a special Vienna-based seminar to take place in September 1995.<sup>4</sup> On the basis of that preliminary work, the Budapest Ministerial Council decided, in December of the same year, that the issue would be tackled simultaneously by the Senior Council (on a permanent basis until the 1996 OSCE Lisbon Summit), a Security Model Committee functioning under the auspices of the Permanent Council and within the framework of new seminars.<sup>5</sup> Actually, the only substantial result achieved in 1995 was the drafting of an informal list of risks and challenges to security in the OSCE area.<sup>6</sup>

In 1996, under the Swiss OSCE Chairmanship, the work on the model continued within the framework of the Security Model Committee as well as in the Economic Forum (March 1996), the Parliamentary Assembly (July 1996) and the Contact Group on the Mediterranean.<sup>7</sup> However, negotiations were slow-moving. After much confused debate at the Lisbon Summit (2-3 December 1996), the participating States declared their readiness to "consider developing a Charter on European Security".<sup>8</sup>

In a cautious and restrained manner, they hinted that the latter could include provisions for the strengthening of the OSCE and also guidelines for the co-operation between the OSCE and the other European security organizations.

In 1997, when Denmark took over the OSCE Chairmanship, prospects for success appeared rather unfavourable: the Americans continued to express solid opposition to the initiation of a drafting process while the Russians, who were negotiating on a bilateral charter with NATO, seemed to be less interested than they were before. Under the circumstances, the Danish Chairmanship was only able to organize two seminars respectively concerning "Specific Risks and Challenges" (5-7 May 1997) and "Regional Security and Co-operation" (2-4 June 1997).<sup>9</sup> However in December 1997, a political breakthrough materialized at the Copenhagen Meeting of the Ministerial

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3 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/Boston/London 1997, pp. 145-189, here: p. 173.

4 Summary results: REF.PC.568/95 of 5 October 1995.

5 Cf. Fifth Meeting of the Council, Budapest, December 1995, in: Bloed (Ed.), cited above (Note 3), pp. 215-228, here pp. 223-227.

6 Cf. REF.PC/418/95 of 24 August 1995 (and Rev.1 and Rev.2).

7 Cf. 4-EF(SC) Journal No. 3 of 29 March 1996; REF.SEC/365/96 of 27 June 1996; REF.PC/432/96/Rev.1 of 13 September 1996.

8 Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, in: *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: pp. 426-430, p. 429.

9 Summary results : REF.PC/362/97 of 22 May 1997 and REF.PC/498/97 of 6 June 1997.

Council, with the participating States' firm decision "to develop a comprehensive and substantive OSCE Document-Charter on European Security" to be adopted, as a politically-binding text, at the level of an OSCE Summit.<sup>10</sup>

In March 1998, under the Polish OSCE Chairmanship, the Permanent Council transformed the Security Model Committee into a working body and established two working groups each focusing on a particular set of ingredients that could be included in the Document-Charter.<sup>11</sup> Through a US initiative, the Permanent Council also decided to postpone the 1998 OSCE Summit to the second part of 1999 in order to allow enough time for the finalization of the Document-Charter. The drafting process proved to be much more protracted than foreseen for two main reasons both related to Russia: First, Moscow tabled a considerable number of formal and detailed proposals whose contents or modalities were often considered unrealistic or undesirable by the overwhelming majority of the other participating States; second, given the political situation in 1999 (NATO's military intervention in Kosovo and the resumption of war in Chechnya), Russia rejected all proposals aimed at increasing OSCE potential to intervene in the internal affairs of a country. The successive (and rather divergent) draft versions of the Charter bore witness to the difficulty of negotiations.<sup>12</sup>

The Charter for European Security was finally adopted and signed at the Istanbul Summit on 19 November 1999.<sup>13</sup> Starting with an analysis of the risks and challenges to the security of post-Communist Europe ("Our Common Challenges", paragraphs 2-6) and a reaffirmation of pan-European principles ("Our Common Foundations", paragraphs 7-11), it provides for the strengthening of OSCE structures ("Our Common Response", paragraphs 12-33) and, more particularly, of its operational capacities ("Our Common Instruments", paragraphs 34-47) before finally offering, in an appended "Platform for Co-operative Security", guidelines for a new partnership co-operation with other security organizations.

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10 Guidelines on an OSCE Document-Charter on European Security, Decision No. 5 of the Sixth Meeting of the Ministerial Council, in: Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 431-457, here: pp. 444-448, p. 445.

11 Cf. OSCE, Permanent Council, PC Journal No. 162, Decision No. 221, PC.DEC/221 of 27 March 1998.

12 PC.SMC/48/99 of 11 May 1999 (Chairman's Perception); PC.SMC/132/99 of 20 July 1999 (Chairman's Perception II); PC.SMC/134/99 of 23 July 1999 (Consolidated Text). Last draft versions of the Charter: PC.SMC/1145/99 of 21 September 1999 - with Rev.1 of 8 October 1999, Rev.1/Corr.1 of 11 October 1999, Rev.1/Corr.2 of 18 October 1999, Rev.2 of 28 October 1999, Rev.3 of 11 November 1999, Rev.4 of 14 November 1999, Rev.5 of 16 November 1999, Rev.6 of 16 November 1999 and Rev.7 of 18 November 1999. Not less than 178 formal proposals or comments were submitted to the Security Model Committee (PC.SMC/1 to PC.SMC.178). Checklist of the 1998 documentation: SEC.GAL/8/99 of 20 January 1999.

13 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, reprinted in this volume, pp. 425-443.

From the beginning of work on the Security Model, the participating States realized that they could not agree on the modalities appropriate for strengthening the operational capacities of the OSCE without identifying the risks and challenges prevailing in the OSCE area beforehand. On the basis of the views expressed by the governments in 1995, the Hungarian Chairmanship established an initial list corresponding more or less to the three dimensions of the OSCE.<sup>14</sup> In 1996, the Swiss Chairmanship updated the Hungarian inventory by providing a more elaborate version, which in addition, included risks stemming from military capabilities.<sup>15</sup> Neither the Danish (1997) nor the Polish Chairmanships (1998) submitted further systematic listings. The Chairman's Perception submitted by the Norwegian Chairmanship in 1999, affirmed, as suggested by the European Union, that the changing security environment precluded a static and all-inclusive listing of risks and challenges on the ground that these were of a transnational, mixed (domestic/international) and interrelated character.<sup>16</sup> The very short lists tentatively submitted later by the Norwegian Chairmanship met with no success.<sup>17</sup> Actually, the participating States could not agree on the items to be included in (or deleted from) the list nor were they able to identify the practical measures to cope with each set of items.<sup>18</sup>

As a consequence, the final text of the Istanbul Charter does not contain a systematic listing. It is recognized that threats to pan-European security today stem from conflicts within states as well as from conflicts between states (paragraph 2). This underscores the necessity of confidence-building among people within states and the strengthening of co-operation between states (paragraph 3). Basically, the Charter highlights *international terrorism, violent extremism, organized crime, drug trafficking* as growing security challenges in the OSCE area and mentions the excessive and destabilizing accumulation and uncontrolled spread of *small arms and light weapons* as a threat to peace and security: Protection against this string of scourges calls for the promotion of strong democratic institutions and the rule of law (paragraph

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14 See footnote 6. It is to be mentioned that in the Hungarian inventory, "economic" and "social" risks were listed in distinct sections.

15 REF.PC/637/95 of 9 October 1996, also submitted to the Lisbon Summit as Annex to REF.S/82/96 of 29 November 1996. See also paragraph 2 of the Lisbon Declaration on a Common and Comprehensive Security Model, cited above (Note 8), p. 426, and paragraphs 7, 9, 12 of the Lisbon Summit Declaration, in: Lisbon Document 1996, cited above (Note 8), pp. 420-425, here: pp. 421-422; as well as paragraph 5 (i) of Decision No. 5 of the Sixth Meeting of the Ministerial Council, cited above (Note 10), pp. 447-448.

16 Cf. PC.SMC/48/99 of 11 May 1999 (paragraphs 5 and 6). European Union's proposal: PC.SMC/31/99/Corr.1 of 19 February 1999.

17 Annex 2 of section III.B of PC.SMC/132/99 of 20 July 1999 and PC.SMC/134/99 of 23 July 1999, p. 93.

18 On the negotiating positions concerning this issue, see PC.SMC/134/99 of 23 July 1999, pp. 92-97.



4).<sup>19</sup> The Charter also acknowledges that *acute economic problems* and *environmental degradation* may have serious implications for the security in the OSCE area and argues that the responses should be continued economic and environmental reforms, promotion of market economies, due attention to economic and social rights, as well as combating corruption and (once again) the promotion of the rule of law (paragraph 5).<sup>20</sup> Finally, the Charter admits that instability in the Mediterranean and in Central Asia "creates challenges that directly affect the security and prosperity of OSCE States" (paragraph 6). This has to be understood against the background of the expanding activities of the OSCE in Central Asia - a development duly highlighted by the Istanbul Summit Declaration (paragraphs 13-14).<sup>21</sup>

### *Institutional Structures*

In this area, Russia presented far-reaching demands aimed at a complete institutional reform of the OSCE.<sup>22</sup> Beginning with a full-fledged rationalization of OSCE structures based on a formal distinction between "principal organs" and "special institutions", this kind of reform would have implied not only the strengthening of existing bodies (the Secretariat or the Forum for Security Co-operation), but also the creation of new organs: a "Council of Heads of State or Government" combining the present functions of OSCE Summits and review meetings as well as a "Committee on Political Security" attached to the Permanent Council. Russia deemed that the Secretary General should be allowed to bring to the attention of the Permanent Council any matters which in his opinion would have a bearing on the activities of the OSCE - a provision evidently inspired by article 99 of the United Nations Charter. It also suggested that the Director of the Conflict Prevention Centre serve as a deputy to the Secretary General. Furthermore, Russia made the demand that OSCE decisions become "binding" (as a first step towards the attribution of legal foundations to the OSCE) and, at the same time, called for excluding the "consensus minus one" rule under which Yugoslavia was sus-

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19 The Istanbul Document 1999 also contains an FSC decision announcing that the FSC would include the problem of the spread of small arms and light weapons as an item of priority and launch a comprehensive discussion on all aspects of this issue. Cf. FSC/DEC/6/99 as well as Organization for a Security and Co-operation in Europe, Istanbul Summit Declaration, Istanbul, November 1999, reprinted in this volume, pp. 413-424, here: pp. 422-423.

20 The fight against corruption is a recurrent theme within the Charter: Paragraph 33 recognizes that corruption poses "a great threat to the OSCE's shared values" since it "generates instability and reaches into many aspects of security, economic and human dimensions". See also paragraph 37 of the Istanbul Summit Declaration.

21 On the OSCE strategy in Central Asia, see the author's article in *Défense Nationale* (Paris), November 1998, pp. 101-111.

22 Cf. PC.SMC/33/98 of 28 May 1998, PC.SMC/75/98 of 3 September 1998 and PC.SMC/78/98 of 4 September 1998. See also PC.SMC/38/98 of 29 May 1998, p. 5.

pended in 1992. Finally, arguing that the Charter needed ongoing revision to adapt to changing political realities in Europe, it requested the institutionalization of the Security Model Committee.

The Istanbul Charter hardly lived up to Moscow's expectations. Motivated by a real concern for not jeopardizing the OSCE's unique flexibility, all the other participating States (except Belarus) rejected the perspective of an institutional overhaul.<sup>23</sup> However, the Charter provides for a new informal open-ended body (the Preparatory Committee) whose task is to assist the OSCE's Permanent Council in adopting decisions with more transparency and through a wider political consultation process (paragraph 35). For reasons of urgency or of political opportunism, the practice of consultation used in the Permanent Council does not normally involve the small delegations until the last stage: The establishment of a Preparatory Committee is specifically designed to remedy an unsatisfactory situation of that kind. Regarding consensus, paragraph 10 of the Charter confirms the continuation of consensus "as the basis for OSCE decision-making", but without *specifically* excluding the use of the consensus minus one procedure. The Charter also takes stock of "the completion of the work of the Security Model Committee" (paragraph 51), thus ruling out the institutionalization of the latter.

Two other institutional provisions of the Charter are worthwhile mentioning. In paragraph 17, the Charter states that the Parliamentary Assembly "has developed into one of the most important OSCE institutions (...), particularly in the field of democratic development and election monitoring": Beyond its face value, this unusual tribute from an intergovernmental body towards an interparliamentary organ suggests that the competition between the Warsaw Office and the Parliamentary Assembly in the field of election monitoring is no longer a problem.<sup>24</sup> A very different matter, paragraph 18 of the Charter recognizes that "difficulties can arise from the absence of a legal capacity of the Organization" and, therefore, announces that the participating States "will seek to improve the situation" in this regard. Included at the insistence of France, this provision signals that the non-consensual issue related to the granting of a legal capacity to the OSCE has now been reopened.<sup>25</sup> The Istanbul Summit Declaration also addresses the issue: Noting that a large number of participating States had not been able to implement the 1993 Rome Ministerial Council decision on the legal capacity of OSCE institutions and on privileges and immunities, paragraph 34 tasks the Permanent Council with establishing an open-ended working group to draw up a report at the next

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23 On the negotiating positions, see PC.SMC/134/99 of 23 July 1999, pp. 45-53.

24 In the Istanbul Summit Declaration, the participating States value *both* the work of the ODIHR *and* the OSCE Parliamentary Assembly "before, during and after elections" (paragraph 26).

25 Initial French proposal: PC.SMC/168/99 of 20 October 1999.

Ministerial Council reviewing the situation and offering appropriate recommendations.<sup>26</sup>

### *The Politico-Military Dimension*

The section of the Charter on the politico-military dimension is virtually meaningless. It consists of three provisions drafted in general terms. The first states that the "politico-military aspects of security remain vital to the interests of participating States" (paragraph 28). The second, which refers to the adapted CFE Treaty, announces that the latter - after its entry into force - will be open to voluntary accession by other OSCE participating States with territory in the area between the Atlantic Ocean and the Ural Mountains (paragraph 29). The third welcomes the 1999 updated version of the Vienna Document on CSBMs, which (aside from Chapter X proposing voluntary measures tailored for regional purposes) offers no innovations or improvements of a major nature (paragraph 30).<sup>27</sup> The Istanbul Summit Declaration refers to the CFE Treaty (paragraph 39) and the Vienna Document (paragraph 40) in the same general formal way. It also recommends that the states participating in the negotiations of Article V of Annex 1-B of the Dayton Agreement - in view of disarmament measures in and around Yugoslavia - aim at concluding their work by the end of 2000 (paragraph 41), urges the early completion of the ratification process of the Open Skies Treaty (paragraph 42)<sup>28</sup> and reaffirms support for international humanitarian action against anti-personnel mines (paragraph 43).

It should be recalled that in the area of the politico-military dimension, Russia expressed several concerns directly related to NATO's Eastward enlargement and, at a later stage, to NATO's military intervention in Kosovo - namely the security interests of states not belonging to a military alliance and the non-deployment of nuclear weapons in foreign countries.<sup>29</sup> Those concerns were shared by some CIS countries, who made joint proposals in the same direction including the concept of nuclear-free zones.<sup>30</sup> However, several participating States (Romania, Poland, Turkey) formally objected to such ideas. In addition, the European Union members advocated other ideas: confirmation of the right of participating States to freely choose or change their security arrangements, rejection of the pretension of any state, group of states

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26 On the subsequent developments on that issue in 2000, see: SEC.GAL/20/00 of 6 March 2000 (and Add.1 of 22 March), PC.DEL/242/00 of 17 April 2000, CIO.GAL/42/00 of 23 June 2000, PC.DEL/371/00 of 3 July 2000, SEC.GAL/71/00 of 13 July 2000 and SEC.GAL/76/00 of 14 July 2000.

27 This is why the text has been referred to as the "Vienna Document 1999" and not 2000. The lack of progress was the direct consequence of the Kosovo and Chechnya events.

28 The 1992 Open Skies Treaty has not yet come into force pending two ultimate ratifications: those of Russia and Belarus.

29 Cf. PC.SMC/98/98 of 25 September 1998 and PC.SMC/39/99 of 10 March 1999.

30 Cf. PC.SMC/111/99 of 15 October 1998.

or organization to claim a pre-eminent responsibility for maintaining peace and stability in the OSCE area and, finally, a ban on stationing foreign troops without the free consent of the host state or a UN Security Council resolution.<sup>31</sup>

Finally, no references to the stationing of foreign troops have been included in the Charter or in the Summit Declaration.<sup>32</sup> Similarly, provisions concerning the security interests of states not belonging to a military alliance and the non-deployment of nuclear weapons in foreign countries are absent from both texts. The Charter does recognize that each participating State "has an equal right to security", that participating States "will not strengthen their security at the expense of the security of other States" (paragraph 8). As a matter of fact, it restates the basic position of the European Union by stressing "the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance, as they evolve" and admitting that "no State, group of States or organization can have any pre-eminent responsibility for maintaining peace and stability in the OSCE area or can consider any part of the OSCE area as its sphere of influence" (paragraph 8). This terminology certainly allows Russia to read it as being anti-NATO; but it also purports an implied condemnation of the Russian concept of "near abroad".<sup>33</sup>

It is also worthwhile mentioning that, in response to the concern of small countries (such as Malta), the Istanbul Charter offers an emerging soft security guarantee. Developing an idea vaguely formulated in the 1994 Code of Conduct on Politico-Military Aspects of Security, paragraph 16 commits OSCE governments to "consult promptly (...) with a participating State seeking assistance in realizing its right to individual or collective self-defence in the event that its sovereignty, territorial integrity and political independence are threatened" in order to "consider jointly the nature of the threat and actions that may be required" in defence of OSCE common values.<sup>34</sup>

#### *Conflict Prevention and Crisis Management*

In connection with conflict prevention and crisis management, the Summit Declaration reviews the situation of OSCE field missions and their role in the Balkans (paragraphs 3-12), the Caucasus (paragraphs 15, 16, 17, 20, 21, 23) as well as in Eastern and Central Europe (paragraphs 18, 19, 22, 24, 25). Its most politically important provision deals with Chechnya since its carefully

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31 Cf. PC.SMC/41/99 of 12 March 1999.

32 However, paragraph 19 of the Istanbul Summit Declaration welcomes Russia's unilateral commitment to a withdrawal of its military forces in Moldova by the end of 2002.

33 On the negotiating positions concerning the politico-military dimension, see PC.SMC/134/99 of 23 July 1999, pp. 111-116.

34 Initially, Russia suggested that all possible assistance should be provided to participating States whose security would be threatened or to those facing an act of aggression recognized as such by the UN Security Council; cf. PC.SMC/39/99 of 10 March 1999, paragraph 7 and 8; PC.SMC/42/99 of 12 March 1999, p. 3.

worded text allowed President Yeltsin to approve and to sign the Charter: Under paragraph 23 the participating States strongly reaffirmed the territorial integrity of Russia and condemned terrorism in all its forms, while just acknowledging that, given the "humanitarian situation" in the region, it was important to alleviate the hardships of the civilian population. In exchange for that favour from the OSCE, Moscow reluctantly agreed to reaffirm the existing mandate of the OSCE Assistance Group in Chechnya. Moscow also accepted "that a political solution (was) essential, and that the assistance of the OSCE would contribute to achieving that goal", beginning with a visit by the Chairman-in-Office to the region.

It is however the concrete provisions related to the strengthening of the OSCE's operational capacities for conflict prevention and crisis management that represent the real "added value" of the Istanbul Charter. Those provisions include peacekeeping operations (covering *inter alia* police support activities and the REACT concept) and to a lesser extent long-term missions as well as "Joint Co-operative Actions".

#### *Peacekeeping Operations (PKOs)*

Although a large set of specific provisions on peacekeeping was included in Chapter III of the Helsinki Document 1992, the issue of PKOs remained a delicate issue within the OSCE. During the elaboration of the Istanbul Charter, three competing approaches were presented. In the first, which the United States advocated, it was argued that the OSCE had neither the expertise nor the practical capacity necessary to mount its own PKOs. In consequence, the OSCE should limit itself to providing an exclusively non-military contribution to PKOs deployed under the aegis of *other* international organizations.<sup>35</sup> Russia rejected this concept as giving, by default, a *de facto* politico-military monopoly to NATO in Europe and brought to mind that the 1992 Helsinki Document authorized the OSCE to undertake its own PKOs; however, it insisted (with unconvincing legal justification) that the latter could only be deployed on the basis of UN Security Council resolution in order to avoid the impression that such an operation be of a coercive nature or serve the interests of a "limited group of States".<sup>36</sup> Between these two extremes, the European Union countries took the middle ground affirming that it was judicious to leave all options open, that is, not to exclude *a priori* the case in which the OSCE would be the most appropriate institution for setting up a PKO.<sup>37</sup> At an initial glance the EU seems to have won the day since paragraph 46 of the Istanbul Charter acknowledges that the OSCE could not only play a direct "leading role" in peacekeeping, but also "provide the mandate covering

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35 Cf. PC.SMC/37/98 and PC.SMC/40/98 of 29 May 1998.

36 Cf. PC.SMC/47/98 of 12 June 1998.

37 Cf. PC.SMC/71/98 of 17 July 1998, PC.SMC/76/98 of 4 September 1998 and PC.SMC/76/98 of 4 September 1998. On the negotiating positions for peacekeeping, see PC.SMC/134/99 of 23 July 1999, pp. 98-110.

peacekeeping by others and seek the support of participating States as well as other organizations to provide resources and expertise". Actually, paragraph 46 was drafted in particularly restrictive terms. Thus, it only announces the decision of the participating States "to *explore* options for a *potentially* greater and wider role for the OSCE in peacekeeping" (emphasis by author). After reaffirming (as requested by Russia) the rights and obligations of the participating States under the UN Charter, the same provision does not go beyond confirming that "the OSCE can, on a *case-by-case basis* and by consensus, decide to play a *role* in peacekeeping, including a leading role *when participating States judge it* to be the most effective and appropriate organization" (emphasis by author). Moreover, an analysis of other provisions of the Istanbul Charter (those relative to police activities and to the REACT concept) shows that the American approach aimed at limiting the OSCE to purely civilian tasks has prevailed.

If the issue of peacekeeping remains controversial, this is not the case for the germane issue of police support activities: monitoring of local police, training and advice to local police. Several OSCE participating States considered that the Organization should be allowed to develop police support activities within the framework of conflict management.<sup>38</sup> The Charter commits the participating States to reinforcing the role of the OSCE in civilian police-related activities aimed at conflict prevention, crisis management and post-conflict rehabilitation (paragraph 44). This type of activity - already undertaken in Croatia by the OSCE - could imply police monitoring (for example in view of preventing police from carrying out possible discriminatory activities based on religious and ethnic identity) and police training aimed at improving the tactical and operational capacities of local police services, reforming paramilitary forces, providing policing skills to fight organized crime (anti-drug, anti-corruption, anti-terrorist), creating multi-ethnic police services, etc. Paragraph 42 of the Charter, in which the concept proposed by the Americans for Rapid Expert Assistance and Co-operation Teams (REACT) is endorsed, goes in the same direction.<sup>39</sup> Those teams will be composed of *civilian personnel* and of police specialists and called upon to intervene before certain problems degenerate into crises and to manage a crisis or to contribute to the rightful implementation of a recently signed peace accord. Such teams would allow the rapid deployment of the civilian component of a PKO (launched in all probability by other organizations according to paragraph 46 as mentioned above) or could serve as "surge capacity to assist the OSCE with the rapid deployment of large-scale or specialized operations". The availability at national level of REACT experts who could be mobilized on demand is not just a formal promise: Paragraph 35 of the Istanbul Summit Declaration requires

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38 On the negotiating positions on that issue, see PC.SMC/134/99 of 23 July 1999, pp. 86-91.

39 American proposal: RC.DEL/233/99 of 29 September 1999 and PC.SMC/174/99 of 5 November 1999.

the participating States "to make this concept fully operational at the shortest possible time", by 30 June 2000, and to implement it "as a matter of priority". Furthermore, a special Operation Centre was to be established within the Conflict Prevention Centre operated by a core of staff competent in all the domains of OSCE activity; it will plan and deploy operations on the ground, notably those calling upon REACT experts (paragraph 43 of the Charter and paragraph 36 of the Summit Declaration).<sup>40</sup>

#### *Long-Term Missions*

The Istanbul Charter has not introduced outstanding new elements as regards field missions, which have been established on a case-by-case basis by the OSCE since 1992. However, in paragraph 38, and on the basis of the experience gained so far, it offers an incomplete list (the first of its kind) of the functions which the long-term missions are expected to fulfil in the field. Depending on the circumstances, a long-term mission (acting alone or in co-ordination with other international organizations) may be called upon to provide expert assistance and advice (professional training, election monitoring, implementation of practical projects, etc.), especially for the consolidation of democratic institutions. It may also assume a good offices/mediation role by facilitating the peaceful settlement of conflicts and verifying and/or assisting the fulfilment of agreements related to these. It may equally provide support for post-conflict rehabilitation purposes. In any case, the long-term missions are called upon to reinforce, when appropriate, the specific capacities and expertise of host countries in order to facilitate "an efficient transfer of the tasks of the operation to the host country, and consequently the closure of the field operation" (paragraph 41).<sup>41</sup>

#### *Joint Co-operative Actions*

The idea of providing assistance upon request to those states experiencing structural difficulties in fulfilling their commitments posed no problem. Difficulties did arise with the suggestion that when this aid was refused, sanctions could be applied and moreover, that the OSCE could intervene when public order collapsed in the absence of a legitimate state authority. Concerned by NATO's unilateral military intervention in Kosovo and determined to avoid any OSCE meddling in the handling of its Chechnya policy, Russia opposed any innovative provision increasing the authority of the OSCE to

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40 On the subsequent development of the REACT concept, see PC.DEC/326 of 9 December 1999, SEC.GAL/41/00 of 10 May 2000, PC.DEL/323/00 of 13 June 2000 and PC.DEC/364 of 29 June 2000 on the "Strengthening of OSCE Operational Capacities (REACT, Operation Centre, Restructuring of the OSCE Secretariat)".

41 On the negotiating positions for that issue, see PC.SMC/134/99 of 23 July 1999, pp. 78-82.

intervene in the internal affairs of its participating States;<sup>42</sup> hence, the emphasis of the Istanbul Charter on the specific consent of the host state. Thus, paragraph 14 allows OSCE governments to take "joint measures based on co-operation" in order to offer, when needed, "assistance to participating States to enhance their compliance with OSCE principles and commitments". In even more hesitant terms, paragraph 15 expresses the intention of governments, to only "consider ways of helping participating States requesting assistance in cases of internal breakdown of law and order" within the framework of a joint examination of "the nature of the situation and possible ways and means of providing support to the State in question".

### *The Economic Dimension*

As in other areas, Russia also advocated an overly ambitious continuation of the development of the OSCE economic dimension and more regular reviews of economic and environmental commitments. The Russians suggested a comprehensive widening of OSCE economic dimension commitments including the creation of a "integrated infrastructure" for energy, transport and communication, the simplification and unification of customs procedures, the equal treatment of citizens of any participating State in the field of economic and social rights, etc. In particular, they called for annual reports to be submitted to the OSCE on measures taken within each participating State for the promotion of economic and social rights "regardless of citizenship"; such reports would be subject to a multilateral review on a biannual basis. They also wanted the OSCE to respond to crisis situations associated with the risks and challenges of an economic, social and environmental nature - namely the emergence of a major economic crisis within a participating State or of an economic conflict among participating States. Accordingly, they suggested that the OSCE develop, in close co-operation with relevant international and regional economic organizations and financial institutions a mechanism and system of indicators for early warning. The Secretary General, the Co-ordinator of OSCE Economic and Environmental Activities as well as the Chairman-in-Office would play an instrumental role in this context.<sup>43</sup> Three common sense arguments were raised by the European Union against such a proposal. First, technical systems used by specialized institutions to predict financial crunches have proved risky and, in any event, the interrelationship of factors is much too complex for a wider system to have any real value. Second, the OSCE can in no way envisage matching the expertise of international economic institutions; its possible role in the economic dimension could only be to encourage and reinforce close interaction among relevant (international, regional and sub-regional) economic institutions and organi-

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42 On the negotiating positions for that issue, see *ibid.*, pp. 54-69.

43 Cf. PC.SMC/42/98 of 4 June 1998.



zations. Third, economic problems do not always demand an exclusively economic solution, but also arrangements including more democracy, more open government, etc.; in other words, the development of economic security can be assured by means of a better implementation of norms and commitments related to the human dimension.<sup>44</sup>

The few Charter provisions on economic and environmental issues only confirm the interrelation between the three dimensions of the OSCE. Thus the Charter restates current pledges based on wishful thinking - namely that the participating States would "ensure that the economic dimension receives appropriate attention, in particular as an element of (their) early warning and conflict prevention activities" (paragraph 31) and that they will "enhance the OSCE's ability to address economic and environmental issues in ways that neither duplicate existing work nor replace efforts that can be more efficiently undertaken by other organizations" (paragraph 32). However, and more concretely, the Istanbul Summit Declaration has tasked the Co-ordinator of Economic and Environmental Activities to "develop regular reports concerning economic and environmental risks to security" (paragraph 29).

### *The Human Dimension*

The section of the Charter concerning the human dimension is somewhat disappointing.<sup>45</sup> It contains mainly formal restatements on the right of human beings to a nationality (paragraph 19, third part),<sup>46</sup> the improvement of the situation of Roma and Sinti (paragraph 20), the eradication of torture (paragraph 21), respecting international humanitarian law (paragraph 22), equality between men and women (paragraph 23),<sup>47</sup> the elimination of violence against women and children either under the category of trafficking human beings or during armed conflicts and post-conflicts situations (paragraph 24), the commitment to free and fair elections (paragraph 25), the importance of the independent media (paragraph 26) and the "vital role" of NGOs in the promotion of human rights, democracy and the rule of law (paragraph 27).<sup>48</sup>

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44 Cf. PC.SMC/49/98 of 19 June 1998 and PC.SMC/50/98 of 24 June 1998. On the negotiating positions concerning that issue, see PC.SMC/134/99 of 23 July 1999, pp. 141-152.

45 On the negotiating positions for that issue, see PC.SMC/134/99 of 23 July 1999, pp. 123-140.

46 This provision has to be understood with reference to a Russian demand (targeting Estonia and Latvia) on the non-admissibility of any policy leading to an increase in stateless persons, especially with regard to those belonging to national minorities (PC.SMC/68/98 of 10 July 1998).

47 Paragraph 18 (second part) also commits the participating States to take into account the need for "gender balance" as well as geographic diversity when recruiting personnel for OSCE institutions and field operations. See also paragraph 32 of the Istanbul Summit Declaration.

48 NGOs are also referred to in paragraph 21 (international humanitarian law) and paragraph 33 (rule of law and the fight against corruption) of the Charter. The Istanbul Summit Declaration also includes the issues of free elections (paragraph 26), free media (para-

The only meaningful provision in this section is paragraph 19 (second part) drafted on the basis of a joint German-Swiss proposal aimed at reconciling the principle of the territorial integrity of states with the principle of self-determination. While affirming that the full respect for the rights of persons belonging to national minorities "besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty", paragraph 19 of the Charter also recalls that the "(v)arious concepts of autonomy" as well as the other positive approaches enumerated in the OSCE's 1992 Geneva Expert Meeting Report remain relevant. Actually, it represents a remote echo of the German-Swiss proposal whose main thrust was *self-administration* applicable under various formulas adapted to specific local situations.<sup>49</sup>

### *The OSCE and Its External Relations*

This section, which does not formally exist either in the Charter or in the Summit Declaration, covers the relations of the OSCE with non-European states, other security organizations and sub-regional arrangements.

### *Partners for Co-operation*

Little substance has remained from the various proposals tabled by the European Union and Malta within the Security Model Committee for the purpose of increased co-operation with the Mediterranean partners.<sup>50</sup> Accordingly, neither the Summit Declaration (paragraph 45) nor the Charter exhibit any real new development here. The Charter only hints that the Mediterranean partners will be invited "on a more regular basis to increased participation in the work of the OSCE as the dialogue develops" (paragraph 48) and also offers OSCE expertise for the possible establishment of structures and mechanisms in the Mediterranean for early warning, preventive diplomacy and conflict prevention (paragraph 49). The Charter is even less well-defined on the OSCE's Asian partners (Japan and South Korea): It expresses the readiness of the participating States to "seek to strengthen further" their co-operation with them "in meeting challenges of common interest" while welcoming "the contribution by Japan to OSCE field activities" (paragraph 50). For reasons un-

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graph 27), the rights of children involved in or affected by armed conflict (paragraph 28), national minorities (paragraph 29) as well as Roma and Sinti (paragraph 30).

49 The German-Swiss proposal also envisaged the enhancement of the role of the HCNM: It suggested that the latter be used as a counsel to governments willing to elaborate statutes for local self-administration; the governments would also notify the HCNM of all relevant agreements concluded with national minorities and would commit themselves to not changing these agreements unilaterally without prior consultation with the OSCE. Cf. PC.SMC/64/98 of 10 July 1998.

50 While Malta considered the European Union's proposals as not being too moderate, the European Union objected to Maltese views on the ground that they could interfere with the Barcelona process. On the negotiating positions for that issue, see PC.SMC/134/99 of 23 July 1999, pp. 153-156.

known (but probably connected with the controversial question of a "balance" between co-operation with the Mediterranean and Asian partners), no consensus was reached on the idea of joint activities with Japan and South Korea in connection with field missions in Central Asia or on that of closer contacts with the Asia Regional Forum (ARF) which is regarded as OSCE's closest counterpart in Asia.<sup>51</sup>

#### *Interface with Other Security Organizations*

The Istanbul Charter includes an annex entitled "Operational Document - the Platform for Co-operative Security" as an integral part of the text. Initially proposed by the European Union,<sup>52</sup> the concepts in this section are based on the premise that the risks and challenges of post-Communist Europe cannot be met by a single state or organization. Consequently, the Platform's rationale is the strengthening and development of closer co-operation with the organizations contributing to the various dimensions of comprehensive security in the OSCE area (European organizations, European sub-regional groupings and the United Nations bodies and agencies) in order to avoid duplication and ensure efficient use of available international resources. Aimed at developing institutional co-operation on the basis of full equality and shared values, it clearly rules out the establishment of any kind of hierarchy or a permanent division of labour.<sup>53</sup>

The Platform consists of a number of general "principles and commitments", which are the basis for co-operation offered to those international organizations which evolve in political "transparency" and whose membership is based on "openness and free will" - and also whose member states, collectively or individually, adhere to the undertakings of the United Nations Charter and the fundamental OSCE instruments, fulfil their arms control/disarmament/CSBM obligations and are prepared to deploy institutional resources in support of OSCE work in general and more particularly in the fields of conflict prevention and management. In view of increasing inter-institutional understanding of existing conflict prevention tools, the OSCE proposes regular contacts and meetings with organizations who have accepted the Platform, the designation of liaison officers, the establishment of points of contact and cross-representation at appropriate meetings. Special meetings at political, executive and/or working level are also suggested to co-ordinate policies, determine areas of co-operation and address the modalities of such co-operation. For field operations, the Platform calls for regular information exchanges and meetings, joint needs assessment missions, secondment of experts, appointment of liaison officers, development of common projects

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51 Cf. PC.SMC/134/99 of 23 July 1999, p. 156.

52 Cf. REF.S/34/96 of 25 November 1996.

53 On the negotiating positions for that issue, see PC.SMC/134/99 of 23 July 1999, pp. 70-75.

and operations, and joint training efforts. In regard to possible co-operative responses to specific crises, the OSCE offers to serve as "a flexible framework for co-operation of the various mutually reinforcing efforts". Lastly, the Platform charges the Secretary General with preparing an annual report on "interaction between organizations and institutions in the OSCE area".

The ultimate *raison d'être* of the Platform is the development in the OSCE area of a "culture" of co-operation between international organizations pursuing analogous or complementary goals. In itself the objective can hardly be said to be a revolutionary one. However, considered in the light of institutional competition, which has characterized the first post-Cold War years, it is timely and relevant. In greater Europe, where several security institutions exist and are often requested to react simultaneously, the mutual acceptance of a minimum of formal common rules is certainly a positive event. Actually, and as demonstrated by the joint implementation of the Dayton Agreement by a range of international organizations on the basis of comparative advantage, synergetic co-operation has become, since 1996, a regular trend in the OSCE area. From this perspective, the Istanbul Platform presents a real merit: It codifies the basic rules of what may be called an "institutional armistice".

### *The Sub-Regional Dimension*

Arguing that post-Cold War sub-regional arrangements (Black Sea Economic Cooperation, Council of the Baltic Sea States, Central European Initiative, etc.) contribute to overall security, a number of participating States considered that the OSCE should elaborate a framework with a view of combining the existing (and future) arrangements into an interlocking web consistent with OSCE principles. Russia took the lead with a comprehensive proposal based on three main ideas. First, existing and future regional co-operation and security arrangements should not grow at the expense of the exclusion (let alone the isolation) of any participating State. Second, existing regional co-operation and security arrangements should develop on the basis of permanent and full transparency: Information about them should be accessible to all participating States through an open data bank established within the framework of the OSCE. Third, the OSCE should monitor and co-ordinate existing and future regional co-operation and security arrangements by means of several devices including a biannual conference and a special co-ordinator.<sup>54</sup> Without going as far as Russia, Germany, Poland and France suggested in a joint proposal that the Charter should offer a framework and general principles for regional co-operation, encourage new processes and/or arrangements, interrelate these processes and assure their coherence with the OSCE process - provided that no participating State would obtain leading

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54 Cf. PC.SMC/70/98 of 14 July 1998, PC.SMC/73/98 of 28 August 1998 and PC.SMC/104/98 of 2 October 1998.

status in these regional undertakings which, in any event, would be open to all those wishing to contribute to them.<sup>55</sup>

The participating States finally settled for a middle-of-the-road position. They have expressed their willingness to "offer the OSCE, in accordance with the Platform for Co-operative Security, as a forum for subregional co-operation". In practical terms, it meant that the OSCE would "facilitate the exchange of information and experience between subregional groups and may, if so requested, receive and keep their mutual accords and agreements" (paragraph 13).

### *Conclusion*

Notwithstanding the shadow cast over it by the ongoing war in Chechnya and the undue indulgence the OSCE showed towards Moscow, the Istanbul Summit can be considered as particularly successful. The Charter for European Security represents one of the most important texts of post-Cold War OSCE although, admittedly, its contents include more *operational* provisions than normative. In any event, it was signed during an auspicious year in which the OSCE established (in close co-ordination with the UN) its largest ever field mission in Kosovo, concluded with total success its functions related to the dismantling of the Russian Skrunda Radar Station in Latvia, successfully completed the work of its field mission in the Ukraine and placed the Stability Pact for South Eastern Europe under its direct auspices.

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<sup>55</sup> Cf. PC.SMC/34/98 of 29 May 1998. On the negotiating positions concerning that issue, see PC.SMC/134/99 of 23 July 1999, pp. 117-123.



## Article V of the Dayton Peace Accords: Review and Prospects

Article V of the Dayton Peace Accords presents an excellent opportunity to provide stability and security to the region of South-eastern Europe. The present ongoing Article V negotiations reflect the desire of the international community, and not just the countries of the region, to establish tranquillity in a post-conflict situation. The basic fact that Article V negotiations have been maintained in the wake of the Kosovo conflict underscores the importance placed thereupon by the participant nations.

Article V is the last of three measures mandated by the Dayton Peace Agreement to be negotiated and implemented. While that agreement ended the conflict in Bosnia in 1995, troubles still plague the region, as witnessed by the Kosovo crisis in 1998-99 and ongoing problems in other areas. The successful negotiation and implementation of Article V would not only complete the implementation of the Dayton Peace Accords, but also help establish a stable environment. Provided below is an examination of the history of Article V and a prospective of future development.

### *Background*

Article V is but one part of the General Framework Agreement for Peace in Bosnia and Herzegovina.<sup>1</sup> This agreement which ended the war in Bosnia was initialled in Dayton on 21 November 1995. It consists of eleven articles and eleven annexes. One of the latter, Annex 1-B, mandates that the Organization for Security and Co-operation in Europe (OSCE) help develop and implement three separate instruments:

- Article II provided the framework for negotiations of an agreement on confidence- and security-building measures (CSBMs) in Bosnia and Herzegovina. Specifically named as participants were the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska;
- Article IV provided the framework for negotiations of a sub-regional arms control agreement. Specifically named as participants were the Republic of Bosnia and Herzegovina, the Federation of Bosnia and

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<sup>1</sup> Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Accords), initialled in Dayton, Ohio, U.S.A., on 21 November 1995, and later signed in Paris, France, on 14 December 1995.

- Herzegovina, the Republika Srpska, Croatia, and the Federal Republic of Yugoslavia (FRY);
- Article V provides for a regional arms control agreement applicable to "in and around the former Yugoslavia". Other than the "Parties" to the Dayton Peace Accords, there are no specified participants.

The Dayton Peace Accords were signed in Paris and entered into force on 14 December 1995. Time was a critical element and both Articles II and IV contained specific time constraints. Negotiations for Article II were to begin within seven days of Annex 1-B entering into force and an initial set of CSBMs was to be agreed upon within 45 days of entrance into force. Negotiations for Article IV were to begin within 30 days of Annex 1-B's entrance into force and agreement on numerical limitations of specified armaments categories was to be completed within 180 days after entrance into force. If the participants failed to agree to numerical limits within the prescribed 180 days, limits would automatically apply using a ratio of 5:2:2. This ratio (5 = FRY; 2 = Croatia as well as Bosnia and Herzegovina) was based on approximate population levels. Discussions for Article II and IV were begun in Vienna on 4 January 1996 under the auspices of the OSCE. The negotiations for each were led by a Personal Representative of the Chairman-in-Office: Ambassador István Gyarmati of Hungary for Article II negotiations and Ambassador Vigleik Eide of Norway for Article IV.

#### *Article II*

The negotiated product of Article II, the *Agreement on CSBMs in Bosnia and Herzegovina* ("Article II agreement"), was concluded in Vienna on 26 January 1996 and entered into force immediately. This agreement provides for a set of measures to enhance mutual confidence and reduce the risk of conflict. Some of the measures were mandated by the text of Annex 1-B of the Dayton Agreement and others were based on the Vienna Documents of 1992 and 1994. CSBMs in Article II include exchange of military information, notification and observation of certain military activities, restrictions on military deployments and exercises in certain geographic areas, and withdrawal of heavy weapons and forces to cantonments or designated emplacements. All measures are subject to inspection and verification. Issues regarding compliance were to be dealt with by a Joint Consultative Commission (JCC).

#### *Article IV*

The negotiated product of Article IV, the *Agreement on Sub-Regional Arms Control* ("Article IV agreement"), was concluded in Florence on 14 June 1996. This agreement established ceilings in five categories of conventional armaments (battle tanks, artillery pieces, combat aircraft, attack helicopters,



and armoured combat vehicles). These came into force on 1 November 1997. The 5:2:2 ratio for levels of forces was adopted, which limited the FRY to approximately 75 per cent of its 1996 holdings, and Croatia and Bosnia and Herzegovina 30 per cent each of the FRY's 1996 holdings. Within Bosnia and Herzegovina, two-thirds were reserved for the Federation of Bosnia and Herzegovina and one-third for the Republika Srpska. All reductions were to be completed no later than 16 months after 1 July 1997. The agreement provided for specific reduction methods, extensive exchange of information, and intrusive inspections. Implementation review was to be accomplished through a Sub-Regional Consultative Commission (SRCC).

#### *Article V*

Article V of Annex 1-B states:

"The OSCE will assist the Parties by designating a special representative to help organize and conduct negotiations under the auspices of the OSCE Forum for Security Co-operation ('FSC') with the goal of establishing a regional balance in and around the former Yugoslavia. The Parties undertake to cooperate fully with the OSCE to that end and to facilitate regular inspections by other parties. Further, the Parties agree to establish a commission together with representatives of the OSCE for the purpose of facilitating the resolution of any disputes that might arise."

A crucial difference between Article V and Articles II and IV is that Annex 1-B does not prescribe any specific time requirements for beginning Article V negotiations or for concluding an agreement. Without a specified time-line for completion and due to deference to various concerns, it was determined that discussions on Article V would not even begin until an acceptable Article IV agreement was reached and implemented. After conclusion of the Article IV agreement and successful completion of a sixteen-month implementation period, it was deemed that all Parties were in compliance with Article IV on 31 October 1997. The way was therefore cleared for Article V negotiations to proceed.

At the 1997 OSCE Ministerial Meeting in Copenhagen in December, the ministers approved Ambassador Henry Jacolin of France as the Special Representative of the Chairman-in-Office and invited him to start to develop a precise mandate and initiate negotiations as soon as possible.<sup>2</sup> In early 1998, Ambassador Jacolin organized his multi-national staff and began consulta-

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2 Cf. Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1998*, Baden-Baden 1999, pp. 431-457, here: p. 442.

tions with prospective participants. Ultimately, twenty states agreed to participate in the Article V negotiations. While Croatia, Bosnia and Herzegovina, and the FRY were required by the Dayton Agreement to participate in the negotiations, seventeen other states have voluntarily chosen to take part. The seventeen are Albania, Austria, Bulgaria, France, Germany, Greece, Hungary, Italy, the Former Yugoslav Republic of Macedonia, the Netherlands, Romania, the Russian Federation, Slovenia, Spain, Turkey, the United Kingdom, and the United States of America.

After a long period of consultations and meetings, consensus was finally reached on a mandate for Article V negotiations in November 1998. This achievement was acknowledged at the 1998 OSCE Ministerial Meeting in Oslo and negotiations were scheduled to begin in January 1999. The opening plenary meeting, scheduled for 18 January, was postponed in the aftermath of the killings at Račak and the escalating crisis in Kosovo. An opening plenary was held on 8 March, but subsequent meetings were postponed due to the inception of military operations in and around the former Yugoslavia. Upon cessation of hostilities, the Article V participants agreed to continue negotiations. Negotiations were resumed in September 1999. Due to preparations of OSCE delegations (involving adaptation of the Treaty on Conventional Armed Forces in Europe and the Vienna Document 1999) for the November OSCE Summit in Istanbul, Article V negotiations proceeded at a slow pace during the autumn of 1999. After the Istanbul Summit, negotiations accelerated with the aim of concluding an agreement by the end of 2000.<sup>3</sup>

To briefly summarize the three Dayton Peace Accords, Article II is an agreement consisting of CSBMs that was required to be negotiated and concluded in the short-term. It was limited geographically to Bosnia and Herzegovina. Participation involved the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska. Article IV was an agreement for sub-regional arms control that was required to be negotiated and concluded in a mid-term period. Participation was limited to Croatia, the Republic of Bosnia and Herzegovina and the FRY. Article V, presently under negotiation, has no time period specified for negotiation and conclusion. The three Article IV participants were required to take part in the negotiations, but there were no other participatory limitations. While Article II and IV were required to include specified measures, Article V was given no specified requirements, other than to "establish a commission (...) for the purpose of facilitating the resolution of any disputes that might arise".

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3 Organization for Security and Co-operation in Europe, Istanbul Summit Declaration, Istanbul, November 1999, in the present volume, pp. 413-424, here: p. 423.

Pursuant to the practice in many post-conflict situations, Article V negotiations have begun with a discussion of CSBMs. As of this writing,<sup>4</sup> over a dozen CSBM proposals have been presented by delegations and are in varied stages of evaluation and discussion. It is anticipated that more CSBMs will be proposed as the negotiations continue.

There are differing perspectives among the participants regarding the content of the final Article V agreement. Some think that an Article V agreement should be composed mainly of CSBMs. Others think that it should be made up of arms limitations and verification measures (sometime referred to as "hard arms control") on the lines of Article IV or the CFE Treaty. Still others hold that the optimum agreement should be a combination of CSBMs and "hard arms control" measures. This issue is fundamental to Article V and the respective differences will be resolved through future negotiations. The mandate requires that all decisions in the Article V negotiations be taken by consensus.

Further complicating the question are the respective arms control treaty situations of the participating States. As noted above, three are participants in Article IV, and thirteen are members of the CFE Treaty.<sup>5</sup> Four participating States, Albania, Austria, the former Yugoslav Republic of Macedonia, and Slovenia (the "Four") are not subject to conventional arms limitations such as those imposed by Article IV or the CFE Treaty. All the participating States, with the exception of the FRY, are subject to Vienna Document CSBMs pursuant to their participation in the OSCE. The FRY's participation in the OSCE was suspended in 1992.<sup>6</sup> Any Article V agreement will have to take Article IV, the CFE Treaty, and the Vienna Document 1999 into consideration.

The question of the Four presents another complicating factor. While they are participants in the Vienna Document, none are members of an arms control arrangement that limits their conventional arms. The Article V mandate calls for "consideration of (...) provisions related to the *holdings* of conventional arms and equipment" for the Four. This provides for a broad spectrum of measures to be considered through the negotiating process, but does not require that limitations or ceilings be placed upon the Four. Depending upon the course of the negotiations, as cited above, the Article V might be in a situation where CFE Treaty and Article IV limits on specified conventional arms are to be verified through some sort of verification regime. If that were the case, then, at a minimum, the holdings of the Four would appear to have

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4 Summer 2000.

5 Germany, the United States of America, Bulgaria, Spain, France, the United Kingdom, Greece, Hungary, Italy, the Netherlands, Romania, the Russian Federation, and Turkey. Seventeen other CFE states are not Article V participants.

6 The FRY re-entered the OSCE as a participating State on 10 November 2000.

to be employed in developing measures that could be verified by the CFE Treaty and Article IV participants.

Participating States with conventional arms limitations imposed by the CFE Treaty or Article IV have stated concerns about having their obligations increased (or those of other states decreased) by an Article V agreement. Some object to the prospect of having limitations on certain categories of conventional arms lowered further. In response to these concerns, the Article V mandate specifically states that "the negotiations and agreement will not alter, nor add to, nor subtract from any of the rights or obligations, including limitations" of the CFE Treaty or Article IV. Nor would it affect right or obligations that result from the process of adaptation of the CFE Treaty. In like manner, the mandate specifically states that it will not "affect rights and obligations derived from the Vienna Document 1994, including those which result from the process of its revision" (i.e., Vienna Document 1999). Thus, the mandate specifically precludes any Article V agreement from lowering - or raising - conventional arms limits cited in either the CFE Treaty or Article IV.

#### *Scope of Article V*

The Article V mandate set the scope of the negotiations which will be concerned with:

- conventional armed forces, and equipment, armament and personnel;
- military activity; and
- any other forms of activity, which might be decided upon by the participating States.

The mandate further delineates five points for consideration:

- a regime for the exchange of military information and notifications which may draw upon existing agreements and treaties;
- a regime for verification activities which may draw upon existing agreements and treaties;
- provisions related to the holdings of conventional arms and equipment for those participating states not subject to either the CFE Treaty or Article IV (the "Four")
- co-operative measures for risk reduction and increase transparency, or any other CSBMs for the enhancement of security and stability in South-eastern Europe.
- provisions for a commission to facilitate implementation of the agreement.

For the purposes of the negotiation process, the above five points for consideration have been termed "areas". Beginning with the initial consideration of CSBMs, the negotiators will identify proposed measures for appropriate areas. The negotiations would then develop the proposed measures for the designated areas. The last area, the establishment of a commission, would likely lead to a review commission like the SRCC (Article IV) or the JCC (Article II).

#### *Article V and the Stability Pact*

The "Stability Pact for South Eastern Europe", founded in 1999, provides the international community with yet another instrument to help bring about greater stability in the region. Beforehand, Article V stood as the only international instrument that concentrated on security in the Balkan region. The Stability Pact, which promises both security and economic assistance, could prove to be an instrument of valuable mutual assistance with Article V. While they are separate entities and each stands on its own, they are positioned to be complementary to each other. The Stability Pact consists of three specified areas for consideration called "Working Tables": (I) Democratization and Human Rights, (II) Economic Reconstruction, Development and Co-operation and (III) Security Issues. Article V will have primary interaction with Working Table III, and specifically with its Sub-Table on Defence and Security Issues.

The main strategic goal of Working Table III is to help create a climate of confidence and security throughout the region. It is understood that there can be no true economic progress in the region in the absence of a more secure environment. The Stability Pact document states that, *inter alia*, Working Table III will "encourage continued implementation of the Dayton/Paris Article IV Arms Control Agreement and progress of the negotiations of Article V".<sup>7</sup> The Table will further "receive regular information from the competent bodies addressing co-operation on defence/military issues aimed at enhancing stability in the region and among countries in the region, and facilitate the sustained engagement of all concerned to ensure regional security, conflict prevention and management".<sup>8</sup> Another specified task for Working Table III is to "consider whether (...) further arms control, security and confidence building measures might be addressed by the competent bodies, taking into account existing obligations and commitments under the CFE Treaty".<sup>9</sup>

These goals complement or supplement those of Article V. Notably, one Working Table III goal is to "encourage the progress of the negotiations of

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7 Stability Pact for South Eastern Europe, Cologne, 10 June 1999, in Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1999, Baden-Baden 2000, pp. 551-564, here: p. 563.

8 Ibid.

9 Ibid.

Article V". As of this writing, the Stability Pact is in the process of evaluating proposed projects for funding. While Article V will continue to be in negotiations for an undetermined time, at least some Stability Pact projects are anticipated to be initiated within the year. Thus it can be expected that Stability Pact projects will be underway and well in progress before Article V is completed. This in itself should not present problems, since there are numerous projects for Working Table III that can and should be conducted outside of Article V participation. Stability Pact projects could also provide a "test bed" for some Article V initiatives. Furthermore they could provide funding for specified Article V projects. In turn, Article V could provide information to Working Table III that might otherwise be unavailable or difficult to obtain.

One crucial difference between the Stability Pact and Article V negotiations is that the latter have included the FRY as a participant from the beginning. In fact, the Article V negotiations are virtually the only international forum that included the FRY as a negotiating partner. This presented both unique benefits and problems for the Article V negotiations. While the Stability Pact did not include the FRY as a participant, there were some potential initiatives that would benefit the region with the participation of the FRY via Article V. A key task will be to develop measures compatible with both the Stability Pact and Article V that can involve the FRY. Some Stability Pact initiatives were clearly be intended to be completed without the Yugoslavian participation through Article V. Involving the FRY will enhance the value of others. The challenge will be to determine which measures both the Stability Pact and Article V can mutually undertake and then to co-ordinate their implementation. Meeting this challenge will enhance the chances for success of both the Stability Pact and Article V.

### *Conclusion*

Any arms control negotiation that is initiated in the wake of armed conflict will have to weather problems related to the recent hostilities. Mutual confidence, generally a difficult first step in any negotiation, has to be established in partners that were combatants only a short time before. The issues which led to the conflict itself must be confronted. These further will likely have been exacerbated by the damage and casualties suffered during the conflict. Article V, as did Article II and IV, must surmount the problems particular to such a negotiation.

The very fact of the continuation of the Article V negotiations in the face of conflict is testimony to the importance placed upon it by its participants. It must be remembered that Article V is a "child of Dayton", the instrument that ended conflict in Bosnia. The Article V participants, after having laboured for almost a year developing the mandate, had to then subsequently delay the

start of actual negotiations due to the Kosovo crisis. Article V has persevered through these difficulties and is continuing at a steady, albeit measured pace. This perseverance underscores the value of the negotiations to the respective participants. Progress has not been quick or easy, and there are many differences among the participants. Notwithstanding these differences and the problems noted above, the participating States are continuing to negotiate with the hope of securing a successful agreement. The commonly perceived benefits of a successful Article V negotiation have kept hope alive during difficult times and can be expected to do so in the future. While a specific timeline cannot be set for expected conclusion of the Article V negotiation, the negotiations can be expected to continue with due diligence and perseverance.





## Political Obstacles and Security Co-operation in and around Bosnia and Herzegovina

Five years have passed since the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Accords) and Bosnia and Herzegovina remains peaceful and stable. There is no more fighting and the opposing armies have long since left their posts and been restricted to barracks. Peace and stability are assured by the presence of a NATO-led Stabilization Force (SFOR), currently numbering 20,000 troops. The international community continues its efforts to achieve a long-lasting and self-sustainable peace in Bosnia and Herzegovina and there is common agreement that some progress has been made during the past year. The basic institutions of the state - both economic and political - have been established. Freedom of movement across the country has improved substantially and media reform is well underway. The municipal elections in April 2000 confirmed a continuing downward trend in the strength of the nationalist parties overall and a growing trend towards pluralism and the need for change. The return of refugees is generally viewed as slow but is moving along. The arms control regime established under Articles II (confidence- and security-building measures) and IV (sub-regional arms control) of Annex 1-B of Dayton are functioning and on track. This is due in part to the skilful and tireless efforts undertaken by General Carlo Jean, Personal Representative to the OSCE Chairperson-in-Office for the Articles II and IV negotiations.

In spite of this, there is still a long way to go and many tasks to be completed. The following paragraphs touch briefly upon the main problem areas: security, political and economic.

### *Political and Military Prerequisites in Bosnia and Herzegovina*

If Bosnia and Herzegovina intends to join a Euro-Atlantic security structure it must create an integrated command structure for its armed forces. It is unacceptable that a country of 3.5 million people - with a run-down economy - maintains *de facto* three separate armies, three defence ministers, three chiefs of staff, etc. In short, defence and foreign policy matters ought to have one contact point, not three. The level of integration between the Croat and Bosniak components of the Federation<sup>1</sup> army is poor at best. On paper they

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<sup>1</sup> Bosnia and Herzegovina is divided into two entities: Republika Srpska (RS), which is predominantly Serb and geographically represents 49 per cent of the country, and the Federation of Bosnia and Herzegovina, which is predominantly Muslim-Croat and represents 51 per cent. Although Dayton calls for integration of the Federation of Bosnia and Herze-

maintain a joint command headquarters in Sarajevo. In reality there are two separate armies with separate channels of reporting and command. After almost five years the two components still cannot agree on the proportional representation of participants to attend seminars and workshops organized and paid for by the international community, leading to delays and cancellations. In mid-May the US State Department announced that due to the refusal of the Bosnian Croat political leadership to integrate their units into the Federation Army as mandated in the Dayton Peace Accords, they had suspended military assistance to the Croat component of the Federation Army (VF-H).<sup>2</sup> Full membership in NATO's Partnership for Peace (PfP) programme should be given backing, however, individual entities are not allowed to be individual members, although certain senior Republika Srpska officials dealing with defence issues are currently making this a prerequisite. The political steps requiring urgent attention are the development of functioning and effective common institutions with powers clearly separated from those of the individual entities as well as the establishment of open and pluralist political life. The Standing Committee on Military Matters (SCMM)<sup>3</sup>, the Council of Ministers and the Bosnia and Herzegovina Parliament are either not functioning at all or continue to be little more than talk shops where nothing significant is decided or adopted.

The major political parties still cling to the Communist mentality of the former Yugoslavia and a lot of their working practices are still in that mindset. Many leadership positions are still in the hands of people who have benefited from the war and five years of peace. That limits their ability to integrate into European structures both personally and perhaps organizationally. There are unscrupulous radicals that exacerbate local anxieties in order to keep people voting in a way that emphasizes ethno-centrism. Inter-ethnic tolerance and reconciliation are lacking. Those in the existing local power structures in Bosnia and Herzegovina have an ardent interest in preserving the conflict conditions on which their power depends. Despite the resistance from these power structures, the international community is attempting to develop a self-sustainable state in Bosnia and Herzegovina, which is acceptable to all of its citizens. Because this attempt shakes the very foundation of nationalist regimes, this agenda encounters systematic opposition. Although the international community is challenged by not being a *single actor* in Bosnia and Herzegovina the time has come for more drastic measures to be taken. A decision must be made once and for all on whether to accept the persistent re-

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govina army by August 1999, it remains divided into two separate armies: the VF-H is the Bosnian Croat component and VF-A is the Bosniak component.

2 Reuters News Agency, U.S. suspends military aid for Bosnia Croats-media, 13 May 2000.

3 "Each member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces (...) The Members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The members of the Presidency shall be members of the Standing Committee." Annex IV Article V, of the Dayton Agreement. <http://www.yale.edu/law-web/avalon/intdip/bosnia/day14.htm#art5>.

sistance and opposition generated by the nationalist power structures - while continuing to pour billions of US-Dollars into a process producing few sustainable results - or simply to set a firm time-table for a handful of priority issues. If national authorities do not achieve results in a timely fashion, the international community should be ready to impose them without delay. In private, some officials have been heard suggesting that the international community should enforce regulations more frequently e.g. when issuing license plates, instituting a common currency, etc. "If you do not decide for us, we will never be able to - our differences are too great. We will live with what you decide." The past year has shown that the international community has become more willing to use international power to try to overcome this resistance. However, national authorities in Bosnia and Herzegovina need not take all the blame for the situation. Some of the underlying problems come from the failure of the international community to understand how to utilize international power as a resource, which should not only be closely co-ordinated, but also used strategically to implement the Dayton Agreement. The fact that the major parties still control economic resources - such as real estate, industry, communications, transport, energy, etc., remains a fundamental problem. The economy is in tatters. Income tax rates remain above 75 per cent preventing many people who are fortunate enough to be employed from paying taxes. In turn, this means that there are only insufficient government revenues to cover basic social and infrastructural needs. The concept of lowering taxes to encourage people to pay their taxes, in turn increasing revenues, is non-existent. The antiquated payment bureaus controlled by the major parties must be done away with. Publicly elected officials who continue to maintain influential board member positions in public sector corporations - clearly representing a conflict of interest - should likewise be dismissed immediately, and indeed certain steps in this direction have been taken recently. It must be ensured that the privatization process places national wealth in the hands of people who are not associated with old nationalist party structures and who will also deal with these assets responsibly.

#### *Co-operative Security Instead of International Security Guarantees<sup>4</sup>*

During a visit to Bosnia and Herzegovina by Croatian President Stipe Mesić in March 2000, one of the topics on the agenda was Croatian financial support for the VF-H. Asked about this at a press conference, Mesić suggested that financial support of this kind would be phased out over time. This emphasizes the fact that neither Croatia nor Bosnia and Herzegovina can afford the armed forces they currently maintain. According to IMF figures, both

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<sup>4</sup> Elements of the following have been previously made public in a statement given to the OSCE Forum for Security Co-operation on 29 March 2000, by Ambassador Robert L. Barry, Head of the OSCE Mission to Bosnia and Herzegovina.

countries spend more than five per cent of GDP on their military establishment - several times the amount that NATO members Hungary and the Czech Republic spend. The combined armed forces in Bosnia and Herzegovina number approximately 60,000. Proportionally this is comparable to Germany having armed forces numbering over a million, Great Britain 750,000 and Poland 500,000 - clearly unsustainable in post-Cold War Europe.

Croatia and Bosnia and Herzegovina have something else in common - neither country's defence budget reveals what is actually spent on the military. For example, Croatia's figures do not include the roughly DM 120 million spent on the VF-H in Bosnia and Herzegovina 1999. The entity defence budgets in Bosnia and Herzegovina do not include procurement, maintenance, pensions, veterans, benefits - big-ticket items, which if brought on budget, would significantly increase the percentage of GDP spent on defence. The international community in Bosnia and Herzegovina is urging the national authorities to acknowledge this problem and take steps to deal with it in a timely fashion. Among the immediate steps that must be taken is the creation of a climate of lasting peace and security, which will attract foreign investment to Bosnia and Herzegovina.

This is an essential component on the path to creating a viable economy in Bosnia and Herzegovina and the visit of President Mesić underlines that the post-Tudjman elections in Croatia present Bosnia and Herzegovina with new opportunities to create a co-operative security structure in South-eastern Europe. The case for reductions in military manpower and budgets was made in the Madrid Declaration of the Peace Implementation Council in 1998 and by the Bosnia and Herzegovina Presidency at the Sarajevo Stability Pact Summit and also subsequently. The bottom line is that the economy of Bosnia and Herzegovina cannot maintain its current levels of military expenditure. As General Montgomery Meigs, former SFOR Commander, said at his last press conference on 11 October 1999: "My sense of what has to happen here is, we've got to reduce the military structures because you (Bosnia and Herzegovina) can't afford what you have and a lot of the capabilities can't be sustained, so they're rotting away. The amount of national treasure that goes into the military here is appalling (...) obscene. Forty per cent of the Federation budget goes for defence: that's crazy. That's got to be stopped."<sup>5</sup> In 1999 there was an unconditional commitment towards a 15 per cent reduction of forces by all three armies and for a second 15 per cent in 2000. Although the first round of reductions has more or less been implemented, the second round, comprising reductions of 15 per cent in 2000, has yet to be realized due to political procrastination and stalling manoeuvres. There is a need to look beyond 30 per cent to the shape and structure of the entity armed forces in the coming years. Ms. Clare Short, of the UK government, hit the nail on the head during her keynote speech at a London symposium on military expenditure in developing countries earlier this year when she said: "Good pol-

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5 Cited in: [www.nato.int/sfor/trans/trans.htm](http://www.nato.int/sfor/trans/trans.htm).

icy and transparent management of funds is the way forward. I hope and expect we will see ministries of defence and military officials becoming the champions of reform, with a new determination to manage their budgets better and provide a better service to their people."<sup>6</sup>

A recurrent justification for not going ahead with reductions, currently proposed by national civilian and military officials is that there would be "no money to pay the pensions for de-mobilized soldiers". This is obviously not the case, as de-mobilized soldiers receive 60-70 per cent of their active duty pay in pensions, thus saving 30-40 per cent, which could be used to restructure and professionalize the armed forces. The bottom line is that large standing armies currently in force represent a de-stabilizing factor, which not only instils fear into the average citizen of Bosnia and Herzegovina but also discourages the type of foreign investment so desperately needed.

What kinds of defence forces are necessary? What is financially sustainable and how does neighbouring Croatia fit into this picture? The structure of the armed forces in Bosnia and Herzegovina is currently based on the undeclared postulation that each ethnic group requires its own armed force to defend itself against the others. Thus the Croat component, the VF-H, is only symbolically integrated into the Federation armed forces, and the Federation and the Republika Srpska armed forces (VRS) maintain reserve structures and stored weapons so that large-scale mobilization is theoretically feasible should hostilities break out again. The senior military officers of both entities are increasingly coming to the realization that this is an unlikely scenario and one they cannot afford to maintain.

It is also a scenario that has depended on foreign military support. All financial support for the VF-H has come from Croatia. In addition to the "Train and Equip" programme for the Federation of Bosnia and Herzegovina army started by the US, the VF-B (Bosniak) component is likewise known to be receiving unspecified funds, which are said to be brought into the country in cash-heavy briefcases from the Middle East. Although on the decrease since Operation Allied Force conducted air strikes over the Federal Republic of Yugoslavia (FRY), Republika Srpska receives limited financial assistance from Belgrade and many VRS officers are still trained at FRY academies and staff colleges. Most of these programmes are now drying up, and this presents an opportunity to provide increased transparency and an eventual phase-out of all foreign military support. Croatia has agreed to transmit its reduced subsidies through official open channels, under the supervision of the SCMM, the state-level body in Bosnia and Herzegovina charged with defence policy. In early May 2000, an agreement was signed between the Ministry of Finance of the Republic of Croatia and the Ministries of Finance and Defence in the Federation of Bosnia and Herzegovina on specific means of transfer and usage. It is time for other donors to take similar action and these

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6 Cited in: Security Sector Reform and Military Expenditure Symposium, London 15-17 February 2000, <http://www.worldbank.org/publicsector/pe/military.htm>.

subsidies should be accounted for in the military budgets of the two entities. Whether this is realistic or not will be dependent on the parties' ability and/or willingness to strengthen the SCMM Secretariat,<sup>7</sup> which currently does little more than act as a mailbox for the military advisors to the three members of the joint Bosnia and Herzegovina Presidency. The entities' armed forces should prepare for an end to foreign military support by planning to finance the programmes supported by foreign donors themselves, or by gradually phasing them out.

The end result of the reduction process should be significantly smaller and restructured armed forces. In private discussions, those who are responsible for defence issues encourage professional, not conscript, armed forces considerably smaller than their present size, oriented to facing challenges from abroad rather than from within, and with capabilities for peacekeeping, participation in the PfP programme, disaster relief etc. Some are willing to envision a single armed force at the end of the evolutionary path, though one based on homogeneous units. Others would maintain entity structures, but with much more integration of command and policy at the state level and more emphasis on joint operations. Under such a model, the core units would be professionally trained rapid reaction forces armed to deal with local conflicts, not to repel an invasion from a Cold-War type adversary. This would mean voluntary reductions on the ceilings on heavy weapons under the Florence Agreement,<sup>8</sup> and one could begin by eliminating the numerous exceptions to the Agreement.

When the international community sits down with defence officials or politicians in Bosnia and Herzegovina and discusses these topics, the conversation quickly turns to security guarantees. "We live in a dangerous neighbourhood," our interlocutors say, "especially with Milošević still in power in Belgrade. If NATO or the EU agreed to guarantee our security, we could afford to take these security risks. We no longer believe there is a threat from the other entity, but the threat from abroad still exists." Outright NATO or EU security guarantees are not in the cards. But this does not mean that a regional co-operative security arrangement supported by NATO, Russia and the EU cannot fill this gap. With the new government in Croatia and a potential fast track for a Croatian association with NATO, there is a real possibility for co-operation between Bosnia and Herzegovina and Croatia to form a keystone of

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7 The SCMM Secretariat was at long last established in July 1999. It is housed in the Joint Institutions Building in Sarajevo and consists of the three military advisors to the Bosnia and Herzegovina Presidency (at the General level), three military assistants (from the Major to the Lieutenant Colonel level) and three secretaries. Although its staff is highly capable and has the best intentions, the political willingness from the top to provide them with the necessary resources and authority to make the Secretariat a solid and effective body is non-existent.

8 Cf. Article IV; Annex 1-B, of the Dayton Agreement. The Florence Agreement, of 14 June 1996, is a sub-regional arms control mechanism regulating conventional heavy weapons covering, and signed by the Republic of Croatia, Bosnia and Herzegovina (state-level), the Federation of Bosnia and Herzegovina, the Republika Srpska and the Federal Republic of Yugoslavia.

this co-operative security arrangement. Continued NATO presence in the region will provide the necessary basis for co-operative security. As the US military finds it increasingly difficult to conduct live-fire exercises in Germany, due to strict environmental legislation, it cannot be ruled out that it will look to the Balkans for alternatives. The Livno-Glamoc range complex operated by the Federation of Bosnia and Herzegovina army, located in western Herzegovina, could become a live-fire range used not only by US forces in Europe but also by NATO and EU rapid reaction forces deployed in the region. This would help to maintain their readiness and offer training grounds for PfP-type exercises with Croatian and Bosnia and Herzegovina forces. Such a move should be welcomed, as it would send the right signals, i.e. long-term NATO engagement in the region and thus security guarantees for Bosnia and Herzegovina. This would mean that after SFOR and KFOR were gone, NATO would be waiting in the background ready for rapid redeployment, a capability that should be exercised from time to time as was done annually in South Korea through the "Team Spirit" manoeuvres and in West Germany through NATO "Reforger" manoeuvres. Croatia should play an essential role in this by acting as a transit country for troops from Hungary, Italy or the Adriatic.

New confidence- and security-building measures (CSBMs) can play an important role in a co-operative security system. The system set up by Hungary and Romania provides a useful example in this regard. Croatia and Bosnia and Herzegovina could begin to discuss such CSBMs, with the expectation that post-Milošević Yugoslavia would join at a later date. Components of such a system could include: constraints on stationing or movements of military forces within ten kilometres of the border; constraints on mobilization; an enhanced inspection regime to include aerial observation; visits between units; and joint exercises, especially exercises involving assistance to the civil authorities (disaster relief). A peacekeeping brigade involving Croatia, Bosnia and Herzegovina, Slovenia, and perhaps Hungary as well, would provide a stimulus to integration of the three military contingents in Bosnia and Herzegovina and would help pave the way for PfP activities in the region. This kind of interaction could stimulate the development of complementary defence doctrines and democratic control of the armed forces, which would promote co-operative security. Of course there must be a seat for post-Milošević Yugoslavia at this table.

Another goal in building co-operative security should be increased control of the intelligence services. As the Head of the OSCE Mission to Bosnia and Herzegovina noted, "it is no exaggeration to suggest that the emerging relationship between extremist politicians, the remnants of the old security services, and organized crime in this country represents the single greatest obstacle to democratic reform, economic investment and membership in Euro-Atlantic institutions."<sup>9</sup> There are three intelligence services operating subver-

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9 Robert L. Barry, Speech at Sarajevo University, 20 October 1999.

sive campaigns in Bosnia and Herzegovina as evidence from the SFOR raid, known as "Operation Westar"<sup>10</sup>, at the Bosnian Croat service (SNS) in Mostar in October 1999 confirmed. The SNS, linked to the Croatian intelligence services, has carried out a variety of operations often in support of organized crime. It is suspected that the Bosniak service, AID, has similar links to organized crime, and like the SNS, it carries out political actions in support of the ruling party. The Republika Srpska service is closely linked to Milošević and likewise carries out a variety of unsavoury and illegal operations. It is time to bring these services under control, cut off their ties to Croatia and Serbia, and professionalize or dismantle them entirely. Croatia can set an example here by cutting off support to the SNS.

The elections in Croatia have opened new perspectives for co-operation between Bosnia and Herzegovina and Croatia. As seen during the Mesić visit, the leaders of both countries have already begun to set an agenda to take advantage of new opportunities. There should be a strong co-operative security aspect to this agenda, first of all because both countries must reduce military spending if their economies are to survive, and because co-operation is the only way to ensure security with greatly decreased levels of spending. Now is the time for the two sides to begin an intensive dialogue on their roles in South-eastern Europe. This is the best way to develop a strategic partnership between Croatia and NATO.

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10 Operation Westar involved over 1,400 SFOR troops. After seizing thousands of documents and computer files, SFOR obtained information on the operations of Croatian and Bosnian Croat intelligence services, including the surveillance of international officials and local staff of international organizations. Particularly alarming was the confirmation that the intelligence services were engaged in criminal activity, including child pornography, for the purpose of raising revenue.



## Economic Transformation and Limitation of New Risks



## Environmental Problems as a Cause for Conflict within the OSCE Region<sup>2</sup>

### Overview

Since the end of the Cold War, policy-makers have been faced with the complexity of an international security system in which non-traditional security threats having local, national, regional and worldwide scope are increasing in intensity and where many processes are beyond the control of individual governments. The Organization for Security and Co-operation in Europe (OSCE) as a regional institution is adjusting to this changing framework through adopting a comprehensive and broad security approach as reflected in its official mandates such as the Helsinki Final Act, the Charter of Paris, the Bonn Document, the Budapest and Lisbon Documents, and the Charter for European Security. In particular, the OSCE has begun to address security challenges in a more comprehensive way to include themes such as the environment since the potential for environmental conflict is a security risk within the OSCE region. One of the most visible examples is the growing tension among Central Asian states over energy and water issues, which are considered as a potential threat to regional stability. Other regions within the OSCE sphere of influence with environmental and security challenges include South-eastern Europe, the Caucasus, and Central and Eastern Europe. Despite the important work of the OSCE in, *inter alia*, the areas of arms control, preventive diplomacy, confidence- and security-building measures, human rights and election monitoring, this article will focus primarily on the OSCE's efforts in the environmental dimension. The purpose of this article is to provide a brief overview of the nexus between environment and security, to examine those regions where OSCE activities take place and there is a risk of environmental conflicts, to describe the various activities and institutional approaches of OSCE work related to the environment, and to discuss political instruments and means to prevent environmental conflicts in the future.

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2 The author would like to thank Tom Price (Co-ordinator of OSCE Economic and Environmental Activities), Harald Neitzel (German Ministry for the Environment, Nature Conservation and Nuclear Safety) and colleagues from Ecologic, Stefanie Pfahl, Alexander Carius, and Andreas March, for their valuable comments and suggestions.

The concept of "environment and security" has gained in importance since the end of the Cold War and has increasingly been placed on the international political agenda. In 1987, the World Commission on Environment and Development (WCED) stressed the connection between environmental degradation and conflict in the Brundtland Report.<sup>3</sup> Since the publication of this document, both the scientific and the policy community began to examine the linkages between environmental change and security and in particular to consider the conflict potential of negative environmental trends such as resource depletion, distributional conflicts over scarce resources (i.e. water, soil, wood, etc.) rapid population growth, the growth of migratory movements leading to the danger that immigration regions would be destabilized thus causing societal problems holding a social conflict potential.<sup>4</sup> The main thrust of this research was to look at cases of violent conflict and then to investigate the environmental factors involved.

This comparative research demonstrated that environmental degradation and resource scarcity could - under certain political, economic and social conditions - contribute to or accelerate the outbreak of violent conflict mainly in the developing countries and countries in transition.<sup>5</sup> Peace and conflict research has also shown that regions susceptible to environmental conflicts are located primarily in the south either in underdeveloped regions that lack development policy alternatives or regions that are characterized by a history prone to conflict. For example, the civil wars of Rwanda and Sudan, mining conflicts in the Southern Pacific, the water conflicts in the Jordan River Basin and the Euphrates and Tigris River Basins, as well as the intra-state or inter-state tensions on the Indian subcontinent bear testimony to the political volatility of conflicts related to environmental degradation or resource scarcity.

The research also helped to clarify that there is no direct, mono-causal relationship between environmental degradation, resource scarcity and conflict. Instead environmental degradation and resource scarcity is embedded in a broader context of factors, which can contribute to or accelerate the incidence

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3 World Commission on Environment and Development, *Our Common Future*, New York 1987.

4 Cf. Alexander Carius/Kerstin Imbusch, *Environment and Security in International Politics - An Introduction*, in: Alexander Carius/Kurt M. Lietzmann (Eds.), *Environmental Change and Security: A European Perspective*, Berlin/Heidelberg/New York 1999, pp. 7-30; Kurt M. Lietzmann/Gary D. Vest, *Environment and Security in an International Context*, NATO/CCMS Pilot Study Report No. 232, Brussels 1999.

5 Research findings are stated in the following projects reports: (1) the Project on Environment, Population and Security, conducted by Thomas Homer-Dixon of the Peace and Conflict Studies Program of the University of Toronto and the American Association for the Advancement of Science (AAAS); (2) the Environmental Conflicts Project (ENCOP) led by Kurt R. Spillmann of the Centre for Security Studies and Conflict Research at the Swiss Federal Institute of Technology Zurich (ETHZ), and Guenther Baechler of the Swiss Peace Foundation; and (3) the Global Environmental Change and Human Security Project (GECHS) of the International Human Dimensions Programme, University of Victoria, Canada, under the Chair, Steve Lonergan.

or escalation of conflict.<sup>6</sup> Moreover, the research also showed that these contextual factors can predispose a society to instability and make it especially susceptible to environmental problems.<sup>7</sup> Examples of contextual variables that may lead to a security risk when they interact with other socio-economic and political factors may include the following: unstable economies, unjust social systems, and repressive governments; resource competition over common use of natural resources (i.e. water, fisheries, energy, etc); growing environmental pollution (water and air); ethnic and religious rivalry; and migration or refugee flows, etc.

This research has also demonstrated that environmental change and resource scarcity do not lead directly to violent conflict but very often to co-operation. Therefore it is increasingly understood that environmental change and resource scarcity also create strong incentives for co-operation and collective action. Another general conclusion derived from the research is that co-operation on common environmental issues can establish dialogue and lines of communication that may be valuable in reducing regional tensions also arising from non-environmental problems.<sup>8</sup>

Despite the evidence provided by the peace and conflict research and environmental community to define the close relationship between environmental problems and security risks, the policy areas of environment and security remain largely separate. Although empirical studies have shown that the environment matters in processes of political conflict, there has been limited success in integrating environmental concerns into foreign and security policy. However, there are ongoing political efforts in various national governments and institutions for a more co-operative and integrative approach towards the prevention of environmental conflicts or its peaceful resolution. For example, the German Foreign Office in co-operation with the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety and the Federal Ministry for Economic Co-operation and Development recently conducted an international workshop entitled "Environment and Security: Crisis Prevention Through Co-operation" and began the battle of surmounting institutional fragmentation at the national level.

Overall the debate on redefining security over the past decade has added environmental aspects as another element on the security policy agenda. There are now research attempts to analyse the whole constellation of factors that promote or impede violence in order to generate useful policy advice. For example, the Swiss Peace Foundation is undertaking new research efforts to examine the issue of co-operation and confidence building in the context of international environmental co-operation to determine how policy-makers can apply this empirical research to concrete policies targeted at conflict preven-

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6 Cf. Carius/Imbusch, cited above (Note 4), Lietzmann/Vest, cited above (Note 4).

7 Cf. Norman Myers, *Ultimate Security: The Environmental Basis of Political Stability*, New York 1993.

8 Cf. Nils Petter Gleditsch, *Environmental Conflict and Democratic Peace*, in: Nils Petter Gleditsch (Ed.), *Conflict and the Environment*, Dordrecht 1997, pp. 91-106.

tion.<sup>9</sup> This is especially relevant since those factors contributing to conflicts such as environmental degradation and resource depletion are complex and dynamic processes requiring new and innovative policy approaches in conflict resolution and management.

Successful crisis prevention therefore requires that national governments and international institutions endeavour to integrate preventive approaches from the environment- and development-policy sector with those of the foreign- and security-policy sector.<sup>10</sup> This is significant since it is increasingly recognized that each policy sector can contribute, with its specific problem-solving mechanisms and instruments, to the prevention or management of conflict. Policy-makers are now beginning to recognize that new approaches to policy-making will be required to take into account environmental considerations and target the root causes of conflict.

In addition to the OSCE, several institutions are attempting to address environmental issues as a factor on the international agenda in conjunction with traditional security and economic development approaches. These various institutional developments emerged due to the environment and security debate referred to above that gained prominence during the 1990s in North America and Western Europe. Although still in the early phases of development, the following institutions are undertaking activities in the realm of environment and security.

- Since the *United Nations Environment Programme* (UNEP) was established in 1972, it has become the lead agency on environmental matters within the UN. In response to the changing environmental and security agenda, the *Task Force on Environment and Human Settlements* has reassessed UNEP's contribution to environmental conflict prevention and its related tasks. This includes assessing how UNEP can help to prevent environmental disputes and conflicts through utilizing its own instruments and internal capacities such as the following: early warning, environmental monitoring and reporting, developing environmental action plans, initiating new legal instruments and providing assistance to build environmental competence in developing countries.<sup>11</sup>

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9 These research efforts include the following projects: (1) ECOMAN (Environmental Change, Consensus Building and Resource Management in the Horn of Africa) analyses natural resource use and distribution conflicts in river basins, arid and semi-lowlands as well as in highland-lowland interaction systems at the various levels (i.e. local, national and regional). The main goal of the project is to combine traditional mechanisms or knowledge in managing land and water resources with alternative dispute-resolution methods adapted to the specific arenas in the Horn environment. (2) ECONILE (Environment and Co-operation in the Nile Basin) aims to assess the present-day development of international water usage in the Nile Basin. The goal of the project is to intensify already existing co-operation between the countries involved and to complement and expand the intergovernmental search for sustainable water management options.

10 Cf. Carius/Imbusch, cited above (Note 4).

11 Cf. Sabine Hoefnagel/Aiko Bode, Achievements and Limitations of International Environmental Regimes and Institutions in Positive Dispute Prevention: UNEP's Role, in:

- Various *European Union* institutions have internally addressed the environment and security debate with a diverse array of approaches.
- The *Committee on Foreign Affairs, Security and Defence Policy of the European Parliament* recently prepared the so-called Theorin Report.<sup>12</sup> This report focuses primarily on the ecological consequences of military activities but also covers the relationship between environmental degradation and its security implications. After publication of the Theorin Report, the European Parliament adopted a resolution on environment, security and foreign affairs<sup>13</sup> calling for the preparation of a common strategy dealing with the relationship between security, the environment and other EU policies.
- Within the *EU Commission*, the *Directorate-General for External Relations*, deals with conflict prevention and the environment on a conceptual level. Specifically in the context of environment and security, the Directorate-General for External Relations launched two programmes in 1997. The first programme was the pilot phase comprising work carried out by the *Conflict Prevention Network (CPN)*<sup>14</sup> categorizing conflictual situations and possible political approaches of conflict prevention. The second programme consisted of a series of seminars on "European Security and the European Union's External Economic Policies" launched in 1996/97, which examined new threats to European security. One of these seminars specifically dealt with questions of environmentally related threats to European security.
- Within the *EU Commission*, the *Directorate-General for Environment* conducted an informal assessment of its present and future policies in order to begin examining the subject of the environment and security. As a first step, the Directorate-General for Environment is undertaking preliminary activities that will complement the work being undertaken in the other directorates (trade policy, development assistance, research and development).
- Since the end of the Cold War, the *North Atlantic Treaty Organization* (NATO) has enhanced its co-operation and dialogue with partners outside NATO and with countries of Central and Eastern Europe and the former Soviet Union. As a result, NATO has expanded its security definitions and approaches in both the regional and global context. In particular, the Strategic Concept of 1991 complements the emphasis on the

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Alexander Carius/Eileen Petzold-Bradley (Eds.), *Responding to Environmental Conflicts: Implications for Theory and Practice*, Dordrecht (forthcoming publication).

12 European Parliament/Committee on Foreign Affairs, Report on the environment, security and foreign policy (reporter: Maj Britt Theorin), 1999.

13 Official Journal 1999C128/92, Resolution A4-0005/99.

14 The CPN is a network of academic institutions, NGOs and independent experts.

defence dimension of security and recognizes that security and stability have political, economic, social and environmental elements.<sup>15</sup>

- Through the *NATO Committee on the Challenges of Modern Society* (CCMS) framework, Member States conduct pilot studies and projects on a wide range of topics such as transboundary air and water pollution, marine oil pollution, and environmental problems stemming from the use of modern technology. Most recently, a pilot study was completed in 1999 that examined the theme of "Environment and Security in an International Context".<sup>16</sup> This pilot study is unique since it compiles the state-of-the-art research on the relationship between environmental change and security and is directed towards those who hold the stakes politically in different policy sectors. Most importantly, the interdisciplinary nature of the study provided a multilateral forum for co-operation, exchange and dialogue between and among policy-makers from the environmental, development, foreign and security policy communities.
- Within the *NATO Scientific and Environmental Affairs Division* (i.e. the *Science Programme*), several advance research workshops have been carried out on environment and security themes including the following: "Conflict and the Environment"; "Environmental Change, Adaptation and Security"; "Responding to Environmental Conflicts: Implications for Theory and Practice"; and "The Caspian Sea: A Quest for Environmental Security".
- In the framework of the *Organization for Economic Co-operation and Development* (OECD), in 1998, the *OECD Group on Economic and Environmental Policy Integration* (*Environment Directorate, Environment Policy Committee*) issued a scoping paper on the economic dimension of the environmental security problem. More recently the *Informal Task Force on Conflict, Peace and Development Co-operation* has engaged in a policy development and consultative process which is targeted at updating the *Development Assistance Committee's* (DAC) "Guidelines on Conflict, Peace and Development Co-operation" by December 2000.

With this environment and security nexus in mind, it is important to identify what are the potential environment and security risks in the OSCE region, to distinguish how the OSCE is undertaking activities in the environment field, and to determine where the OSCE can strengthen its existing capabilities within its sphere of influence to contribute to the prevention of environmental conflicts.

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15 Cf. NATO, Strategic Concept of 1991, at: [www.nato.int](http://www.nato.int).

16 Lietzmann/Vest (Eds.), cited above (Note 4).



Despite the end of the Cold War, the number of security threats has not diminished within the OSCE region. For example in the past ten years, the OSCE has been involved in post-conflict rehabilitation in regions such as Bosnia and Herzegovina, Albania, Kosovo, etc. This includes supporting peace operations involving a variety of new missions (e.g. refugee settlement, humanitarian assistance, nation-building, post-conflict rehabilitation, disaster relief) which all have an environmental component. Helping societies to recover from war, to build sustainable peace, and to foster economic co-operation and development has become a major task for the OSCE.

There are also security risks that characterize the OSCE region including some more specifically related to the environment. According to section 2.3 of the OSCE Parliamentary Assembly's "Petersburg Declaration" environmental issues within the OSCE region include the following: managing fresh and sea water resources; curtailing emissions of carbon dioxide and the consumption of fossil fuels; reducing the local pollution of rivers, lakes and seas; sustainable use of renewable resources (i.e. forests and land for agricultural use, potable water, fish stocks, etc.); limiting the transport of toxic radioactive waste; and preventing a nuclear catastrophe.<sup>17</sup> These are just a few of the complex environmental problems that are commonly found in the participating States in the OSCE region that - if not addressed appropriately through environmental policy measures - may lead to further security challenges. Highlighted below are further examples of several hotspots in the OSCE region, which have the potential for future conflicts related to the environment.

#### *Central Asia*

In the Central Asian region, the main inherent source for potential conflict is managing the water and energy resources derived from the Aral Sea Basin in a collective manner. Resource competition and tensions are increasing among users over issues of water quantity and quality of the two main rivers of the region, the Amu Darya and the Syr Darya.<sup>18</sup> One of the most acute disagreements over resource sharing is related to the "energy-agriculture" trade-off between upstream countries (Kyrgyzstan and Tajikistan) and downstream countries (Kazakhstan, Uzbekistan and Turkmenistan). Since the Aral Sea Basin is now shared by five newly independent Central Asian republics, finding common solutions to managing the basin without resource competi-

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17 Cf. Thomas Onken (reporter), Common Security and Democracy in the 21st Century. Draft Resolution for the General Committee on Economic Affairs, Science, Technology and Environment. The OSCE 8th Annual Parliamentary Assembly Session, St. Petersburg 1999, PA(99)II2E.

18 Cf. Erika S. Weinthal, Applying the Lessons from the Aral Sea Basin: The Role of Non-State Actors, in: William Ascher/Natalia Mirovitskaya (Eds.), The Caspian Sea: A Quest for Environmental Security, Dordrecht 2000, pp. 295-312.

tion or conflict is the key challenge for the Central Asian states. Another factor compounding tensions in the region is that all the states continue to face many similar political, economic, environmental and social problems.

The main problem for the Central Asian states is that they inherited a system from the Soviet era that gave preference to certain economic activities, which were unfavourable to the environment such as monocultural agriculture. As a result of this system, unsustainable water management strategies such as excessive development of irrigation in the basin for cotton production and uncontrolled water pollution occurred and had a series of negative environmental effects. This included the desiccation of the Aral Sea, the drying of the lake bed, the deterioration of water quality, the increasing salinity of the adjacent land, food scarcity caused by diminishing fish supplies, and the resulting impoverishment of the affected population. Despite these developments, Central Asian states still continue to support an economy based on cotton monoculture and are still largely dependent on their limited water resources for most economic activities. Another point of contention is the fact that most Central Asian states view water as a public good and are reluctant to use market-based solutions such as water pricing to manage their common water resources.

In Central Asia, there is a great potential for enhancing regional security through greater environmental co-operation especially since political tensions among the responsible stakeholders continue to increase in this region. The OSCE is playing a more significant role in fostering peace in the region through utilizing its field offices in Central Asia to promote various confidence-building activities (e.g. organizing regional workshops, fostering dialogue and collaboration between national governments and with other relevant stakeholders such as NGOs, the private sector, etc.) to allow for strengthening political co-operation and increased political and economic stability and environmental co-operation.

#### *Black Sea and Caspian Sea Regions*

Two other areas within the OSCE region that are becoming a potential security concern are the Black Sea and Caspian Sea regions. With the opening of new transport links from the Caspian Sea Region to Turkey, Iran and Central Asia, this will offer the opportunity to forge new economic links to Europe from the eastern shores of the Black Sea to the Mediterranean. From the western Mediterranean to the Caspian, the expansion of pipelines for gas and oil is creating new prospects for both co-operation and conflict, with implications for security and prosperity in both the north and the south of the region. The effects of this oil and gas boom and the resulting disputes over new routes for energy transport are beginning to influence economic markets and the future of security in the region.

Within the past 40 years, the Black Sea has been unable to cope with increased ecological demands and to withstand extensive environmental degradation and is today in a state of environmental crisis. The Black Sea ecosystem (especially the coastal waters) has suffered from increased anthropogenic impacts including river drain changes, the use of chemicals for agricultural production, and the pollution of marine water and sediments. All these factors have influenced the physical and chemical properties of the water and the marine ecosystems leading to extensive environmental degradation, economic losses and environmental stress in the Black Sea.<sup>19</sup>

Shipping and transport-related problems (*inter alia* discharges near coastal zones, oil spills, shipping accidents, water pollution and excessive transport) also continue to be a primary environmental and security concern for the Black Sea region. Countries within the region are also experiencing environmental tensions over issues such as fisheries disputes, disagreements over the development of transboundary rivers, and regulating shipping and the transport of hazardous materials.

Within the Caspian Sea Region, intense geostrategic, political and economic competition as well as ethnic and environmental challenges are becoming a problem for regional stability.<sup>20</sup> All of these complex factors make developments in the region unstable and unpredictable with direct consequences for the economies and societies of the Caspian Sea states. The environmental issues that have potential effects on security include the following: environmental degradation and desertification, over-fishing of Caspian fish stocks (particularly sturgeon) and the loss of biological diversity in coastal areas. Security implications may also arise if oil and gas pipelines were to be built through areas characterized by political tensions and where natural disasters and geological instability are common (i.e. earthquakes, flooding from sea level rises, mudslides and sinkholes, etc). Another challenge is the unresolved legal status of the Caspian Sea hindering the creation of an environmental regime that could contribute to greater environmental co-operation and regional stability. The point of contention concerning legal status is that currently the Caspian Sea, both as a whole and partially, does not definitively come under the jurisdiction of a single littoral state and the boundaries for its offshore resources and water column are still to be demarcated under international law.<sup>21</sup>

As highlighted in the examples above, it is clear that the geographical scope of the OSCE region is quite extensive with various environmental and security challenges. These examples are not exhaustive but are meant to illustrate the factors that have an impact on the environmental conflict potential in the OSCE region. More importantly, the cases highlight how social, political,

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19 Cf. Eileen Petzold-Bradley/Irena Rudneva, Environment and Security Challenges: Case of the Black Sea Region, in: Carius/Petzold-Bradley (Ed.), cited above (Note 11).

20 Cf. William Ascher/Natalia Mirovitskaya, Introduction, in: Ascher/Mirovitskaya (Eds.), cited above (Note 18), p. 1-10.

21 Cf. *ibid.*

economic and environmental challenges experienced by most of the countries in these regions are key factors that create both internal and external conflict. Within these regions there is also the common notion that there are a lack of legitimate environmental agreements for resource management and also limited regional co-operation in all policy sectors (energy, industry, agriculture, environment, etc.) for effective regional co-operation between the states affected.

### *OSCE Activities in the Realm of Environment and Security*

The growing importance that environmental issues play in the security equation have led to further developments in the comprehensive and broad security approach of the OSCE as reflected in the Helsinki Final Act of 1975, the Charter of Paris of 1990, the Bonn Document of 1990, the Budapest Document of 1994, the Lisbon Document of 1996 and the Istanbul Charter for European Security of 1999.<sup>22</sup>

The OSCE has been progressively integrating environmental issues into its security concept and also undertaking efforts to identify the risks to security arising from economic, social and environmental problems. This has included the appointment of the Co-ordinator of OSCE Economic and Environmental Activities within the OSCE Secretariat, who is responsible for issues such as economic development, science, technology, and environmental protection in relation to international security.<sup>23</sup> The Co-ordinator is responsible for organizing regional workshops on relevant environmental and security themes and also for developing co-operative schemes with other relevant interna-

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22 Early on in the Helsinki Final Act, the States participating in the Conference on Security and Co-operation in Europe (CSCE) expressed their conviction that "efforts to develop co-operation in the fields of trade, industry, science and technology, the environment and other areas of economic activity contribute to the reinforcement of peace and security in Europe and in the world as a whole". 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. 156. At the Lisbon Summit in December 1996, the Heads of State or Government called on the OSCE to "focus on identifying the risks to security arising from economic, social and environmental problems, discussing their causes and potential consequences, and draw the attention of relevant international institutions to the need to take appropriate measures to alleviate the difficulty stemming from those risks". Organization for Security and Co-operation in Europe, 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. 422. Furthermore, in the Charter for European Security adopted in Istanbul in November 1999, it was acknowledged by OSCE participating States that acute "economic problems and environmental degradation may have serious implications for our security". Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, reprinted in the present volume, pp. 425-443, here: p. 427.

23 The OSCE Permanent Council established this office of the Co-ordinator of OSCE Economic and Environmental Activities on 5 November 1997. Cf. PC Journal No. 137, Decision No. 194, PC.DEC/194, 5 November 1997.

tional institutions in evaluating and dealing with environmental risks to security.<sup>24</sup> This includes organizing preparatory workshops and follow-ups of the Economic Forum (established as an annual meeting at the Helsinki Summit of 1992).

In particular, the seventh OSCE Economic Forum was dedicated to the theme of "Security Aspects in the Field of the Environment" and several preparatory seminars were held in Tashkent, Istanbul, Malta and Warnemünde as preparation for this Forum covering the following topics: pollution issues, biodiversity, water and energy management, nuclear safety and waste disposal, energy and climate protection, public participation and sustainable development. During the Economic Forum, the following subjects were addressed in working groups and emphasized as important to the long-term stability and security in the OSCE region:<sup>25</sup>

*Working Group A:* This group discussed the importance of sustainable energy development, the relevance of institutional and legal settings (i.e. the European Energy Charter to facilitate energy co-operation), and the implementation of international conventions and instruments. In particular, OSCE participating States highlighted that ensuring secure energy supplies, competitiveness and efficiency, together with reconciling energy developments with environmental obligations is essential for security in the OSCE region. Furthermore, it was stated that the OSCE has the potential for facilitating international co-operation and the sharing of best practices in this field, encouraging transfer of technology and development of stable framework conditions for commercial investments.

*Working Group B:* This group focused on the sustainable management of scarce freshwater resources as of utmost importance to security in the OSCE area. It was reiterated that existing conventions for water resource management should be signed, ratified and effectively implemented in order to prevent potential conflict. Building on existing international instruments, it was suggested that the OSCE could, in the appropriate forums, give political impetus to and promote further consensus building on general principles and rules to apply to scarce water resources and/or transboundary water resource situations. It was agreed that the OSCE should play an important role in encouraging OSCE participating States to engage international and local organizations, NGOs and private-sector organizations dealing with the issue, in concerted efforts towards a constructive political co-operation process.

*Working Group C:* This group re-emphasized that public participation and the role of civil society is crucial in preventing conflicts. It was seen as instru-

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24 Cf. Secretariat of the Organization for Security and Co-operation in Europe (Ed.), OSCE Handbook, Third Edition, Vienna 1999, p. 133-136.

25 For the following cf.: Tom Price/Stuart Mast, Security Aspects in the Field of the Environment: A Review of the 7th Annual OSCE Economic Forum, Prague 1999. See also: OSCE Economic Forum (Senior Council), 4th Day of the Seventh Meeting, Chairman's Summary of the Seventh Meeting of the Economic Forum, 7-EF(SC).JOUR/4 of 28 May 1999, Annex.

mental and essential that all OSCE participating States ratify and implement the Aarhus Convention (*UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*). It was recommended that the core principles of the Aarhus Convention should be incorporated in the main body of the forthcoming Charter for European Security and to include these principles in the Istanbul Summit Declaration of November 1999.

*"Environment and Security" Special Working Group:* The relevance of environmental aspects of security within the context of the OSCE was also highlighted in this working group which based their research on the NATO/CCMS Pilot Study: "Environment in an International Context". This report was well received as a substantial assessment of the links between environment and security, illustrating the need to develop preventive and remedial policy responses in the areas of environmental, developmental, foreign, and security policy. The report also constitutes the first comprehensive policy paper that builds the ground for a conflict prevention strategy in the different policy areas, i.e. within the OSCE and the UN framework.

The following year, participants in the Eighth Meeting of the OSCE Economic Forum focused on the general theme "Economic Aspects of Post-Conflict Rehabilitation: the Challenges of Transformation", with an emphasis on the relationship between economics and politics. In preparation for this Forum, the Co-ordinator of OSCE Economic and Environmental Activities organized preparatory seminars in Tashkent, Sarajevo, and Tbilisi. During the Economic Forum, it was stressed that the OSCE's role in both conflict prevention and post-conflict rehabilitation is both unique and important. In this context, the role and work of the OSCE's field missions were highlighted as requiring further reinforcement and development. The following subjects addressed in the working groups were also emphasized as important to the long-term stability and security in the OSCE region:<sup>26</sup>

*Working Group I* (Economic rehabilitation and further steps in the transition: institution-building, rule of law and the role of civil society): In this group, the importance of confidence building between governments and minorities, transparency, good governance and strong institutions to combat corruption was highlighted. It was proposed that in the framework of the respective mission mandates, future OSCE activities might include monitoring the actual state of implementation of initiatives to combat corruption as well as the identification of programmes and training needs.

*Working Group II* (Environmental impact of conflicts and rehabilitation measures): The importance of environmental co-operation, both as a concrete conflict prevention measure and an indispensable element of post-conflict reconstruction and rehabilitation, was emphasized throughout the meetings of

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26 Cf. to the following: OSCE Economic Forum (Senior Council), 4th Day of the Eighth Meeting, Chairman's Summary of the Eighth Meeting of the Economic Forum, 8-EF(SC). JOUR/4 of 14 April 2000, Annex.

this working group. For example, the working group underscored the impartial and independent fact-finding technical assessment (e.g. the Balkans Task Force Report) which has helped to provide a useful and common frame of reference. The working group reiterated support for the *Regional Environmental Reconstruction Programme* (RERP) for South-eastern Europe. The RERP was cited as being probably the first example of a co-ordinated regional environmental response to a conflict where transboundary environmental projects played an important role in fostering regional security. The working group also recognized the importance of the stabilization and association process now launched between the EU and countries of South-eastern Europe as an important step in fostering peace and stability in the region.

The working group discussion also underlined the role of the OSCE in developing shared understanding on various aspects of environmental issues in the context of conflict (e.g. immediate cleanup of environmental damages, the organization of rapid intervention in environmental emergencies, developing parameters for successful regional environmental co-operation). The working group also held in-depth discussions on those water and energy issues affecting economic performance and posing a security challenge in the Central Asian states. This workshop discussion re-confirmed that water management is one source of tension in the region requiring the immediate attention of the OSCE. It was stressed during the discussions that there is a need for framework agreements to strengthen co-ordination including the creation of a dispute settlement mechanism to reconcile the competitive interests of the countries concerned.

*Working Group III* (Experiences with post-conflict rehabilitation efforts): This working group pointed out that post-conflict societies are often split along gender lines, in that women tend to be affected in a different and more dramatic way than men. The discussion also focused on the social and environmental consequences from the large flows of refugees within the Balkan region. In some cases it was emphasized that the impact of the refugee influx was overwhelming and costly for the recipient country. In the case of Albania, it was stated that the refugee crisis helped to channel aid directly into rehabilitation efforts to restore the environment and infrastructure leading to a situation there better than before the crisis. It was also reported that in a post-conflict situation, economic projects and co-operation initiatives could be used as instruments for conflict resolution and confidence building.

#### *The OSCE Role in Environmental Conflict Prevention Activities*

As a regional security organization, the OSCE has the authority to mandate peacekeeping operations, conflict prevention and management, and foster economic co-operation and development throughout its area of responsibility. This makes the OSCE indispensable for comprehensive security in Europe,

while at the same time restricting its range of action. In terms of determining the OSCE role in environmental conflict prevention activities, it is important to distinguish how the OSCE should build upon existing strengths and how it can best utilize its existing capacities to address regional and sub-regional environmental problems that pose a security risk.

According to its official mandate, the OSCE should build networks of regional co-operation and promote political synergies to avoid duplication of efforts. This includes co-operating at the local, national, regional and international levels with other relevant institutions in order to expand on the policy approaches necessary in the foreign and security, economic, technical assistance and environmental sectors for OSCE participating States. The most recent example of such an approach was the OSCE Economic and Environmental Co-ordinator's role in facilitating dialogue and co-operation among the various institutions working on the Environment Sub-Table of Table II of the Stability Pact which included the Regional Environmental Centre for Central and Eastern Europe (REC), United Nations institutions (UNEP and the UNECE), the European Commission and several environmental ministries from the Stability Pact countries.

However the specific role the OSCE could play in actively promoting co-operation, collaboration and dialogue in responding to environmental and security challenges in the OSCE region still remains to be determined. Since there are other institutions already designated to working in the realm of environmental co-operation in the OSCE region, it is critical to determine how the OSCE can be a value added in the field of environmental diplomacy and co-operation. As stated in the OSCE Parliamentary Assembly "Petersburg Declaration":

"The OSCE's role as mediator in economic, social and environmental conflicts should be carefully enhanced. In situations where other international organizations have not already assumed a mediating role, or where the OSCE appears particularly suitable for the task, the Chairman-in-Office must take greater advantage of the opportunity to appoint the Coordinator or other suitable personalities to mediate in situations of acute tension or in disputes, to seek solutions and make recommendations".<sup>27</sup>

With its present capacities, the OSCE could help to promote the use and further development of existing policy instruments and strategies in respective policy areas to address environmental security risks. This could also involve enhancing ongoing bilateral and multilateral initiatives to promote the harmonization of European and international environmental policy standards and to guarantee the successful implementation of international environmental agreements. The OSCE might be able to further elaborate its approach to as-

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27 Onken, cited above (Note 17).



sist OSCE Participating States in addressing environmental concerns related to security through the following measures:

- 1) identifying the different instruments available for preventing and resolving conflict (i.e. legally binding agreements, conventions, protocols, and non-binding "soft laws" and norms);
- 2) exploring and clarifying the underlying principals of these instruments; and
- 3) facilitating the development of "soft laws" and the sharing of information and experiences between OSCE countries (OSCE 1999).<sup>28</sup>

In the case of transboundary environmental issues, the OSCE could play an instrumental role in encouraging regional co-operation in the various fields of environmental protection that can ultimately strengthen confidence-building mechanisms among neighbouring countries in pre- or post-conflict situations. This might include building on the positive experiences with existing transboundary river commissions and bilateral and multilateral conventions on international rivers and transferring them to countries with tensions over water or energy resources. Lessons learned through similar transboundary projects such as the Rhine and Danube Conventions and the process of exchanging know-how between the various sub-regional organizations (i.e. Council of the Baltic Sea States, Black Sea Economic Cooperation, Barents Euro-Arctic Council, etc.) could be communicated and transferred to other regions experiencing similar environmental challenges.

The OSCE could intensify its current efforts in assisting OSCE participating States to implement conventions such as the UNECE Convention on the Law of the Non-Navigational Use of International Watercourses and the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). The OSCE could also play a significant role in encouraging inter-state and regional co-operation on transboundary issues in developing principles for the equitable sharing of water resources, and in promoting the full and rapid implementation of these principles.<sup>29</sup>

It is also expected that areas for future co-operation in the OSCE regional context might include co-ordinating the work among the OSCE regional field missions and the multitude of other organizations (especially NGOs reaching across boundaries) in the various fields of environmental, economic, technical assistance, foreign and security policy. Through enhancing the role of field missions in OSCE participating States, this could contribute to greater environmental conflict prevention. For example, the OSCE field missions could provide additional early warning, on-the-ground monitoring and mediation assistance according to their respective mandates. Field missions

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28 Cf. OSCE Handbook, cited above (Note 24).

29 Cf. Price/Mast, cited above (Note 25).

could accomplish this by regularly identifying national and transboundary environmental issues through reports in which both economic and environmental matters intersect with security and stability concerns. These reports could also be shared with other regional institutions and national governments in order to design more effective preventive policy measures and to provide more political and technical support leading to greater co-operation. The OSCE also has the potential to play a more proactive role in regional co-ordination among academics, scientists, NGOs, and officials from the business and government sectors in order to transfer the required knowledge for responding to environment and security challenges. In this way, the OSCE could help co-ordinate interagency co-operation among foreign and security policy actors and institutions with relevant development and environmental organizations. This is extremely important in order to bring all policy stakeholders together in a more co-ordinated and integrated fashion at both the international and regional levels to improve policy-making.

### *Outlook*

It is important that the momentum gained during the past two years to address environmental and security challenges leads to more concrete measures both within the OSCE and in its field missions. However to further strengthen its environmental conflict prevention capacities, the OSCE has to clarify its role and future agenda to respond to environmental and security challenges. As an important step, the OSCE needs to formally assess those environmental problems that are relevant to its own security concerns and to determine whether it can take further action within its mandate. Since the OSCE does not have an "environmental mandate" per se, any activity in this regard would need to be co-ordinated between the OSCE and the appropriate and competent institutions in this policy arena (i.e. mainly the UNECE and EU).

Once this has been achieved, the OSCE can further develop its unique capabilities to respond to environmental problems that are directly related to security. This may include utilizing its internal capacities to systematically analyse and evaluate the root causes of environmental conflict, identifying potential "hot" spots within OSCE regions in order to improve its capability to prevent future conflicts, and designing policy approaches that promote environmental and economic stability. This may also include strengthening the role of the relevant OSCE bodies responsible for environment and security activities such as the office of the Co-ordinator of OSCE Economic and Environmental Activities through providing additional staff and budgetary resources. It is also necessary that other OSCE departments such as the Conflict Prevention Centre (CPC) and the Parliamentary Assembly more effectively co-ordinate their activities and interact more frequently with the Co-

ordinator of Economic and Environmental Activities to have a common security approach to environmental conflict prevention.

To become more operational, the OSCE should expand on its comparative advantage by building on its field missions and its internal and external capacities. The OSCE could more effectively devise its own strategies for preventive projects and activities (i.e. such as elaborating this in codes of conduct) with relevant partner organizations that have a mandate for the environment (i.e. UNECE and EU) and security and stability (i.e. NATO). The OSCE should also continue to strengthen its internal capacities and efforts to enhance security, to foster greater co-operation and peacemaking, and prosperity throughout the OSCE region. This might include deploying more *ad-hoc* groups for crisis management particularly in areas where mediation does not exist. The recent UK initiative to send an OSCE fact-finding mission to Central Asia in March 2000 is a good example of such an approach.

In conclusion, the OSCE still has a potential for development in preventing crises with environmental policy components. This is particularly true for the office of the Co-ordinator of OSCE Economic and Environmental Activities. Since it has only been in existence for approximately three years, it is still in the process of defining its role in this capacity. The work carried out so far on environment and security in regional workshops and the Economic Forums have been important initial steps in shedding light onto this theme within the OSCE. The work undertaken within the OSCE and its field missions in the Balkans, Central Asia and other regions are exemplary efforts that have helped to enhance security and stability in regions that are experiencing tensions (i.e. political, socio-economic, environmental, etc). It now remains up to the OSCE and its participating States to re-examine the operational tasks of the OSCE in its environmental dimension and to determine how to best integrate the areas of security and environment to foster peace and stability throughout the OSCE region.



## Small Arms: A Field of Action for the OSCE

There is a gross disparity between the designation of these weapons and the havoc they wreak. During the past decade three million people - some estimates even state the total at over five million<sup>1</sup> - have been killed by so-called "light" weapons or "small" arms. About 90 per cent of all war victims<sup>2</sup> are due to deaths from *small arms*.<sup>3</sup> In addition to this there have been numerous violent attacks against civilians, which do not find expression in the international statistics. Allegedly there are up to a billion small arms in circulation worldwide.<sup>4</sup> However there are no reliable figures available. Up until just recently, small arms and the effects of their huge-scale distribution have been ignored politically and statistically. What is more, this is a category of weapons that is used exclusively for killing people and furthermore it has been the only type utilized in every one of the 160 wars since 1945.<sup>5</sup>

There are three reasons why the problem of small arms has been disregarded for so long: *First*, governments have attributed the victory or defeat in the important wars of the 20th century to the use of large weapons. Later large weapons became the centre of interest of states and alliances in their efforts to limit and control arms. *Secondly*, there has never been a consensus on a practical approach to effective control of small arms. *Third*, states have not been willing to allow international control of the legal stock of small arms within their borders. The political neglect of small arms has led to their unimpeded and uncontrolled plethora all over the world. To undo this harm after the fact seems almost impossible. Although there is the political will in many states now to find a way out of this predicament, the practical problems have been mounting, e.g.:

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- 1 Cf. Jeffrey Boutwell/Michael T. Klare, A Scourge of Small Arms, in: Scientific American, June 2000, here: <http://www.sciam.com/2000/0600issue/0600boutwell.html>.
  - 2 Cf. Swadesh Rana, Small Arms and Intra-State Conflicts, UNIDIR Research Paper No. 34, March 1995, p. 1.
  - 3 There is no generally valid definition. *Small arms* are generally differentiated from *light weapons* in that they are designed to be used by one person. However specific weapons lists are more precise. Nevertheless, non-military goods are not treated uniformly. Most often there are three categories in the lists: (1) *small arms*, e.g. mechanical, half-automatic and automatic pistols and/or rifles; (2) *light weapons*, e.g. heavy-weight machine guns, mobile rocket launchers and small-bore mortars <100mm, as well as (3) accessory *ammunition*, cartridges, grenades, small missiles and landmines. In the following analysis the term small arms represents all three categories.
  - 4 Cf. Michael T. Klare, The Kalashnikov Age, in: Bulletin of the Atomic Scientists 1/1999, p. 19.
  - 5 Cf. Natalie Goldring, Bridging the Gap: Light and Major Conventional Weapons in Recent Conflicts. Paper prepared for the Annual Meeting of the International Studies Association, Toronto, 18-21 March 1997, p. 2.

- The *lack of comprehensive knowledge* on the nature and number of existing stocks of small arms and light weapons. This lack is valid for military arsenals and also those of the police as well as paramilitary stocks and especially for privately owned weapons. There is also no precise information on the extent of small arms and to whom they are distributed. Even the most reliable estimates are just rough approaches to the truth. An important aspect of this is that because of their long life there are now several generations of small arms in circulation and in use. The volume of used weapons in circulation has for some time now exceeded the transfer of new weapons many times over.
- The *insufficient transparency* of policies on the possession of small arms. There is barely any official information on procuring, importing and exporting small arms. If there is any such information, it is usually provided voluntarily, is not verifiable and therefore not reliable. States have up to now not been required to submit information to international organizations on small weapons.
- *Difficulties in detection*. Because they are so small and light, small arms are very difficult to detect and control. They are easy to transport, to smuggle and to hide. The information on legal stocks of small arms is very unreliable in itself and even less reliable for the millionfold illegal possessions of small arms and their distribution.
- *Easy access, low procurement costs, long life, trouble-free maintenance*, and comparably *straightforward handling*. The sum total of these special characteristics for small arms contributes to the low inhibition level individuals have in using them. This is particularly evident in places where "weapon cults" exist, in dictatorships, weak states and where there is a deficit in the development of civil society.<sup>6</sup> The humanitarian drama of the so-called "child soldiers" is a particularly ugly symptom associated with this phenomenon.
- *Cross-border organized crime*, members of which make deliberate use of small arms and are primarily responsible for their illegal dissemination. About 50 per cent of all transfers take place illegally.
- The increasing *privatization of security*. In many states, this has led to an increase in the distribution of small arms domestically. In the US and Great Britain the number of employees in private guard patrols now exceeds the number of state-financed policemen.<sup>7</sup> At the same time this high level of privatized security has proved to be a hindrance for legal limitations on the private possession of weapons.<sup>8</sup> The situation is par-

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6 Cf. Aidan McNamara, Uncontrolled Flows of Light Weapons to Regions of Conflict within the OSCE. A Case Study of the Caucasus (South Ossetia and Abkhazia), BASIC-PLW 1999, pp. 29-32.

7 Cf. Michael Renner, Small Arms, Big Impact: The Next Challenge of Disarmament, World Watch Paper No. 137, October 1997, p. 17.

8 Cf. Natalie Goldring, The NRA goes global, in: Bulletin of the Atomic Scientists 1/1999, p. 62.

ticularly bad where the privatization of security is accompanied by a tendency towards the erosion of the state monopoly on the use of force. This is especially evident in countries, which are marked by social transformation and conflict simultaneously. In principle: Effective control of military small arms in Europe cannot be achieved without consideration of the general problems of firearms.

The difficulties mentioned reveal the urgency of instituting a practical control mechanism for small arms. On the other hand, these problems demonstrate that there is little chance for rapid and drastic solutions. Some gains have been booked in the past few years through a series of national, regional and global initiatives from governments and non-governmental organizations (NGOs), which have simultaneously directed their energies at solving the problem of small arms and their spread. One of the reasons these initiatives emerged was that after the end of the East-West conflict, there was an indisputably dominant presence of intra-societal violent conflicts as opposed to wars between countries. Moreover, these conflicts were not only fought with small arms, but their massive distribution and the lack of control over them often made an escalation of local and regional violence possible in the first place. The fact that in Europe alone there have been more deaths from war during the nineties than the forty years preceding them, even though for the first time there has been a limitation on conventional arms, has contributed to a sensitization towards the role of small arms. And finally the success of the international landmine campaign is most likely also responsible for the fact that solutions leading towards the limitation and control of small arms no longer seem impossible. The OSCE is also expected to take action in this area.

#### *Why the OSCE?*

The wide-spread distribution of small arms is not only due to high demand, but also lies in their extensive availability. Manufacturers in OSCE participating States fulfil the requirements of approximately 80 per cent of the world market for small arms. Moreover, since the end of the Cold War, numerous OSCE States have been making an effort to hand over their surplus weapons on an inexpensive basis to state and private organizations within and outside Europe. In this respect there are manufacturers, suppliers, intermediaries and recipient states all united on OSCE space in a unique manner.<sup>9</sup> This is a major reason why the OSCE, which is based on the collective norms and principles of democracy, human rights and international security, cannot

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9 Cf. Geraldine O'Callaghan, BASIC's recommendations for the OSCE, in: BASIC-PLW 1999, Small Arms and Light Weapons: An Issue for the OSCE? Vienna, 9-10 November 1998, p. 7-12.

be allowed to withdraw from its global responsibility to stem the distribution of small arms. In any case, the problem of small arms is a topic, which is important for peace and security also directly in OSCE space.

*First*, there are numerous local and also larger regional conflicts in which violence occurs primarily through the use of small arms. In addition to the conflict zone in South-eastern Europe, there are other larger-scale conflicts predominantly in the area of the former Soviet Union and particularly in the Caucasus, Central Asia and Trans-Dniestria. However, even the sporadic local outbreaks of violence, separatist terrorist attacks and cross-border organized crime have been made possible through the use of small arms. At the end of the day, there is not one OSCE participating State protected from the dangers of small arms.

*Second*, the recognizable course of the conflicts in Europe and the more or less successful efforts to settle them provide proof that for the reconstruction of a democratically controlled monopoly on the use of force and for the protection of the civilian population in the course of direct post-conflict rehabilitation and long-term peace-building, the disposal of illegal weapons arsenals is absolutely necessary. The special OSCE ability to prevent conflicts makes it predestined to include this task in its long-term field missions.

*Third*, due to its comprehensive approach, the OSCE is better equipped than any other organization to deal with structural causes of violence in conflicts. Especially in reform societies, its instruments of prevention could contribute to drying up the sources of potential escalation in violence and thereby strengthening framework conditions to avoid an erosion of the monopoly on the use of force and encourage the stricter control of weapons. In addition to the strengthening of democratic institutions, the implementation of the principles of the rule of law is the area in which the most influence could be exerted. In this respect the OSCE is simultaneously a platform for a comprehensive European approach *as well as* a capacity in itself to solve these problems.

*Fourth*, the comprehensive approach utilized by the OSCE could also be helpful because, in the area of small arms, military and civilian spheres overlap and integrative solutions are required. Distribution on a massive scale, illicit possession and unauthorized reallocation are just some of the challenges facing us. One of the consequences of these problems is that combatants and non-combatants are no longer distinguishable in a violent conflict. In addition to its operational potential in effectively using its own instruments to prevent violence, the OSCE's comprehensive approach also gives it the authority to integrate and co-ordinate the actions of states and different organizations and thus bundle synergies and reduce wasteful redundancies.

*Fifth*, the OSCE has had years of experience dealing with complicated negotiations. It has been involved in the areas of arms control (CFE, Dayton), military confidence- and security-building (CSBMs, Open Skies), the crea-



tion of military and security policy standards (compilation of principles and a code of conduct). This experience has allowed the OSCE to develop its ability to find compromises for the appropriate integrated solutions, which, after the participants have approved them, can be implemented and monitored through its instruments in the field.

#### *An OSCE Balance Sheet*

While setting norms and standards, the OSCE has approved principles and codes, which - although they do not explicitly refer to the issues of small arms - are a foundation for a possible future OSCE approach to the problems of small arms. There are several areas that should be emphasized:

- the 1993 Principles Governing Conventional Arms Transfers,
- the Code of Conduct on Politico-Military Aspects of Security adopted in the 1994 Budapest Document.

There is no explicit differentiation between large and small conventional weapons in those passages of the 1993 *Principles Governing Conventional Arms Transfers* which set norms.<sup>10</sup> They simply refer, in the annexes following the principles, to the United Nations' practice of exchanging information, i.e. specifically the "formats set out in the United Nations Register of Conventional Arms".<sup>11</sup> This interpretation allows the unlimited application of at least the OSCE *Principles* to the area of small arms, above all

- the undertaking, in accordance with the Charter of the United Nations, to promote the establishment of international peace and security with the least rerouting of human and economic resources for armament,
- the rejection of the use of weapons when this is in contradiction with the UN Charter,
- restraint in the transfer of conventional weapons and related technology and
- effective control and transparency of arms transfers.

Every OSCE participating State has made a commitment, through the recognition of OSCE principles, that when they make the decisions to supply weapons to other states they take into account the domestic and foreign security situation of these as well as the policies of the recipient. Each participat-

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10 CSCE Forum for Security Co-operation, Principles Governing Conventional Arms Transfers, Vienna, 24 November 1993, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 483-486.

11 Cf. OSCE, FSC Journal No. 197, Decision No. 13/97, FSC.DEC/13/97, of 16 July 1997.

ing State must avoid transfers when it is reasonably certain that the transfers would

- "be used for the violation or suppression of human rights and fundamental freedoms;
- threaten the national security of other States and of territories whose external relations are the internationally acknowledged responsibility of another State;
- contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, or to decisions taken by the CSCE Council, or agreements on non-proliferation, or other arms control and disarmament agreements;
- prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence;
- endanger peace, introduce destabilizing military capabilities into a region, or otherwise contribute to regional instability;
- be diverted within the recipient country or re-exported for purposes contrary to the aims of this document;
- be used for the purpose of repression;
- support or encourage terrorism;
- be used other than for the legitimate defence and security needs of the recipient country."<sup>12</sup>

In the *Code of Conduct on Politico-Military Aspects of Security* adopted in 1994, particularly chapters IV, V and VII are important for security issues related to small arms.<sup>13</sup> The OSCE participating States have made *inter alia* the commitment to

- maintain only such military capabilities as are commensurate with individual or collective legitimate security needs,
- implement measures in the field of arms control, disarmament, and confidence- and security-building,
- control their military, paramilitary and other security forces democratically and politically through constitutionally established authorities,
- provide for transparency and public access to information related to the armed forces,
- not tolerate or support forces that are not accountable or controlled by their constitutionally established authorities, as well as
- ensuring that the recruitment or call-up of personnel for service in their military, paramilitary and other security forces is consistent with their

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12 Principles Governing Conventional Arms Transfers, cited above (Note 10), here: pp. 485-486.

13 CSCE Budapest Document 1994, Budapest, 6 December 1994, Section IV, Code of Conduct on Politico-Military Aspects of Security, in: Bloed (Ed.), cited above (Note 10), pp. 145-189, here: pp. 161-167.

obligations and commitments with respect to human rights and fundamental freedoms.

The dilemma of these noble commitments is that it is difficult to implement them. The OSCE has had little success in their implementation and neither has it been able to sanction violations against the Code of Conduct. On the contrary: While those who were party to conflicts repeatedly took the low hurdles necessary to disregard the political aims agreed upon, the OSCE was left with the thankless role of standing by as helpless spectator. The increasing involvement of the civilian population in the Balkan conflicts and the re-alization starting in 1997 - after the cannibalization of the Albanian military arsenal - that further disregard of small arms issues would ruin any chances of finding an enduring peaceful solution to the numerous conflicts in existence, finally caused a few OSCE States to insist on more definitive agreements on the control of stocks and limitation of transfers of small arms. The initiatives were primarily realized by the group of EU member states in the OSCE, who had already during the mid-nineties begun developing more stringent regulations for the transfer of small arms. This had also been done with the expectation that adherence to these regulations would be a future requirement for admission to the EU and that they would be accepted by all OSCE States as well as other countries.

In the *Framework for Arms Control*<sup>14</sup>, drafted in the *Lisbon Document* 1996, it was emphasized that tensions in border areas, violent internal conflicts and combating terrorism should be addressed as well as the necessity to control the military, paramilitary and other security forces democratically and politically. For the first time - at least implicitly - this framework had built a conceptional bridge from the OSCE arms control approach to small arms.

At that time however, the political initiative remained in the domain of the European Union whose members first adopted a programme on 26 June 1997 to avoid and combat illicit trafficking in conventional weapons, then on 8 June 1998 approved a politically binding code of conduct for weapon exports and a short time later on 17 December of the same year adopted a decision on a *Joint Action* to combat the destabilizing accumulation and spread of small arms and light weapons. At the same time, events began to move outside the European scenario. In 1997, UN Secretary-General Kofi Annan submitted a comprehensive report to the Security Council on the destabilizing effects of small arms. This report was the initial step in United Nations efforts to adopt an international convention against transnational organized crime including a protocol, which is binding under international law, on the control of firearms. This protocol is to be initialled on the occasion of the UN conference on the

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14 Organization for Security and Co-operation in Europe, Lisbon, 1996, Lisbon Document 1996, Section III, A Framework for Arms Control, 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: pp. 431-437.

illicit trafficking of small arms and light weapons to be held in June 2001 in New York. Moreover a whole series of regional initiatives have been taken including a moratorium on the importation, exportation and manufacture of light weapons agreed upon by the Economic Community of West African States (ECOWAS); the OAS "Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms", which is designed to prevent, combat and eradicate illicit trafficking in firearms, ammunition, and explosives; efforts within the OAS and the ASEAN to create a regional small arms register; agreements on peace-building within the Balkan Stability Pact; as well as NATO Euro-Atlantic Partnership Council (EAPC) projects for co-operation. Moreover there were other bilateral and multilateral projects like those initiated by Norway and the US on stockpile management and the destruction of surplus weapons, and not least, the international amalgamation of NGOs - which picks up on the successful model of the international landmine campaign.

After the UN Security Council felt obliged in September 1999 to dedicate an item of their agenda to the risks for world peace caused by small arms, the OSCE decided, although in view of the above-mentioned initiatives this was comparably late, to follow the recommendations made a year earlier by an OSCE expert meeting. Thus it started to develop its own profile in dealing with the problem of small arms and began co-operation with initiatives already in existence.<sup>15</sup>

In November 1999 in Istanbul this topic was reviewed at an OSCE Summit for the first time. The Heads of State or Government welcomed Decision 6/99 of the Forum for Security Co-operation (FSC)<sup>16</sup> which

- launched a broad and comprehensive discussion of the problem and all its aspects,
- tasked its Working Group B with further analysis of the issue and the examination of measures in the OSCE region without duplicating efforts already undertaken or under way in other fora,
- would convene a seminar in the spring of the year 2000 devoted to the examination of concrete measures, and
- would submit a report on the work undertaken and the achievements reached at the next OSCE Ministerial Council.

At the same time FSC Decision No. 6/99 contains six "approaches", which can be interpreted as the basis and the guidelines for further OSCE action:

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<sup>15</sup> Cf. O'Callaghan, cited above (Note. 9), pp. 8-9.

<sup>16</sup> OSCE, FSC-Journal No. 275. Decision No. 6/99, FSC.DEC/6/99, of 16 November 1999, <http://www.osce.org/docs/english/fsc/1999/journals/fscej275.htm>.

1. to combat and thereby contribute to the reduction and the ending of the excessive and destabilizing accumulation and uncontrolled spread of small arms;
2. to exercise due restraint and ensure that small arms are transferred and held only in accordance with legitimate defence and security needs as well as in accordance with appropriate international and regional arms export criteria as they were laid out in the 1993 OSCE Principles;
3. to build confidence, security and transparency through appropriate measures on small arms;
4. to ensure that, in line with its comprehensive concept of security, the OSCE addresses concerns related to the issue of small arms and takes the appropriate practical measures to solve these issues;
5. to combat illicit trafficking through the adoption and implementation of national controls, such as effective border and customs mechanisms, enhanced co-operation and information exchange among law enforcement and customs agencies at international, regional and national levels; and
6. to develop appropriate measures on small arms such as their collection, safe storage and destruction linked to the disarmament, demobilization and reintegration of combatants at the end of armed conflicts.<sup>17</sup>

### *A Stronger Role for the OSCE?*

In April 2000, the above-mentioned OSCE seminar took place in Vienna. Four working sessions dealt with the issues of norms and principles, combating illicit weapons trafficking, the reduction of small arms surpluses and post-conflict stabilization. In addition to sounding out ideas and suggestions, in the words of the conference chairman, Gabor Brodi, the seminar served primarily to put the OSCE in a position to "play a role (...) in line with its international significance and its traditional features".<sup>18</sup> In addition to the numerous representatives from various States and experts, several international organizations also took part including the United Nations, the ASEAN, NATO's Euro-Atlantic Partnership Council, the International Committee of the Red Cross, the European Commission and several NGOs. These organizations have rendered outstanding services in their own capacity to implement political approaches against the proliferation of small arms. BASIC, a British-American NGO, was even very influential in preparing this OSCE seminar. There was almost complete consensus among the participants of the

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17 The formulation of the text is weaker than the original proposal put forward by the EU and Canada in June 1999 and is also unfortunately ambiguous. Cf. Kate Joseph, OSCE and NATO take aim at small arms, BASIC Reports No. 73 of 17 January 2000.

18 Quote in: Kate Joseph, Rapid spread of small arms and light weapons threatens security in many countries. Seminar provides basis for OSCE to play constructive role, in: OSCE Newsletter 5/2000, p. 6.

seminar that the OSCE develop an effective profile on these issues. The main thing they disagreed on was the concrete manner in which the OSCE should contribute to a solution and there was also discussion on avoiding duplication of efforts among different organizations at all costs. The OSCE is in an uncomfortable position on this issue, as its late perception of the problem will force it - if it is serious about developing its own profile - to track down specific niches, which have not already been taken.

The balance sheet of the seminar showed five potential areas for action, which are specifically dedicated to the advantages of the OSCE over other organizations.

*First of all* it should endeavour to develop norms and standards for a code of conduct based on already existing principles. Not only must it determine whether these principles should be further developed, but the norms and standards valid in other organizations must be examined to determine whether these can be transferred to the OSCE geographical area. The EU Code of Conduct on Arms Exports with its very refined and partially very strict criteria<sup>19</sup> would be a good model for this purpose.

*Second* the OSCE approach should remain comprehensive, that is questions on military and civilian use, legal possession and illicit trafficking, transparency and reducing circulation, and the political and legal control of stocks and transfers should all be dealt with jointly. Even the OSCE contribution to the strengthening of democracy and civil society could be useful in stemming the proliferation of small weapons.<sup>20</sup> A comprehensive approach excludes one-dimensional action. It implies that the instruments and mechanisms available consistently take into account the problem of small arms and consider it part of the OSCE toolbox for conflict prevention.

*Third* the OSCE could come to special agreements for the OSCE space in which existing measures for confidence and security building are made more precise or supplemented e.g. within the framework of the *Vienna Document*. The establishment of a regional transfer register or agreements on better transparency for small arms stocks and the procurement plans of armies and security forces is worth consideration.

*Fourth* the OSCE is predestined through its function as an umbrella organization to co-ordinate the various activities of states and organizations, to promote the information exchange on government and NGO initiatives as well as act as a "clearing house" for sounding out proposals, making them popular and should the occasion arise implementing them.

*Fifth* the OSCE should use its long-term presence in (potential) conflict regions specifically to monitor the maintenance of the codes of conduct and if

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19 Cf. Peter Newall, The Significance of the EU Code of Conduct on Arms Exports. Developing Similar Criteria in the Wassenaar Arrangement and the OSCE, in: BASIC-PLW 1999, p. 75.

20 Cf. Susan Willet, How Could the Emerging Donor Agenda for Security Sector Reform Help the OSCE Curb Small Arms Proliferation? in: BASIC-PLW 1999, pp. 91-97.

applicable of special agreements restricting the possession of small arms and their distribution on the spot.

### *Difficulties and Obstacles*

The possible problems the OSCE may have in developing a stronger profile in combating the circulation of small arms are mainly attributable to its weaknesses. Consensus as a condition for decision-making, the fact that these decisions are not legally binding, not enough authority to enforce decisions and limited resources have often been named in this connection. However a combination of strengths and weaknesses is not just typical of an organization like the OSCE. The practical problems of controlling small arms and particularly stemming illegal transfers are a difficult challenge to master for all international organizations. In this respect, it is certain that any attempt to solve the problem alone or trying to solve it by competing with other political actors would be detrimental to the goal of imminent progress. In view of the complexity of the problem, perfect and quick solutions cannot be expected. Not only the conduct of governments and states, but the internal and transnational relations between politics and the private sector are being tested here - the transparency and control of legal markets as well as the ability of the legal authorities to expose and stop the illegal possession and illicit transfer of arms. For the OSCE this Herculean task contains an almost inevitable risk, namely, the absence of success will weaken the legitimacy of its commitment.

### *Approaches Promising Success*

First one can only recommend a step-by-step approach emphasizing OSCE advantages so as not to make too many demands on its performance or on the willingness of the participating States to come to a consensus. This idea already developed in 1998 has been realized in two preparatory steps - the development of a political framework and the creation of institutional prerequisites for future OSCE proceedings. Now it is a matter of getting down to brass tacks, *inter alia*:

- the integration of initiatives to control and reduce small arms transfers into new but especially into already existing OSCE peace support operations,
- the development of a persuasive programme to combat the illicit transfer of small arms including inter-institutional co-operation with security and customs officials as well as the judicial authorities, the control of

- weapons dealers and agents, the registration and marking of transferred small arms and/or the ammunition for these,
- the strengthening of the information exchange and more transparency through a regional arms register and a yearly report on transfers, stocks, procurement, confiscation, and demolition of weapons.<sup>21</sup>

*Second* the OSCE should show its colours clearly in the areas where it has already taken action and urge the consistent implementation of existing measures. This is particularly evident for peace-building measures taken in the Balkans where the OSCE - as well as the EAPC - has been expressly asked by the 27 members of the Balkan Stability Pact to take part in the monitoring of the destruction of surplus and confiscated small arms, controlling the depots and the ceilings on holdings agreed upon. The OSCE workshop in Slovenia in January 2000 and the Bulgarian-Canadian seminar on demolition techniques in autumn 2000 in Sofia have contributed to these endeavours.

*Third* a consensus between political actors should be easier to reach if one picks up on the positive experience they have already gained and so-called best practices should be used as the starting point in considerations on OSCE standards.

*Fourth* - because it is important to avoid duplication - it is absolutely necessary to carefully weigh which concrete tasks should be left as the responsibility of other institutions or should be assumed by them so that they do not risk being weakened inadvertently. For example, small arms have already been included in the list compiled by the Wassenaar Arrangement, but have not been dealt with on an operational basis. The OSCE, for example, could use this specific case to remedy the Arrangement's failings rather than simply claiming the whole area for itself. In other cases one would have to ask whether the OSCE is not better equipped than other organizations to co-ordinate institutional and procedural competence, e.g. to be able to control small arms stocks and ceilings under the authority of state-controlled bodies (stockpile management).

*Fifth* individual participating States should not in the final analysis feel impeded in passing more restrictive resolutions or making sub-regional arrangements, which would extend beyond what is possible through the consensus of all the participants at present. One must recall that the *Vienna Document 1999*<sup>22</sup> expressly states all OSCE participating States may conclude regional agreements with one another voluntarily (X.139, 140, 142.3). In this manner new best practices could emerge, which might awaken the interest of other participating States. The US Undersecretary of State for Arms Control, John Holum, recently emphasized that a successful approach to stemming the proliferation of small arms must be oriented to their supply and demand as well

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21 Cf. O'Callaghan, cited above (Note 9), pp. 10-11.

22 FSC.DOC/1/99.



being multi-dimensional and coherent.<sup>23</sup> This estimation can be confirmed without reservation, however only if one infers that in Europe, especially the OSCE is in a position to meet the requirements this implies.

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23 Cf. BASIC, Press Release of 4 February 2000, p. 1.



### III.

#### Organizational Aspects



## OSCE Institutions and Structures



## German Foreign Office Training to Prepare Civilian Personnel for International Missions

"(Crisis) Prevention is something new which is based on a new set of values and calls for foresight and pro-active behaviour."<sup>1</sup> Against this background, it is a welcome development that the German federal government made crisis prevention a significant undertaking in their coalition agreement of 20 October 1998. In addition to the strengthening of the OSCE and the United Nations, "providing financial support for peace and conflict research, and creating networks for already existing initiatives", especially "the improvement of legal, financial and organizational prerequisites for the training and deployment of professionals and services to sustain peace (...)" are mentioned.<sup>2</sup> The topical nature of these passages became readily apparent, and are still relevant, during the search for the appropriate personnel for the OSCE Kosovo Verification Mission (KVM) in autumn 1998 when it became clear that there was a lack of qualified personnel in the Federal Republic of Germany. "While thorough and professional training of soldiers, police and diplomats for international missions has been a matter of course, when civilian experts were deployed training was not always realized and when it was it was very incomplete."<sup>3</sup> Against this background the German Foreign Office tasked the Foundation for Science and Politics in Ebenhausen (SWP) with performing a feasibility study. This study was to examine the current preparation of non-military personnel in the Federal Republic and other countries for deployment in conflict prevention and peace missions and make the appropriate recommendations. The results of the first phase of this project appeared in the spring of 1999 and can be summarized essentially in the following six points:<sup>4</sup>

- 1 Ludger Volmer, Crisis Prevention in Europe and the Strengthening of the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1999, Baden-Baden 2000, pp. 41-48, here: p. 48.
- 2 Aufbruch und Erneuerung - Deutschlands Weg ins 21. Jahrhundert. Koalitionsvereinbarung zwischen der Sozialdemokratischen Partei Deutschlands und Bündnis 90/Die Grünen [Departure and Renewal - Germany's Course into the 21st Century. Coalition Agreement between the Social Democratic Party of Germany and the Alliance 90/The Greens], Bonn, 20 October 1998, Chap. XI.5, pp. 57-58 (all quotations from German sources are translations).
- 3 Ludger Volmer, Vorwort [Foreword], in: Auswärtiges Amt [Foreign Office] (Ed.), Ausbildung für internationale Einsätze [Training for Deployment in International Missions], Bonn 1999, p. 7.
- 4 Cf. Winrich Kühne/Monika Benkler, Ausbildung und Rekrutierung von nicht-militärischem Personal für Konfliktprävention und Friedenseinsätze: Bestandsaufnahme, Erfahrungen und Empfehlungen für einen substantiellen Beitrag der Bundesrepublik Deutschland [Training and Recruitment of Non-Military Personnel for Conflict Prevention and Peace Missions: Stocktaking, Experiences and Recommendations for a Significant Contribution by the Federal Republic of Germany], Ebenhausen 1999.

1. For many years there have been broad and differentiated training programmes in Germany offered to military and civilian personnel for peace missions. The Federal Armed Forces hold their mission preparatory courses in the UN Training Centre at the Infantry School in Hammelburg established in 1994, the Verification Centre in Geilenkirchen as well as the German Armed Forces Staff College in Hamburg. Likewise since 1994 the "Carl Severing" Police Training Centre in Münster, an institution of the German Land North Rhine-Westphalia, developed concepts for the international deployment of law enforcement officers. In the civilian area, the THW (*Bundesanstalt Technisches Hilfswerk*, German governmental disaster relief organization), the study group "Project on Training for Civilian Conflict Management" - an establishment of German NGOs, the DED (German Development Service) and the GTZ (*Deutsche Gesellschaft für Technische Zusammenarbeit*, German service company in international development co-operation) are active using their own concepts.
2. All mission training programmes include a well-founded basic section, a section for additional training and a course oriented to each specific mission. Programme length varies from one week (THW) to 16 weeks (NGOs).
3. The focus of all training programmes is very similar. Preparatory modules allow setting focal points, which because of the variety of the functions of civilian personnel in peace missions and peace-building activities are to be structured in a flexible and variable manner.
4. Personnel selected for missions should be motivated, socially stable and qualified professionals capable of fulfilling the demands made on them. The curriculum offers instructors as well as trainees the opportunity to assess whether it would make sense for an applicant to take part in an international mission. In addition, close co-operation between the military, police and civilian personnel (integrated approach) is required to eliminate communications problems and the lack of mutual understanding at the conflict location.
5. A multi-national group of course participants and lecturers is desirable as this would strengthen expertise in cross-cultural communication and simultaneously offer a praxis field. The lecturers should also be specialists from an academic background and have detailed knowledge of the mission environment. Practical relevance through training in small groups is desirable. In this manner, course participants will be able to combine theoretical reflection with practical exercises through participatory learning.
6. Finally references are made to the importance of mission advisory services (contact points) and debriefings without which it would be impossible to deploy civilian personnel in international missions. In addition, it was recommended that these measures be accompanied by a project



group, which backs the Foreign Office in an advisory function and whose composition reflects the "public-private partnership". Public-private partnership means the co-operation on an equal basis between organizations from the public sector (German Armed Forces, Police, Federal Border Guard, Foreign Office, THW, autonomous institutions maintained by the state like DED and GTZ) and private organizations akin to institutions managed by civil society (non-governmental organizations, church services).<sup>5</sup>

The SWP study continues by specifying the requirements and skills in the training and preparation of civilian personnel for deployment in peace missions:<sup>6</sup>

- general skills (basic courses),
- skills specific to a mission,
- professional skills (e.g. specialized courses on election monitoring, on human rights).

These recommendations have been utilized in the conceptional structuring of the preparatory programme and the various courses as well as the curricula.

#### *The Courses and Course Types*

On 1 July 1999 the Co-ordinator of Training to Prepare Civilian Personnel for International Missions began his work. Based on the recommendations in the SWP feasibility study and in accordance with future tasks the training programme is geared to deployment in OSCE and UN international peace missions. In addition to mission preparation, the courses serve the goal of the Foreign Office to build up a personnel reserve of qualified experts who, if the occasion arises, will be able to be ready for deployment at short notice. Consequently the number of courses and participants between July 1999 and June 2000 was correspondingly high.

There were a total of 227 participants<sup>7</sup> in 13 one- and two-week courses preparing them for future tasks. These 13 courses were divided into:

- three basic courses,
- three courses on specific missions,
- three specialized courses on election monitoring,
- a two-day Duma election-monitoring course,

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5 Cf. *ibid.*, p. 26.

6 Cf. *ibid.*, Part C. Anforderungen und Kompetenzen für die Ausbildung und Einsatzvorbereitung von nicht-militärischem Personal [Requirements and Skills in the Training and Preparation of Non-Military Personnel for Mission Deployment], pp. 31ff.

7 121 women and 106 men.

- a two-day preparation for a special operation (system of registration) in the UN mission in East Timor.

Moreover, two so-called pilot courses were held. The first took place from 19 to 30 July 1999 and marked the start of the Foreign Office training programme. Because of the special requirements of the OSCE Mission in Kosovo, which required personnel on such short notice, this course was conceived as a mixture of a basic course as well as a course on a specific mission. Another pilot project was a two-week EU basic course in English, which was held in co-operation with the course on "Humanitarian Assistance" at Ruhr-University Bochum. With the EU activities in non-military crisis management in mind, this course including students from all EU member states was the first effort towards the creation of a personnel reserve of qualified professionals at the European level.

In accordance with the three-stage preparatory concept an attempt was made to guarantee the most comprehensive training by giving the participants the opportunity to take part in the various course types on offer. The focus here was on participation in both a basic course and a course on a specific mission. For political reasons (Kosovo, Timor), during the first six months of the preparatory programme, courses on specific missions had to be implemented to cover UN and OSCE personnel requirements at short notice. Since the beginning of the year 2000, courses that build on and supplement each other have been put into practice on an increasing basis. This means that basic courses usually are to be followed by specialized or mission courses. Accordingly, up until the summer of 2000, 18 people had participated in two different courses. The plan was to increase this number steadily.

#### *Applicants and Course Participants*

By the end of June 2000 there were 1,532 applicants<sup>8</sup> on the Co-ordinators list, who in principle were classified as acceptable candidates for the course based on their applications. The number of applicants up to then who had submitted written applications was about three times as high. Statistics on telephone enquiries have not been recorded but the latter also go into the thousands. Important information for applicants can be found in the brochure published by the German Foreign Office<sup>9</sup> as well as at the Foreign Office homepage ([www.auswaertiges-amt.de](http://www.auswaertiges-amt.de)) which has been accessed several thousand times since the end of 1999. Very often intensive, and on the whole positive, media coverage has been the reason for submitting an application.

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8 541 women and 991 men.

9 Ausbildung für internationale Einsätze - Informationen des Auswärtigen Amtes [Training for International Missions - Information from the Foreign Office], Berlin 1999.

The course participants are chosen by the Co-ordinator's Office in consultation with specialized departments at the Foreign Office according to the following criteria:

- vocational qualifications and/or a university degree,
- on-the-job experience,
- foreign language (written and spoken English and if possible a relevant language from the region where they will be active),
- relevant international experience and specialized knowledge of the region,
- capability and willingness to work with a team made up of many nationalities,
- physical and mental resilience,
- driver's licence,
- availability.

During the two-week courses, the Co-ordinator's Office and, *inter alia*, the lecturers use their observations and personal discussions to determine whether the participants fulfil the above requirements adequately. In addition, when participants apply, they are interviewed for each specific international mission.

During the reporting period, 207 German participants took part in the various preparatory courses being offered. In principle, course size should be around 20 people. 64 people took part in the three basic courses, 62 people took part in the three mission courses and 61 people took part in the specialized courses. 18 people took part in more than one course.

In the selection of course participants, the ages as well as the personal backgrounds of the applicants are taken into consideration so that the class composition is a "good mixture". The range of educational and professional qualifications is correspondingly large. Around two thirds of the applicants are political scientists and jurists, making up the largest single group. Around a third of the applicants have two different degrees or have a doctoral degree. A large number of the applicants, especially the younger ones, have had experience in a foreign country, which, *inter alia*, has been acquired through additional degrees or a study year abroad. The average age of the participants is between 35 and 40, which is due, among other things, to the rising number of employees in public service and retired officials (including soldiers).

A positive secondary effect of the courses is the emergence of a feeling of solidarity among the participants and later among mission members. The intensive counselling given to course participants and former course participants by the Co-ordinator's Office has led to the emergence of a kind of *esprit de corps*, which was found to be particularly useful during international missions.

The Co-ordinator and his Office are involved in setting up a qualified personnel reserve, which the Foreign Office can fall back on - if necessary at short notice - to satisfy the personnel requirements of international organizations such as the OSCE, the UN or other organizations. Because of the abundance of (overwhelmingly new) tasks and the huge number of courses (an average of one per month until June 2000) it would be a good idea if the number of personnel in the Co-ordinator's Office were increased.

By the end of June 2000, there were 33 participants<sup>10</sup> deployed in OSCE missions and at least 13 more in UN missions (plus three United Nations Volunteers). 55 course participants were deployed in election-monitoring missions.<sup>11</sup> An increasing number of course graduates have found work in NGOs or political foundations (e.g. FES, Care, ASB).<sup>12</sup> Therefore, because many course participants have found work, one can assume that only around a fourth of the total (approximately 50 people) will be available at short notice for a long-term mission.

### *Curriculum and Staff*

All courses are based on a module concept, i.e. the relevant course modules are compiled according to course type and mission objective, although overlaps are possible and sometimes even necessary. During the reported period the curricula of the various course types were adapted several times to new findings and new demands. This corresponds with the basic concept of keeping the training programme flexible particularly in its initial stages and being able to make the required adjustments whenever necessary and/or setting a focus. In this manner the recommendations of the "Civilian Peace Personnel Project Group" could be incorporated into the curriculum quickly. This also corresponds with the Foreign Office approach, which holds the course programme open in the sense of a "public-private partnership" and allows the experiences and recommendations of civil society to flow into the preparations. In addition, *police and military elements* are incorporated in the preparatory courses. Many missions act in an environment where security is critical with the strong or dominating presence of international military and/or police forces. The police and the German Armed Forces are therefore particularly involved in designing the programme sections on personal security leading simultaneously to the required civilian-military co-operation in the field. Moreover, on the periphery of these courses there are regularly opportunities for encounters with various other actors in missions abroad as

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10 Including 14 women.

11 *Inter alia* on the occasion of the municipal elections in Bosnia and Herzegovina in April 2000.

12 Friedrich-Ebert-Stiftung [Friedrich Ebert Foundation], Care-Deutschland e.V. [Care Germany], Arbeiter-Samariter-Bund Deutschland e.V. [Association of Good Samaritans Germany].

well as, *inter alia*, with the participants of the courses of the "Civilian Peace Services" programme.

1. The curriculum of the basic courses is structured so that the participants are first offered basic knowledge and taught capabilities, which are indispensable for any possible deployment in an international peace mission - whether it be from the UN, the OSCE or another international organization. The participants also receive an impression of whether the work in an international peace mission would meet their expectations. In the course of the first twelve months the following curriculum for the basic courses was developed:

- status of civilian crisis prevention and the demands on a foreign policy including the related role of the Foreign Office,
- organization and structure of the UN and the OSCE and their peace missions,
- practical aspects of UN and OSCE missions,
- international humanitarian law,
- human rights and protection of minorities,
- tasks and role of NGOs, public institutions and international organizations in foreign missions,
- expertise in cross-cultural communication including crisis and conflict management,
- stress management,
- gender issues,
- security aspects.

In the interest of conveying general basic knowledge, the basic courses are to focus on theory. The course modules will however - as far as this is possible - be organized so that theoretical units will be alternated with practical units to, on the one hand, guarantee the necessary course dynamics and, on the other, create a connection between theory and praxis.

2. In contrast, the curriculum of the courses for specific missions contain mainly practical and/or praxis- and application-oriented modules, which are backed by *inter alia* role-plays. The curriculum for a Kosovo Mission course for example is compiled including the following modules:

- Balkan history and development of the Kosovo conflict,
- customs and traditions in Kosovo,
- current situation in Kosovo,
- UNMIK mandate and the mandate of the OSCE Mission in Kosovo,
- reality of UN and OSCE missions in Kosovo and in the Balkans

- expertise in cross-cultural communication, crisis and conflict management,
  - election preparation and monitoring,
  - introduction to project management,
  - stress in special risk situations,
  - training in four-wheel drive,
  - civil-military co-operation,
  - land mine awareness education, orientation exercises in the field and introduction to UN radio transmitting,
  - technical aspects of deployment, working with simultaneous translators, report writing, conduct towards the media.
3. The curriculum for the specialized courses is primarily oriented towards technical preparation and preparation on subject matter in special fields (e.g. elections, human rights, minorities, the media) and also includes praxis and application-oriented elements. The three one-week specialized courses for preparation, conducting and monitoring elections, for example, served primarily to prepare mission members for the municipal elections in Bosnia and Herzegovina and the elections in Kosovo. They included the following modules:
- OSCE structures and institutions,
  - mandate and tasks of the ODIHR in the area of preparation, conducting and monitoring elections,
  - practical experience based on election monitoring in Bosnia and Herzegovina,
  - theory of election systems as well as German and international electoral law,
  - the threat of mines,
  - stress management,
  - expertise in cross-cultural communication: sensitization and personal conduct, personal security including preventive medicine,
  - technical aspects of deployment, working with simultaneous translation, report writing, conduct with respect to the media.

At the beginning of the training programme, the Foreign Office did not have a permanent teaching staff at its disposal, but first had to create one. To achieve this they made sure that as many different organizations and institutions (civilian, police and military as well as governmental and non-governmental) were involved to be able to have a basis for comparison and create a large and diverse teaching staff, making the implementation of a compact course programme possible. In addition to professional qualifications, an international background as well as experience in the UN and the OSCE belong to the fundamental selection criteria in choosing lecturers. This was also the

reason behind the recruitment of numerous lecturers from the ranks of the UN, the OSCE and/or the Council of Europe Secretariats as well as UN and OSCE missions. In this manner, the "right mix" of theorists and practitioners was to be achieved in the preparatory courses. In view of plans to offer the training programme internationally, care was taken to ensure that lecturers possessed good knowledge of the English language.

Furthermore, co-operation with numerous different lecturers led to the continual re-evaluation of individual course modules and if applicable their adaptation. In addition, this programme has been continually evaluated by comparing it with others offering preparatory courses in Germany and abroad. The Foreign Office strives to achieve a certain standardization in preparatory courses and in the individual curricula especially in the international context to improve co-operation between the members of international peace missions. In this respect, maintaining the training standards set by the UN and the OSCE (e.g. within the REACT framework) is also significant.

#### *The "Civilian Peace Personnel Project Group"*

The Civilian Peace Personnel Project Group is to meet two to three times a year to give advice and/or recommendations to the Foreign Office on the issues of recruitment, preparation and deployment of personnel in international missions. After the inaugural meeting on 1 September 1999 under the direction of the Minister of State in the Foreign Office, Dr. Ludger Volmer, the first working meeting under the direction of Ambassador ret. Dr. Wilhelm Höynck took place on 7 February 2000 in Bonn. The group has up to now focused on different points in the preparation of civilian personnel by the Foreign Office, in particular the curricula and the structure of the course programme. In a further meeting on 9 October 2000, the topics personnel recruitment and pool creation were in the foreground. The regular dialogue with the members of the Project Group - also between meetings - is an important element in the further development of the preparatory programme as well as the initiation and reinforcement of co-operation with other organizations in questions of recruitment, preparation and deployment of personnel.

#### *Future Prospects*

In the first year of training to prepare civilian peace personnel, the establishment of a course programme, its short-term adaptation due to new findings and requirements, a consolidation of the curriculum and the creation of a staff of lecturers were the main focus. Furthermore the relatively large number of courses and participants were to create the basis for a pool of qualified experts envisioned by the Foreign Office. On the whole, these goals have been

reached. The first evaluative meetings with lecturers and course participants as well as feedback from the UN and the OSCE on the deployment of course participants in international peace missions have shown that the preparatory courses were useful. On the whole, course participants feel better prepared also in dangerous and stressful situations and generally have less trouble becoming familiar with the complex environment of a peace mission. The UN and the OSCE have rated the Foreign Office preparatory programme positively and recognize they offer a contribution to *inter alia* improving the quality standards of international members of peace missions.

During the second half of the year 2000, another two basic courses, two specialized courses, two mission courses<sup>13</sup> and one or two two-day debriefings were to take place. One of the basic courses was held in Berlin with international participants.<sup>14</sup> This course was seen as the pilot course for further courses being offered to international participants in 2001.

The following seven courses with a total of around 20 participants each are planned for the year 2001:

- a) two basic courses for international participants (in English, length: two weeks),
- b) a basic course for EU students majoring in "Humanitarian Assistance" at the Ruhr-University Bochum (in English, length: two weeks),
- c) two specialized courses for international participants (one election and one human rights course, in English, length: one or two weeks),
- d) two courses on specific missions (Kosovo and the Caucasus, in English, length: two weeks).

In addition, debriefings for former and current mission members have been arranged. The courses in the programme for 2001 will not be held in such quick succession as during 2000 to be able to react to short-term developments and if necessary implement special courses as required.

The Foreign Office plans to steadily increase the percentage of international participants in the various courses (total capacity around 140 people).

In future, the focus will be on the following basic tasks:

- further maintenance and consolidation of the course programme; increase in staff,
- gradual changeover to English as the course language and full internationalization of the courses (the first international course was to take place in November 2000; the following countries were invited to take part: Poland, Romania, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Brazil, Jordan, South Africa and Japan),

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13 Kosovo and Caucasus.

14 From 6 to 17 November 2000.



- intensification of co-operation with other international institutions offering training programmes,
- supervision by academic researchers and continual adaptation of the curriculum to new developments, e.g. the introduction of the REACT programme at the OSCE and the development of the EU non-military crisis management unit (a researcher has already begun work on this),
- further increase in the pool of qualified personnel,
- implementation of post-course and post-mission counselling/debriefings for former course and mission members (the first debriefing was to take place end of November 2000) and intensive contacts with "former" participants,
- development of a concept for active mission advisory services (contact points) for mission members,
- regular visits to the UN, the OSCE, the EU and various peace missions.

After a test phase of three years, a comprehensive evaluation of the programme has been planned, which is to be implemented by an independent external organization.



## External Relations and Influences

## For a New Partnership in the New Century: The Relationship between the OSCE, NATO and the EU

### *Introduction*

What is the role of the OSCE in relation to the major security-related organizations in Europe? Relations between international organizations are, as a rule, based on both co-operation and competition. This is the case particularly when the mandate and tasks of organizations encompass the same or similar spheres of activity. Co-operation finds its expression in official documents, agreements and declarations, and competition is reflected in day-to-day praxis, particularly at medium and lower levels. Occasionally it takes the shape of overtly critical positions addressed by one institution to the other; more common, however, is to mutually diminish the role and importance of rival organizations or merely ignore one another. Among the existing multi-lateral institutions and structures in Europe, the OSCE can be singled out by three major elements.

First, it is a universal, pan-European organization, embracing all states of Europe, Central Asia (former Soviet republics) and North America. In total, it includes 55 participating States. In that sense, it is the only security-related institution in Europe based on the principle of inclusiveness.

Second, all substantial OSCE decisions are adopted by consensus.

Third, the OSCE is the most comprehensive security structure in existence: its activity covers virtually all aspects of the international life - political relations, security issues including CSBMs and conventional arms reductions, human rights problems, humanitarian matters, economic issues, protection of the environment, transportation, tourism, people-to-people contacts, information, culture and education.

In the view of numerous commentators, because of these features, the OSCE has a weak image or some would label it a fair-weather organization. This conclusion stems from the argument that strong organizations should not be universal and inclusive. They should not cover too many dimensions and their decisions should not rest on consensus. Therefore, one of the main arguments of the opponents of extending NATO and the European Union to the east is that enlargement of both structures would lead to their inevitable political weakening and organizational erosion. Consensus, in turn, would hamstring their strategic decision-making processes, as is the case of the UN Security Council.

The starting point of the discussion presented below is an assumption that what is blamed as factors causing the weakness of the OSCE are in fact its strength, quality and importance in the shaping of the European security sys-

tem. The OSCE is part of the process initiated 25 years ago with the aim of carrying out peaceful transformation. CSCE/OSCE decisions and activities were an answer to the question: How can the change be managed? Indeed, one can give credit to the Helsinki process for the fact that the complex problems of domestic system transformation in the states of the former Eastern bloc were managed peacefully and that Central and Eastern Europe was able to release itself from the subjugation to the Soviet Union. The implementation of the right of nations to self-determination and the achievement of independence by the former Soviet republics as well the whole process of armaments reductions in Europe did not slip out of control thanks to the effectiveness of the procedures and mechanisms agreed upon in the 1975 CSCE Final Act and the 1990 Paris Charter for A New Europe. In 1992 in Helsinki, these procedures and mechanisms were addressed with the aim of reassessing their role and adequacy in response to new risks and challenges.<sup>1</sup>

### *New Tasks*

The decisions of the July 1992 Helsinki Summit Meeting were of crucial importance for institutionalizing the CSCE process and mapping out a strategy for mutually reinforcing institutions for security in Europe. In Berlin, the foreign ministers had encouraged the exchange of information and relevant documents between the CSCE and other main European and transatlantic institutions.<sup>2</sup> In Prague, the list of CSCE relationships with international organizations had been expanded to embrace the Council of Europe, the UN Economic Commission for Europe (ECE), NATO, the WEU, the Organization for Economic Co-operation and Development (OECD), the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB) "and other European and transatlantic organizations which may be agreed" upon with the aim of inviting them to make contributions to specialized CSCE meetings for which they have relevant expertise.<sup>3</sup>

At the Summit Meeting, the leaders of the participating States welcomed the rapid adaptation of European and transatlantic institutions which were "increasingly working together to face up to the challenges" before them and to

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1 See more on this in: Adam Daniel Rotfeld, *The CSCE: towards a security organization*, in: SIPRI Yearbook 1993, Oxford et al. 1993, pp. 171-189.

2 In the Summary of Conclusions of the Berlin Meeting of the CSCE Council in June 1991, the following organizations were mentioned: the EC, the Council of Europe, the ECE, NATO and the WEU. Cf. Berlin Meeting of the CSCE Council, 19-20 June 1991, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 807-818, here: p. 808.

3 In the Prague Document, the Ministers requested that these organizations inform the CSCE Secretariat annually of their current work programme and of the facilities available for work relevant to the CSCE. See Prague Meeting of the CSCE Council, 30-31 January 1992, in: Bloed (Ed.), cited above (Note 2), pp. 820-839, here: p. 837.

"provide a solid foundation for peace and prosperity".<sup>4</sup> The Meeting laid down guidelines for CSCE co-operation with individual organizations. The Helsinki Document stated that the European Community, "fulfilling its important role in the political and economic development in Europe (...) is closely involved in CSCE activities". NATO, through NACC, "has established patterns of co-operation with new partners in harmony with the process of the CSCE. It has also offered practical support for the work of the CSCE".<sup>5</sup> The WEU, stated the Helsinki Document, as an integral part of the development of the European Union, is "opening itself to additional co-operation with new partners and has offered to provide resources in support of the CSCE".<sup>6</sup> A framework of co-operation was also established linking the CSCE with the Council of Europe, the Group of Seven (G7) and the Group of Twenty-Four as well as with the OECD, the ECE and the EBRD.

The Helsinki Document also indicated possibilities for such regional and sub-regional organizations as the Council of the Baltic Sea States, the Višegrád Triangle, the Black Sea Economic Co-operation, the Central European Initiative and the Commonwealth of Independent States to co-operate with and assist the CSCE. This list of diverse organizations reflected the excessive bureaucratization of multilateral relations among European, North American and Central Asian states; the duplication of the functions and tasks of these institutions and structures gave rise to the threat they would become more competitive and less compatible, more "inter-blocking" and less interlocking and more likely to weaken than to reinforce one another. Later developments showed that such fears were unfounded.

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4 CSCE Helsinki Document 1992: *The Challenges of Change*, Helsinki, 10 July 1992, in: Bloed (Ed.), cited above (Note 2), pp. 701-710, here: p. 702.

5 Ibid. Proposed by the NATO Rome Summit Meeting on 7-8 November 1991, the North Atlantic Cooperation Council (NACC) was called into being on 20 December 1991 to establish a "liaison" between the Alliance and the new democracies of Central and Eastern Europe (CEE). Its declared goal is consultation and co-operation (but not guarantees) on security and related issues, such as defence planning, conceptual approaches to arms control, democratic concepts of civilian-military relations, civilian-military co-ordination of air traffic management and the conversion of defence production to civilian purposes. Apart from the institutional structure (meetings at foreign minister, ambassadorial and other levels), an informal High-Level Working Group was established to redistribute the TLE ceilings in the CFE Treaty among the CIS states. This contributed to its successful conclusion. On 1 April 1992, the first meeting of NACC defence ministers took place; at this meeting it was agreed that a programme for further co-operation would be implemented on such defence-related matters as military strategies, defence management, the legal framework for military forces, harmonization of defence planning and arms control, exercises and training, defence education, reserve forces, environmental protection, air traffic control, search and rescue, military contribution to humanitarian aid and military medicine. As of 31 December 1992 there were 37 NACC member states (16 NATO, five CEE, 15 former Soviet republics plus Albania). The division of the Czech and Slovak Federal Republic brought the number of member states to 38 on 1 January 1993. Finland attended the Oslo NACC meeting on 5 June 1992 as an observer.

6 Ibid. See also the Petersberg Declaration (19 June 1992) adopted at the WEU Council of Ministers Meeting. The Petersberg Declaration structures the WEU-Central European states' dialogue, consultations and co-operation with regard to the European security architecture and stability. See <http://www.weu.int/eng/comm/92-petersberg.htm>.

Finally the Heads of State or Government of the participating States declared their understanding that "the CSCE is a regional arrangement in the sense of chapter VIII of the Charter of the United Nations". No enforcement action shall be taken under regional arrangements without the authorization of the UN Security Council. The Helsinki Document reaffirmed that the "rights and responsibilities of the Security Council remain unaffected in their entirety".<sup>7</sup> For the first time an important link was established between the CSCE and the United Nations or, more broadly, between European and global security.

### *Managing the Change in the New Century*

In 1999 European security developments were dominated by the NATO intervention in Kosovo (Federal Republic of Yugoslavia) and the war waged by Russian federal forces in Chechnya, part of the Russian Federation. In both cases the OSCE played an essential role in seeking ways of, first, preventing the use of force, and when this failed, settling the conflict situation peacefully. The decisions adopted in 1999 at the NATO summit in Washington and the EU summits in Cologne and Helsinki are of a special importance for the recognition of the new role of the OSCE in shaping a European security system.

In 1999 the OSCE expanded its operations considerably and strengthened its role as a primary instrument for early warning, conflict prevention, conflict management and post-conflict rehabilitation. New tasks were assumed in Central Asia, the Caucasus and South-eastern Europe. In total, OSCE long-term missions and other forms of field activities encompassed 25 different operations,<sup>8</sup> supplemented by the work of such OSCE institutions as the High

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7 Helsinki Document 1992, cited above (Note 4), p. 707. Chapter VIII of the UN Charter deals with regional arrangements (articles 52, 53 and 54). Article 52, para. 2, reads as follows: "The members of the United Nations entering into such arrangements or constituting such agencies shall value every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council." UN Office of Public Information, Charter of the United Nations and Statute of the International Court of Justice, New York 1963, p. 28.

8 The OSCE missions and other field activities were developed in different forms and ways: the OSCE Presence in Albania; two Missions to Bosnia and Herzegovina as well as Croatia; Missions of Long Duration in Kosovo, Sandjak and Vojvodina; the Spillover Monitor Mission to Skopje (Macedonia); two Missions to Estonia and Latvia; the Advisory and Monitoring Group in Belarus; the Assistance Group to Chechnya (Russia); the Personal Representative of the Chairman-in-Office on the conflict dealt with by the Minsk Conference (Nagorno-Karabakh); the OSCE Offices in Armenia and Azerbaijan, the Missions to Georgia, Moldova and Tajikistan; the OSCE Liaison Office in Central Asia (Uzbekistan); the OSCE Centres in Almaty (Kazakhstan), Ashgabad (Turkmenistan) and Bishkek (Kyrgyzstan); the OSCE Project Co-ordinator in Ukraine; three types of activities in Kosovo - the OSCE Kosovo Verification Mission (KVM), the OSCE Task Force for Kosovo and the OSCE Mission in Kosovo; and two specific activities in Estonia and Latvia - on Military Pensioners and the Joint Committee on the Skrunda Radar Station. For more detail, see OSCE, Secretary General, Annual Report 1999 on OSCE Activities (1 December 1998-31 October 1999), Vienna, 1999.

Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw, the OSCE Representative on Freedom of the Media, the OSCE regional strategy and the Stability Pact for South Eastern Europe.

At the OSCE Seminar on a Common and Comprehensive Security Model (Vienna, 18-19 September 1995), NATO's Assistant Secretary General Gebhardt von Moltke presented the Alliance's view on the future role of the OSCE and the guiding principles of the future security model. He also mentioned a number of things, which should be avoided in this type of security model:

- It should not cut across existing provisions and achievements of the OSCE or weaken any existing arms control and co-operative security achievements.
- It should not create status differences between OSCE participating States which could undermine their equal rights to sovereignty, territorial integrity and political independence.
- It should not create strategic dividing lines nor be based on any notion of blocs.
- It should not prejudice the sovereign rights of states to belong to or to join security organizations in accordance with international law and the principles agreed upon by the OSCE.
- It should not undermine, directly or indirectly, the transatlantic security partnership embodied in the North Atlantic Alliance and integral to the OSCE.
- It should not encourage any institutional hierarchy.

He pointed out three specific areas central to the development of a security model, in which NATO can contribute significantly:

- (1) meeting military challenges, particularly through arms control and disarmament measures;
- (2) promoting security and stability in the OSCE area through the North Atlantic Co-operation Council and Partnership for Peace as well as the inclusion of new members in the Alliance;
- (3) implementing the concept of mutually reinforcing institutions adopted by the OSCE in Helsinki in 1992.

Four years later the new basic NATO document (1999), "The Alliance's Strategic Concept", defined the OSCE's role as follows: "The OSCE, as a regional arrangement, is the most inclusive security organisation in Europe, which also includes Canada and the United States, and plays an essential role in promoting peace and stability, enhancing cooperative security, and advancing democracy and human rights in Europe. The OSCE is particularly



active in the fields of preventive diplomacy, conflict prevention, crisis management, and post-conflict rehabilitation. NATO and the OSCE have developed close practical cooperation, especially with regard to the international effort to bring peace to the former Yugoslavia."<sup>9</sup>

A test of the OSCE's capabilities and limitations in 1999 was its role in the Balkans, in Kosovo in particular. In early 1999 it completed the establishment of the Kosovo Verification Mission (KVM), which was launched by the Permanent Council on 25 October 1998 - to a great extent as a result of the efforts of US Special Envoy Richard Holbrooke. By far the largest OSCE operation ever, it was withdrawn from Kosovo on 20 March 1999 because of the grave deterioration of the security situation and the erosion of its ability to accomplish its tasks. The brief history of the KVM demonstrated that the OSCE can play a key role only if it has the strong support of the major powers and the major European multilateral security institutions.

Following UN Security Council Resolution 1244 of 10 June 1999, a new OSCE mission was established within the UN Interim Administration. This mission has taken a leading role in the institution- and democracy-building process and human rights.<sup>10</sup> Its responsibilities are unprecedented within the OSCE. Its work covers, among other things, the training of a new police service and judicial and administrative personnel.

In Kosovo, the OSCE interacts closely with the UN, NATO, the EU and the Council of Europe. Its experience in 1999 in the Balkans confirms the tendency towards a gradual expansion of its security role. This is also demonstrated in OSCE regional strategy and the Stability Pact for South Eastern Europe.

#### *The Stability Pact for South Eastern Europe*

The EU initiative of 10 June 1999 to launch a Stability Pact in the aftermath of the Kosovo crisis reflects an integrated, comprehensive and coherent approach to the entire region.<sup>11</sup> The concept of the Stability Pact was (a) to isolate and limit the Kosovo crisis, and (b) to develop a political framework for promoting stability in South-eastern Europe in a more co-ordinated way. The concept is innovative, although in its essence it is reminiscent of the Marshall Plan offered to post-war Europe by the United States in 1947. In the long term, the Stability Pact offers those countries in the region which seek integration into the Euro-Atlantic structures a prospect of achieving this goal, especially in the context of their aspirations to join the EU.

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9 The Alliance's New Strategic Concept, para. 16, at: <http://www.nato.int/docu/comm/49-95/c911107a.htm>.

10 Cf. Annual Report 1999, cited above (Note 8).

11 The Stability Pact for South Eastern Europe, Cologne, 10 June 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1999, Baden-Baden 2000, pp. 551-564.

The decision-making bodies of the Stability Pact consist of a system of three Working Tables addressing issues similar to the "baskets" of the Helsinki process established 25 years before: (a) democratization and the promotion of civil societies; (b) economic development; and (c) internal and external security. The results of the Working Tables are brought together at the South Eastern Europe Regional Table. The members are the states which are participants in the Stability Pact and - by invitation - other institutions such as non-governmental organizations (NGOs) and financial institutions. A novelty of the Stability Pact process is that all the members of the Working Tables enjoy full equality. The Pact did not create any new organization or structure but made it possible for all interested states and international organizations to collaborate under OSCE auspices. Some progress could already be observed in the work of all Working Groups by the end of 1999.<sup>12</sup>

The Sarajevo Summit Declaration of Heads of State and Government, issued on 30 July, confirmed the commitments undertaken under the Stability Pact. Two aspects of the process initiated in Cologne and endorsed in Sarajevo are central: (a) promoting political and economic reforms, development and enhanced security; and (b) facilitating the integration of South-eastern European countries into Euro-Atlantic structures. The Sarajevo Declaration contained a message addressed to the people of the FRY "to embrace democratic change and work actively for regional reconciliation". With this intention, the participants at the Sarajevo Summit decided to "consider ways of making the Republic of Montenegro an early beneficiary of the pact" and reaffirmed their support of all democratic forces.<sup>13</sup>

The philosophy reflected in both the Stability Pact and the Sarajevo Declaration is to engage the countries of the region in security co-operation and in the democratic transformation and reconstruction of South-eastern Europe. They bear the main responsibility for its stabilization and their actions are of critical importance. The other state signatories of both documents undertook to support these actions in order "to accelerate the transition in the region to stable democracies, prosperous market economies and open and pluralistic societies in which human rights and fundamental freedoms, including the rights of persons belonging to national minorities, are respected, as an important step in their integration into euro-atlantic and global institutions".<sup>14</sup>

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12 Cf. Bodo Hombach, *The Stability Pact: Breaking new ground in the Balkans*, in: *NATO Review* 4/1999, pp. 20-23, here: p. 22. Hombach reported that on the defence side progress had been made on such matters as improved military-to-military contacts similar to confidence-building measures, control of arms sales, reducing the transfer of small arms, and non-proliferation of weapons of mass destruction.

13 Sarajevo Summit Declaration of the Heads of State and Government of the participating and facilitating countries of the Stability Pact and the Principals of participating and facilitating International Organizations and Agencies and regional initiatives, Sarajevo, 30 July 1999, at: [www.stabilitypact.org/Official%20Texts/SUMMIT.HTM](http://www.stabilitypact.org/Official%20Texts/SUMMIT.HTM). or at: [www.summit-sarajevo-99.ba/commun.htm](http://www.summit-sarajevo-99.ba/commun.htm), para. 4

14 *Ibid.*, para. 7.

The main challenge for all European security institutions is to build multi-ethnic societies on the basis of substantial autonomy in Kosovo and other countries of the region while still respecting the sovereignty and territorial integrity of existing states, including the FRY. The decisions taken in 1999 by NATO, the EU and the OSCE demonstrated the need for a broader view of the region: Regional co-operation should be a catalyst for the integration of the South-eastern European countries into broader structures. The Istanbul Summit Declaration states that the OSCE "has a key role to play in contributing to (the Stability Pact's) success".<sup>15</sup> In fact, the problems that face the signatories of the documents adopted in Cologne and Sarajevo - ensuring democratic development, political pluralism and respect for the rights of individuals and minorities within states as well as the integrity of those states - relate to almost all conflict situations. They are the very problems the OSCE was set up to deal with and, although often associated with developments in the area of former Yugoslavia, they are also the main cause of instability in former Soviet space.

#### *The Istanbul Summit Meeting*

The Istanbul Summit Declaration reaffirmed several essential elements that make up a new type of security system in Europe. First, except for the dispute, which has lasted for over ten years between Armenia and Azerbaijan over Nagorno-Karabakh, all the conflicts the OSCE has dealt with are essentially of a domestic character. Even so, none of the states concerned, including Belarus, Croatia, Georgia, Macedonia, Moldova and Ukraine, have questioned the legitimacy or role of the OSCE in seeking peaceful solutions. Nor has Russia questioned the right of international organizations to do this or the mandate of the OSCE Assistance Group in Chechnya, which is to assist in the renewal of a political dialogue and initiate the process of finding a lasting, comprehensive solution to the problem there. The second element is the commitment to apply the acknowledged principles and norms, including respect for human rights and the rights of minorities, condemnation and rejection of "ethnic cleansing", and support for the unconditional and safe return of refugees and internally displaced persons. The third element, which is of key importance for ensuring stability in the OSCE area, is overall support for a policy of tolerance and for a multi-ethnic society "where the rights of all citizens and the rule of law are respected"<sup>16</sup> but no intention of undermining or calling into question the sovereignty and territorial integrity of the states to whom decisions of the international community are addressed.

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15 Organization for Security and Co-operation in Europe, Istanbul Summit Declaration, Istanbul, November 1999, reprinted in this volume, pp. 413-424, here: p. 416.

16 Sarajevo Summit Declaration, cited above (Note 13), para. 4.

At the Meeting in Istanbul participants were faced with the question of Russia's use of force on a mass scale in Chechnya. The use of violence and terror against the civilian population as a whole and recourse to the rule of "collective responsibility" - holding the population at large answerable for the crimes of the few, as has been seen in Chechnya - cannot be equated with combating terrorism. Russia's reaction to the criticism of the international community in the period up to the Istanbul Summit Meeting came close to jeopardizing the successful conclusion of the Meeting.<sup>17</sup> However the Meeting was in fact not ended prematurely and several important documents were adopted. Nevertheless, the price for this "moderate success" was the application of a double standard: The OSCE in practice made greater demands on the small and medium-sized states and was more lenient towards the major powers, especially Russia, regarding violations of their international commitments.<sup>18</sup> The result was a serious erosion of OSCE's authority and demonstrated that there were limits in enforcing its principles.

In the confrontation between principles and practice, the latter won. Since OSCE decisions are based on consensus, the documents adopted reflect a balance of interests. In effect, a political compromise made it possible to agree on several essential new steps, which are to facilitate the implementation of OSCE principles and norms and make its decisions aimed at preventing the outbreak of violent conflict wherever possible more effective.

The Charter for European Security, signed at Istanbul on 19 November 1999 by 54 OSCE Heads of States or Government (excluding the FRY), reflects the experience and the crises of recent years and adapts OSCE principles and norms to the new requirements.

The decision to prepare a Common and Comprehensive Security Model for Europe for the 21st century was taken at the Budapest Summit Meeting of the OSCE in December 1994.<sup>19</sup> It stemmed from the twin needs (a) to give expression to fundamental changes and define new risks and challenges, as well as (b) to develop new instruments which would not only be expedients but also part of a broader system and mechanism of conflict prevention.<sup>20</sup> Over more than five years of negotiations since then, hundreds of proposals have been made which reflect differing visions of a European security system and

17 "The conflict in Chechnya shows OSCE limitations clearly. In times of serious crises, it is too weak to be able to enforce its principles." *Süddeutsche Zeitung*, 19 November 1999, p. 4 (author's translation).

18 "The OSCE is an organization with great ambitions but little power to act." *La Stampa*, 20 November 1999 (author's translation). "The OSCE Meeting in Istanbul will go down in history as 'the Chechnya Meeting' (...) Russia was at the centre of attention - Russia with the bleeding issue of Chechnya." *Izvestiya*, 20 November 1999 (author's translation). See also *Frankfurter Allgemeine Zeitung*, 20 November 1999.

19 Cf. 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, here: p. 173.

20 "To find comprehensive solutions and not just 'quick fixes', we must look beyond these immediate needs", stated Wilhelm Höynck, OSCE Secretary General. See also Rotfeld, cited above (Note 1), p. 303.

different concepts of the OSCE's role in such a system. Russia demanded a hierarchical and normative order, which would reaffirm legal and international treaty commitments. The EU states, differences among them notwithstanding, were inclined towards more pragmatic solutions.<sup>21</sup>

The main new elements in the Charter are new steps, means and mechanisms to enhance the role of the OSCE as a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation; it does not seek yet again to determine new or reinterpret old principles.

Agreement was reached on six new types of activity: (a) a Platform for Co-operative Security, the aim of which is to strengthen co-operation between the OSCE and other international organizations and institutions and thus make better use of the resources of the international community; (b) the development of the OSCE's role in peacekeeping operations; (c) the creation of Rapid Expert Assistance and Co-operation Teams (REACT) to enable the OSCE to respond quickly to requests for assistance, to offer civilian and police expertise in conflict situations, to deploy the civilian component of peacekeeping operations quickly and to address problems before they become crises; (d) the expansion of the OSCE's ability to do police-related work, including police monitoring, training and assistance in maintaining the primacy of law; (e) the establishment of an Operation Centre at the OSCE Secretariat in Vienna to facilitate preparation, planning and rapid deployment of OSCE field operations; and (f) the establishment of a Preparatory Committee under the OSCE Permanent Council to strengthen the consultation process.<sup>22</sup>

The Charter is designed much more for operational tasks than was originally assumed or expected. It reaffirms the states' responsibility to respect human rights and fundamental freedoms, including "the rights of persons belonging to national minorities".<sup>23</sup> This is not an innovative provision: Commitments of this kind were contained in numerous documents and conventions adopted within the UN system, in the Council of Europe, in the 1975 Helsinki Final Act and in the 1990 Charter of Paris for a New Europe. A new provision, however, is that international security and peace must be enhanced through a dual approach: "(W)e must build confidence among people within States and strengthen co-operation between States."<sup>24</sup>

Also new are the instruments and mechanisms that are to assist and strengthen state bodies in activities that would traditionally be seen as falling within the competence and discretionary power of the individual state. In their security policies, states should be guided by "equal partnership, solidarity and transparency".

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21 On the main opening positions cf. *ibid.*, pp. 303-06.

22 Cf. Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, published in this volume pp. 425-443, here: p. 426.

23 *Ibid.*, p. 427.

24 *Ibid.*

An essential element of the Charter for European Security is an elaborate OSCE code of conduct regulating its co-operation with other organizations.<sup>25</sup> It recognizes the integrating role that the OSCE can play, without creating a hierarchy of organizations or a permanent division of labour among them. The Platform for Co-operative Security, adopted within the Charter, can be considered a new stage in the development of the concept reflected in the Code of Conduct on Politico-Military Aspects of Security contained in the 1994 Budapest Document.<sup>26</sup> The Charter states:

"The risks and challenges we face today cannot be met by a single State or organization (...) In order to make full use of the resources of the international community, we are committed to even closer co-operation among international organizations (...) Through this Platform (for Co-operative Security) we seek to develop and maintain political and operational coherence, on the basis of shared values, among all the various bodies dealing with security, both in responding to specific crises and in formulating responses to new risks and challenges. Recognizing the key integrating role that the OSCE can play, we offer the OSCE, when appropriate, as a flexible co-ordinating framework to foster co-operation, through which various organizations can reinforce each other drawing on their particular strengths. We do not intend to create a hierarchy of organizations or a permanent division of labour among them.

We are ready in principle to deploy the resources of international organizations and institutions of which we are members in support of the OSCE's work, subject to the necessary policy decisions as cases arise.

(...) Subregional co-operation has become an important element in enhancing security across the OSCE area. Processes such as the Stability Pact for South-Eastern Europe, which has been placed under the auspices of the OSCE, help to promote our common values. They contribute to improved security not just in the subregion in question but throughout the OSCE area. We offer the OSCE, in accordance with the Platform for Co-operative Security, as a forum for subregional co-operation. In this respect, and in accordance with the modalities in the operational document, the OSCE will facilitate the exchange of information and experience between subregional groups and may, if so requested, receive and keep their mutual accords and agreements."<sup>27</sup>

Two follow-up conferences, in 1997 and 1999, confirmed states' adherence to the 1994 Code of Conduct and the principle of democratic control of armed forces which it emphasized. A suggestion was raised at the OSCE Review Conference in June 1999 that the issue of corruption in defence spending should be addressed. To promote transparency, it was suggested that information exchanges based on national responses to the questionnaire on im-

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25 This code of conduct is reflected in the Platform for Co-operative Security set out as an "operational document" attached to the Charter for European Security. It defines the rules, commitments and modalities of co-operation. Cf. *ibid.*, pp. 441-443.

26 Budapest Document, cited above (Note 19), pp. 145-189.

27 Charter for European Security, cited above (Note 22), pp. 429-430.

plementation of OSCE States' commitments could be made public on an Internet site.<sup>28</sup> The Charter for European Security reaffirmed the validity of the Code of Conduct and declared that the signatory states would consult promptly "with a participating State seeking assistance in realizing its right to individual or collective defence in the event that its sovereignty, territorial integrity and political independence are threatened".<sup>29</sup> In other words, the Charter reflects a new political commitment to consider jointly the nature of threats and actions that may be required in defence of common values.

The Charter for European Security should be evaluated in the context of the general political situation and in particular the Russian military action in Chechnya. This accounts for the fact that this document has a more operational character rather than being a code of principles and norms guiding the relations between the OSCE participating States.

### *The OSCE and the New Security Architecture*

Today, the essence of security is rightly seen not exactly through the prism of businesslike contacts on secondary issues, but in the search for an answer to the questions: What is the architecture of future security in Europe to be like? Which organizations are to play the key role, NATO and the EU or the OSCE? It is not a secret that in the debate on a model for future European security, a concept has been proposed giving the OSCE the character and status of the most important security structure. A question arises whether this kind of a hierarchical approach is required.

Another issue is whether one of - and if so which one of - the existing organizations in Europe might play the key role in the new security system.

The views expressed in the report entitled "Russia in the System of International Relations in the Coming Decade", prepared five years ago by the Institute of World Economy and International Relations (IMEMO), one of the most authoritative research centres of the Russian Academy of Sciences, reflect much better the real understanding of the present and future role of the OSCE, as seen from the Russian perspective, than many official statements and declarations:

"Looking into the nearest future, it is very difficult to imagine a situation in which the OSCE would genuinely provide the main pillar of European stability. Balance and universalism of this inter-state structure, which are necessary for lowering the tensions of inter-bloc antagonism, are proving insuffi-

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28 For more detail, see Review of the Implementation of all OSCE Principles and Commitments, OSCE Review Conference, RC(99).JOUR/10, Vienna, 1 October 1999. Several proposals have been made with the aim of ensuring proper implementation and further development of the Code of Conduct. See also Reports of the Second Follow-up Conference on the Code of Conduct, FSC.DEL/221/99, 30 June 1999, FSC.DEL/235/99 and FSC.DEL/236/99, 1 July 1999; and Chairman's report, FSC./DEL/252/99, 7 July 1999 and FSC/GAL/84/99/Rev. 1, 19 July 1999.

29 Charter for European Security, cited above (note 22), p. 430.

cient in the new circumstances even for settling an individual conflict, let alone ensuring security and stability on the pan-European scale. The capacities of the OSCE at present and for the foreseeable future are quite rigidly limited, on both the institutional and operational levels. It is and will not be able to provide a considerable military-political force. The 'common denominator' of security interests and stability is insufficient to meet the specific interests of participating States in the sphere of foreign policy and to form among them a leading body which would operate in accordance with a future OSCE Statute, a legally binding document."<sup>30</sup>

Developments in the past five years have confirmed that the authors' reasoning strikes a note of realism.

The same authors affirmed that "NATO will survive in the foreseeable future, all changes notwithstanding, through internal transformation and adaptation to the changing circumstances. However, the very fact of retaining the immense concentration of the bloc's military potential will not pose a danger to Russia's security, because its main direction is (set) at maintaining the stability in Europe and out of its area. Considering that even in the period of confrontation NATO did not have an offensive potential at its disposal, all the more it is characteristic for the present and future conditions."<sup>31</sup> The authors of the study, like many others, expressed concern about a reconstruction of the security system in Europe which, on the one hand, would lead to NATO's expansion, and, on the other, could do harm to the national interests of Russia. Nevertheless, they reject arguments about a threat to Russia posed by "NATO aggressiveness". What is more, they found the Alliance "the main factor of stability on the continent". Although this state of affairs is not always compatible with Russian interests, one should, in the opinion of the IMEMO authors, consider the "Westernization" of Central and Eastern Europe, following that of Southern and Northern Europe, "an objective, historically warranted process".<sup>32</sup> Russia faces two alternatives: either co-operation with all of Europe in all fields including the security and arms control sphere or a return to confrontation and a policy of enmity towards the West.

### *Conclusions*

Ten years after the end of the Cold War, the realities that determine the transatlantic agenda have changed completely. The decisions adopted by and arrangements made within NATO, the EU and the OSCE have taken these

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30 Rossiya v sisteme mezhdunarodnikh otnoshenii blizhaishego desatiletiya [Russia in the System of International Relations in the Next Decade] (Report on the results of prognostication research done within the research project financed by the Russian Fund for Basic Research), IMEMO, Moscow 1995 (author's translation).

31 Ibid., pp. 40-41.

32 "One can flexibly adapt (to this process, ADR) by limiting damage and taking advantage of it or embark upon the road of dumb opposition and, consequently, increase damage and squander benefits." Ibid., p. 48 (author's translation).



changes into account and set out a new conceptual framework for the further shaping of the security system in Europe. These three security-related structures are adapting internally; NATO and the EU have initiated the process of Eastward enlargement. The OSCE Charter for European Security codified a set of arrangements for closer co-operation between all security-related international institutions existing in Europe. The NATO intervention in Kosovo and the bloody conflict in Chechnya in 1999 were the litmus test of the effectiveness and, at the same time, of the limitations which these multilateral security institutions have encountered in their attempts to prevent and resolve conflicts.

NATO, EU and OSCE documents are the expression of the new role played by multinational security organizations and reflect the process of redefining national interests. The decisions regarding security adopted in 1999 give expression to the concept that political and operational coherence is possible if it is based on common values and close co-operation between all the bodies dealing with transatlantic security.

## The OSCE and Human Rights Watch

### *From Norm-Setting to Implementation and Enforcement*

#### *Introduction*

The history of co-operation between Human Rights Watch (HRW) and the Organization for Security and Co-operation in Europe (OSCE) can be traced to the founding of both organizations in the mid-seventies. What is today Human Rights Watch, a privately funded international non-governmental organization (NGO) with offices throughout the world and professional staff that regularly monitor conditions in some seventy countries, began in 1978 as Helsinki Watch. Its original mission was to monitor implementation of the human dimension commitments enshrined in the 1975 Helsinki Final Act and to serve as a Western partner for the Helsinki monitoring committees established throughout the region. In this capacity, Helsinki Watch played an important role in the development of the non-governmental component of the Helsinki process.

Today, the Europe and Central Asia Division of Human Rights Watch continues in this tradition, as a regular participant in OSCE meetings and as an informal interlocutor with various OSCE institutions, providing them with wide-ranging information and analysis relevant to OSCE human dimension activities. This article summarizes the recent course of that dialogue, which has focused on four areas of policy development: promoting the OSCE's human dimension in the countries of Central Asia; improving human dimension activities of the OSCE missions (particularly in Central Asia and the Balkans); engaging the OSCE in the global campaign against the use of child soldiers; and mainstreaming gender concerns in the work of the OSCE.

The web of both critical and collaborative contacts and consultations between Human Rights Watch and the OSCE on topics ranging from specific cases of abuse to broad questions of OSCE institutional policy reflects the evolution of the Helsinki process over the past 25 years. In its early years, among other things, the Helsinki process served as a forum for compelling participating States to commit to uphold certain human rights norms and for non-governmental criticism of their human rights practices in light of those norms. Today, following the institutionalization of the Helsinki process as the OSCE, non-governmental advocacy as frequently targets the OSCE itself, as it does the participating States. This shift in NGO orientation is evidence of growing expectations for effective international implementation and enforcement of human rights, fuelled by the establishment at the OSCE and elsewhere of numerous new international human rights instruments, mechanisms, and institutions in the nineties.

The challenge today for international organizations, such as the OSCE, is to use these new tools effectively.

### *Promoting the Human Dimension in Central Asia*

Human rights developments in Central Asia have been the subject of extensive contacts between Human Rights Watch and the OSCE in recent years. The organizations have enjoyed close and productive working relationships in the region, particularly in Tashkent and Dushanbe where Human Rights Watch has maintained offices. At the more abstract level of regional policy, however, divergent perspectives have rendered the relationship somewhat more confrontational. Specifically, Human Rights Watch believes that the OSCE has repeatedly failed to respond to serious and systemic violations in Central Asia in sufficiently strong terms or with reference to real repercussions, apparently fearing that too much criticism might alienate these governments from the OSCE. The result, unfortunately, has been to seriously undermine the OSCE commitments that these countries freely accepted.

### *Election Monitoring*

Each of the five countries of Central Asia has in 1999 and 2000 experienced seriously flawed electoral processes, characterized by restrictions on freedom of the media and freedom of association, and by various tactics employed to marginalize or exclude opposition figures from electoral processes.

With offices in each of the countries of Central Asia and an election monitoring mandate, the OSCE stood to play a major role in these electoral processes. Human Rights Watch welcomed the principled decision of the OSCE in January 1999 to signal its disapproval of Kazakhstan's flawed electoral process by sending only a scaled-back assessment mission to observe the presidential elections.

We hoped the decision reflected the emergence of new clear and consistent standards for the OSCE's election monitoring. In letters to OSCE officials, we advocated the public declaration of a new sliding scale approach to undertaking election monitoring. Specifically, we urged that there be no OSCE monitoring where it is evident that no genuine political contest can take place and where the government systematically denies civic freedoms, either across the board or purposively in connection with an upcoming election. We argued that any other approach to such circumstances would risk legitimizing an inherently flawed process. Where there are certain civic freedoms but also an electoral system that is deeply flawed in order to favour particular outcomes, we maintained that the OSCE should send a limited assessment mission to enable some assessment of the polling process while signalling disapproval of the larger context and process of elections. We advanced the position that full observation missions to monitor whether the actual polling process meets OSCE standards are appropriate only

where OSCE principles are substantially respected in the context and structure of the elections.

Applying these standards to the elections in Central Asia, we argued for the OSCE to send only an assessment mission for parliamentary elections in Kazakhstan in October 1999, and for no mission of any sort for elections in Turkmenistan and Uzbekistan in late 1999 and early 2000. We have been pleased to see the OSCE pursue what amounts to a three-tiered standard for deployment of election monitors, but we were disappointed when a full observation mission was deployed for the Kazakh parliamentary elections and even a limited assessment mission was dispatched for the Uzbek parliamentary elections.

OSCE officials argued that the observation mission for the Kazakhstan parliamentary elections was necessary to document violations and to give the OSCE the documentary footing to make detailed recommendations about improving election legislation and procedures the next time around. We maintained that recommendations on law and its execution could be effectively developed by smaller pre-election assessment missions; such recommendations would be most salient in the pre-election period, before the large-scale observation missions even arrived; and full-scale observation missions could only serve to legitimize the flawed voting procedures, especially since national media uniformly distorted the meaning of the observers' presence. While the observation mission to Kazakhstan did develop detailed recommendations following the election, the government has predictably done little to implement them and the OSCE Permanent Council and participating States have failed to bring meaningful pressure to bear on the government to do so. Once it became clear what the Kazakh government was getting away with notwithstanding the careful tutelage of the OSCE, conditions for the subsequent elections in Uzbekistan, Turkmenistan, Tajikistan, and Kyrgyzstan only worsened, and the OSCE had little standing to insist on improvements.

As the Central Asia election cycle winds down and attention turns to implementation of recommendations contained in OSCE election observation reports, non-governmental organizations can substantially enhance the capacity of the OSCE to advocate and monitor such implementation. It is hoped that between the OSCE and non-governmental organizations active in the region, a collaborative and mutually reinforcing approach to implementation will emerge. At the same time, the winding down of the election cycle brings with it a sense that by sending monitors to observe deeply flawed election processes, the OSCE has squandered important opportunities to uphold its human dimension standards.

#### *The Höynck Report and Beyond*

In addition to monitoring the recent electoral processes in Central Asia and the OSCE's posture towards them, Human Rights Watch has actively engaged the Organization on its broader Central Asia strategy. We welcomed the December 1998 Ministerial Council Decision on Central Asia, calling on the Chairman-in-

Office to develop a plan for strengthened and co-ordinated OSCE engagement in Central Asia. We saw this process as an opportunity to heighten awareness that the deteriorating human rights situation in Central Asia threatened not only the human dimension but also security and economic interests in the region. In letters and meetings we briefed delegations of the Chairman-in-Office and the Office for Democratic Institutions and Human Rights (ODIHR) who visited the region in 1999; and we awaited with interested anticipation the preparation of the report on Central Asia by the Personal Representative of the Chairman-in-Office, Mr. Wilhelm Höynck.

The report submitted to the Permanent Council on 15 July 1999 was disappointing. Our principal concern was that the report assigned priority to human dimension issues in name only, giving a more prominent place to economic, environmental, and other aspects of comprehensive security. Specifically, it described the human dimension as a "key element of the broad political dialogue", but as one element only, and not a necessary and fundamental obligation for all OSCE participating States. Moreover, the report repeatedly emphasized the political nature of the Organization, suggesting that however serious the violations of OSCE standards, human rights would not be allowed to overshadow or impinge on other areas of "dialogue". Such treatment of the subject sends a dangerous signal to countries that persistently flaunt their human dimension commitments that they need not fear any OSCE action in response.

Reflecting this conceptual bracketing of the human dimension and an unwillingness to engage in frank debate on the human dimension situation in Central Asia, the Personal Representative's report whitewashed states' records on human rights engagement with the OSCE, calling the progress "remarkable" and neglecting to note the states' backsliding on human rights since 1996, when the OSCE established its first field presence in the region. Such a statement was insupportable at a time when one state, Turkmenistan, remained steadfast in its refusal to engage in serious discussion of its non-compliance with OSCE standards or even to agree to any OSCE human dimension implementation activities in the country; another, Uzbekistan, was in the midst of an aggressive crack-down on human rights defenders and had just explicitly rejected OSCE critiques of its record; and while the Kazakhstan government was issuing pledges to move towards OSCE standards, it instead repeatedly thwarted public participation through the electoral process. The report described the egregious violations of basic human rights as "serious implementation deficits". It added that "(i)t is important that positive trends continue and steps backwards are avoided", but failed to recognize that the "steps backwards", in some countries, had accelerated from a stroll into a gallop since 1996.

Human Rights Watch was highly critical of the approach taken in the Höynck report. In a written analysis of the report widely distributed to representatives of the OSCE and participating States, we urged the Organization to reject the sidelining of human dimension concerns implicit in the report. Rather, we encour-

aged the OSCE to redouble its efforts to promote the human dimension in the region, specifically recommending that the Organization:

- conduct thorough evaluations of existing human dimension programmes;
- develop a new region-wide human dimension strategy, including clear benchmarks for improvement and a commitment to resort to the Moscow mechanism or discontinue field operations in cases where states repeatedly and egregiously fail to meet their obligations;
- provide for systematic ODIHR input into all programmatic activities in the region, to ensure full integration of the human dimension with other aspects of the OSCE agenda;
- improve co-ordination among field missions and various OSCE institutions on human dimension activities, to analyse trends (particularly with respect to regional or cross-boundary issues such as refugee flows or minority rights), share information about best practices, and develop the OSCE's capacity for early warning of instability arising from flawed human dimension implementation; and
- establish and implement clear and consistent standards for deciding the nature of the OSCE's participation in election monitoring.

Human Rights Watch's response to the Höynck report was not entirely critical, however. We endorsed Ambassador Höynck's proposed "Calendar of Yearly Events" in Central Asia, suggesting that it provide for each calendar event to yield specific concrete steps towards human dimension implementation.

In its correspondence and meetings with the Austrian OSCE Chair and the Personal Representative of the Chairperson-in-Office for Central Asia in 2000, OSCE Secretary General Ján Kubiš, Human Rights Watch expanded on Ambassador Höynck's recommendation that the OSCE enhance co-ordination between international organizations active in the region, and specifically campaigned for greater co-operation and collaboration regarding the human dimension in Central Asia between the OSCE on the one hand, and the World Bank, European Bank for Reconstruction and Development (EBRD), and the European Union (EU), on the other.

The latter three institutions each has an interest in the OSCE's human dimension: the World Bank in connection with its programmatic emphasis on good governance, judicial reform, and combating corruption; the EBRD in furtherance of its charter-based commitment to democratic pluralism and the rule of law; and the EU, as a function of its Common Foreign and Security Policy commitments to promote human rights, as well as provisions of its Partnership and Co-operation Agreements with Central Asian states, which specify that OSCE commitments are an essential element of the co-operative relationship.

Yet these institutions have neither the field presence nor the human rights expertise of the OSCE to develop meaningful assessments or strategies regarding the state of human rights and the rule of law in Central Asia. For its part, the

OSCE has this expertise, but relatively meagre means to induce human dimension implementation. Co-ordination between the OSCE and the international financial institutions and other donors is clearly an opportunity for the much-vaunted "complementarity" among international actors.

To realize this potential, Human Rights Watch is actively promoting various means for improved co-ordination, including appointment of liaisons between the OSCE and donor organizations; regular consultation by international financial institutions with the OSCE in connection with the development of their country assistance strategies; regular contacts between resident representatives and OSCE ambassadors; briefings by OSCE ambassadors and other personnel for international financial institution headquarters staff; and participation or observer status for OSCE ambassadors or other representatives in periodic "Co-operation Councils" or country strategy review meetings.

A recurring theme in Human Rights Watch's advocacy on both the Höynck report and the elections in Central Asia has been that the OSCE must ensure that repeated egregious non-compliance with human dimension norms will have serious consequences for the abusive participating State. The OSCE's willingness to move beyond strong rhetoric to embrace such measures presents a crucial test of its effectiveness in human dimension enforcement.

#### *A Stronger Human Dimension for the OSCE Missions*

A second important area of interaction and consultation between Human Rights Watch and the OSCE has been on the subject of the human rights activities of its expanding number of missions. Some of this discussion has focused on the work of the OSCE Centres in Central Asia referenced briefly above, but OSCE field activities in other parts of the region have also figured prominently, and the lessons learned have region-wide applicability.

Human Rights Watch has welcomed the proliferation of OSCE missions as a potentially valuable tool for improving human dimension implementation. Unfortunately, in many cases we have been disappointed by the level of human rights activity undertaken by missions. One recurrent problem facing OSCE mission work on the human dimension has been difficulties presented by dual mandates, in which human rights monitoring and reporting must compete with other sometimes conflicting agendas, such as organizing elections or facilitating peace negotiations. This problem plagued the OSCE Assistance Group in Chechnya during the 1994-96 war, when at times the Assistance Group seemed to downplay human rights concerns so as not to weaken its negotiating role. In the context of the renewed fighting in Chechnya since late 1999, the Assistance Group's past involvement in negotiating a political solution has contributed to the Russian government's resistance to the Group's redeployment, even for purposes of human rights monitoring.

Even where missions enjoy relatively unambiguous mandates, they have too frequently taken a reactive approach to human rights work: sitting in offices waiting for abuses to be reported, rather than taking the initiative to monitor trials, visit the displaced or detained, or intervene with local authorities regarding specific cases. In several cases, we have found that missions kept inadequate records of human rights abuses, limiting their ability to identify patterns or trends in abuse that might be addressed. Until recently, most OSCE missions also resisted public reporting, preferring quiet diplomacy with government officials, even when those officials demonstrated no willingness to address the violations in question. In many cases, the problems with missions' human dimension activities have been exacerbated by the OSCE's failure to staff missions with appropriate human rights experts or to train mission personnel appropriately.

These problems do not appear in all missions; nor can neglect of the human dimension be, by any stretch of the imagination, attributed to all OSCE mission staff. There are exceptionally committed members of OSCE missions throughout the region, who have made a considerable contribution to human rights protection. Unfortunately, we have found, however, that too often the system has worked against these dedicated individuals.

Human Rights Watch and other non-governmental organizations have repeatedly raised these concerns in OSCE fora, in public reports, and in private correspondence regarding OSCE general mission policy and mission activities in specific countries. A particularly good example of the NGO contribution to the ongoing discussion about missions' human rights activities was a seminar convened by the International League for Human Rights and the Jacob Blaustein Institute in May 1999.<sup>1</sup> Sometimes private correspondence has proved the most effective way of communicating concerns. The recommendations contained in a private December 1998 Human Rights Watch memorandum assessing the work of the OSCE Mission to Croatia were widely discussed within the Mission and at an informal session of the OSCE Permanent Council.

To its credit, the OSCE has addressed many of these criticisms. A number of missions have undertaken a significantly more proactive approach to their human rights activities, while substantially more attention has been paid to human rights in staff recruitment and training for missions. ODIHR made a valuable contribution by making the role of field missions in promoting the human dimension the subject of a special human dimension seminar convened in May 1999. The cumulative effect of lessons learned over the course of the OSCE's field operations has been that many missions have taken a more proactive approach to human rights work, including routine public reporting of abuses. Some of the lessons learned from the Missions to Bosnia and Croatia have been clearly evidenced in the more proactive approach of the OSCE Kosovo Missions.

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1 Cf. The International League for Human Rights/The Jacob Blaustein Institute for the Advancement of Human Rights, *Delivering on the Promise: Human Rights, OSCE Field Missions, and Election Activities*, New York 1999.



Still, too often an OSCE mission's approach to the human dimension is determined by the predilections of the particular Head of Mission. As the OSCE takes steps to further enhance Secretariat support for missions and develops the REACT concept (Rapid Expert Assistance and Co-operation Teams) endorsed at the Istanbul Summit, it will be important to establish an institutional capacity to replicate missions' best practices in the human dimension.

In the meantime, NGOs will continue to press for effective human dimension implementation in specific OSCE field operations, the Organization's front line in human rights promotion throughout much of the region. In this context, the emergence of the OSCE as a primary target for NGO advocacy presents particular challenges, since the staff of missions who often work closely with NGOs on the ground may feel betrayed when those NGOs criticize mission activities. A 1999 Human Rights Watch report on abuses committed against Roma and Serbs in Kosovo<sup>2</sup> had this unfortunate impact when recommendations intended to build external political and financial support for an enhanced OSCE human rights effort were read by mission staff as personal criticism. The experience highlighted for us the need for greater NGO consultation with OSCE representatives in connection with such advocacy. While such consultation must be undertaken in a manner that preserves NGO independence, it is essential to effective non-governmental advocacy that increasingly targets the Organization as well as its participating States.

### *The OSCE and Children in Armed Conflict*

Human Rights Watch's recent advocacy towards the OSCE on the question of children in armed conflict has combined the old-style push for norm-setting with a proactive implementation and enforcement agenda.

In July 1999, Human Rights Watch joined with other non-governmental organizations to prepare a joint memorandum on the problem of child soldiers and steps the OSCE might appropriately take to address the issue at the 1999 Review Conference and Summit. The memorandum was widely distributed to relevant officials representing the participating States. The impact of the memorandum was enhanced by the fact that it was a joint NGO effort and was prepared well in advance of the Review Conference and Summit. Although human rights organizations are often responding to emergency situations in which such co-ordination and advance advocacy are simply impossible, the experience of our work on child soldiers at the OSCE suggests that non-governmental organizations should attempt to mount similar efforts whenever possible. Human Rights Watch and its non-governmental partners followed up on the memorandum with meetings with relevant officials and with public statements at the Review Conference.

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2 Human Rights Watch, Federal Republic of Yugoslavia: Abuses Against Serbs and Roma in the New Kosovo, No. 10(D), August 1999.

These efforts were rewarded when it was announced that a special ODIHR seminar on the subject of children in armed conflict would be organized in 2000; and the Charter for European Security adopted in Istanbul committed participating States to "develop and implement measures to promote the rights and interests of children in armed conflict and post-conflict situations" and to "look at ways of preventing forced or compulsory recruitment for use in armed conflict of persons under 18 years of age".<sup>3</sup> These steps contributed to the momentum behind the Optional Protocol to the Convention on the Rights of the Child, establishing 18 as the minimum age for deployment in armed conflict, agreed in Geneva in January 2000.

While the issue of minimum age for deployment was of critical importance, it was perhaps one of the more straightforward problems identified in the non-governmental organizations' July 1999 memorandum. One need look no further than the OSCE region's most recent armed conflict, in Chechnya, to see that children in armed conflict are particularly vulnerable to serious abuse, including detention, torture, rape and forced recruitment, not to mention deprivation of their basic rights to food, health care, and education. The challenge for the OSCE and interested non-governmental organizations participating in the 2000 ODIHR seminar on children in armed conflict will be to tackle the more complex issues involved in enhancing the capacity of OSCE missions to protect and promote children's rights, including through programmes for the demobilization and rehabilitation of child soldiers.

#### *Gender-Mainstreaming at the OSCE*

With respect to each of the topics addressed above, Human Rights Watch has concentrated its recent advocacy efforts on making existing OSCE mechanisms address human rights problems more effectively. On women's human rights, however, our efforts have been more fundamental: to establish within the OSCE the institutional structure to address these problems.

Human Rights Watch joined the 1997 Human Dimension seminar on women's human rights convened by the OSCE in Warsaw. We welcomed the sweeping commitment agreed at that meeting that the OSCE should mainstream gender issues and women's human rights into all its work. But what did this mean in practice?

In Human Rights Watch's view, of primary importance was the establishment of permanent gender advisors in both the ODIHR and the OSCE Secretariat, where they could oversee and ensure the gender mainstreaming to which the institution had committed itself. Concerted advocacy by Human Rights Watch and other non-governmental organizations as well as supportive officials within the OSCE and its participating States has resulted in the secondment of gender advisors to

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3 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, reprinted in the present volume, pp. 425-443, here: p. 433.

the ODIHR and the Secretariat. At this writing, however, the positions had not been permanently established.

Although the OSCE has stepped up its attention to women's human rights, women still face rampant sex discrimination, wartime violence, rape, trafficking, domestic violence, sexual harassment, rape and sexual violence in prisons. Women have little voice in decision making. And all of the issues identified by the discussion groups in the 1997 Human Dimension Meeting remain of concern. ODIHR's Action Plan for Activities to Combat Trafficking, presented at the Istanbul Summit, is a good example of the kind of concrete implementation strategy that is needed on various women's human rights issues. The successful development and implementation of such plans will depend on the level of the OSCE's institutional commitment. Permanently establishing gender advisors and an institutional structure responsible for this aspect of the human dimension would be a good starting point and will remain a high priority for Human Rights Watch in its dialogue with the OSCE.

### *Conclusion*

The foregoing snapshot of recent Human Rights Watch interaction with the OSCE highlights an important development in the international human rights field. While norm-setting remains an important part of the dialogue (as evidenced by the work on child soldiers), increasingly these discussions involve relatively minor refinements of existing standards. The major emphasis of current non-governmental activity in the OSCE context is on implementation, and the OSCE itself is more often than not the target for this advocacy.

The proliferation of human rights institutions and mechanisms has created legitimate expectations among non-governmental actors that the OSCE will take an affirmative role in implementation and even enforcement of its human rights standards. In this context, successful non-governmental advocacy requires not only knowledge of human rights conditions throughout the OSCE region, but also a good understanding of the mandates, structures, and existing activities of various arms of the OSCE. Non-governmental organizations need to consult privately with the OSCE on implementation challenges, but also to maintain their independence and capacity to publicly hold the OSCE accountable for its failings. For their part, OSCE officials should take advantage of input from non-governmental organizations, whose outsider perspective may give them particular insights relevant to improved human rights implementation. And finally, the OSCE must grapple with the implications of the dramatic proliferation of its human rights tools in the past decade: Civil society expects these instruments to be used, the norms to be upheld and enforced; and it will impatiently press upon the OSCE to do so. While certainly challenging for both non-governmental organizations and the OSCE and its participating States, this dialogue promises in

the final analysis to make a significant contribution to realization of the OSCE's human dimension goals.



## CORE - The Centre for OSCE Research at the IFSH

The OSCE as a regional security organization comprising 55 participating States extends across almost the entire northern hemisphere from "Vancouver to Vladivostok". It is the only international organization with an explicit pan-European mandate and radius. Furthermore it has a Transatlantic dimension. In particular, it includes those crisis regions where there are states that will not become members of other European organizations in the near future, but will nevertheless have a fundamental influence on pan-European security. The OSCE has reacted to crises and conflicts faster and more successfully than other organizations and has developed innovative, non-military instruments for the prevention and management of ethno-political conflicts. Today, the OSCE plays a decisive role in the European security architecture through preventive diplomacy, early warning, election monitoring, confidence- and security-building measures, arms control and in particular through its field missions.

### *Scientific Focus and Involvement*

The increasing number of intra-state, most often ethno-political conflicts in a series of OSCE participating States after the end of the East-West conflict moved the prevention concept - which had gained the centre of attention on the political level in 1994 through the Agenda for Peace put forward by Boutros Boutros-Ghali, the former Secretary-General of the United Nations - to the centre of discussion in the field of political science. However the lively scientific debate on the prevention of ethno-political conflicts often takes place on a theoretical level highly abstracted from the praxis of international organizations. There has been (almost) no research on prevention, in particular on the work of the OSCE. Serious deficiencies in the research in this area as well as an opportunity to make constructive contributions to the further development of the OSCE discussion led the Director of the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), Dieter S. Lutz, initially, to found the OSCE Yearbook in 1995. After the creation of the Yearbook, the Institute established a focus on OSCE research. The almost explosive development of OSCE activities in the past few years and the many new issues arising therefrom ultimately led to the establishment of the Centre for OSCE Research (CORE) at the IFSH. CORE is the only research centre worldwide specialized in OSCE research.

The Centre was founded on 6 January 2000 as a department of the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH). Federal President Johannes Rau, the First Mayor of the Free and Hanseatic City of Hamburg, Ortwin Runde, and the Director of IFSH and Head of CORE spoke at the founding ceremony. The Federal President opened the ceremonies at the City Hall of the Free and Hanseatic City of Hamburg with a speech under the motto of his predecessor, Gustav Heinemann: "Peace as a Predicament". In addition, the speeches by First Mayor Runde and Professor Lutz, which dealt with one and the same topic although from differing angles, were unusually consistent. This topic can be said to be the CORE guiding principle: "War is not normal!"

Some of the guests, totalling over 400 persons coming from political, economic and public life, used the opportunity to make significant contributions laying the financial foundations for an IFSH building extension urgently required to accommodate CORE.

Within the framework of a symposium entitled "OSCE 2000 - A Civilian Peace Policy for Europe", the OSCE Secretary General, Ambassador Ján Kubiš, the Representative of the Chairperson-in-Office, Ambassador Dr. Margit Wästfelt, the OSCE Representative on Freedom of the Media, Freimut Duve as well as the then German and Russian Ambassadors to the OSCE, Dr. Rudolf Schmidt und Oleg Belous discussed OSCE perspectives. Krista Sager, the Deputy Mayor and Senator for Science of the Free and Hanseatic City of Hamburg gave a short welcoming speech and the discussion was moderated by the Deputy Head of CORE, Dr. Wolfgang Zellner.

After the founding ceremony, the Centre offered an international workshop on current OSCE developments and the CORE working programme for the year 2000. The participants were OSCE academic experts and representatives from OSCE institutions, including *inter alia* former OSCE Secretary General Ambassador ret. Dr. Wilhelm Höynck, Falk Lange, Advisor to the High Commissioner on National Minorities, as well as Dr. Monika Wohlfeld from the OSCE Secretariat. Members of the academic community included: Professor Dr. Adam Daniel Rotfeld, Stockholm International Institute for Peace Research (SIPRI), Professor Victor-Yves Ghebali of the Graduate Institute of International Studies in Geneva, and Dr. Pál Dunay of the Geneva Centre for Security Policy.

The workshop participants discussed current and prospective research projects as well as the CORE publications and services planned. As a result of the workshop it was realized that CORE would be able to rely on secure backing and assistance from science and politics.

### *CORE Goals and Principles*

The Centre for OSCE Research has been set up to function as a politically independent think-tank and combines basic research on central aspects of OSCE development with demand-oriented analyses. CORE's goal is to follow OSCE development by performing critical analyses thus contributing to a deeper understanding of OSCE problems and perspectives. Furthermore, CORE research is to make a contribution to a realistic assessment of OSCE capabilities and limits. In addition, it will give support to OSCE endeavours to institute effective conflict settlement and the construction of a European security order.

The fact that CORE research is derived from current OSCE activities is a strong indication that the Centre is praxis-oriented. This is emphasized through its international orientation and the high percentage of staff members, who in addition to their academic qualifications have also had practical experience in OSCE missions and institutions as well as having been involved in research projects in the Central and Eastern European states. In research projects like "On the Effectiveness of the OSCE Minority Regime", academic researchers in the countries being examined are conducting detailed field studies.

Regular contacts with OSCE missions and institutions also reinforce the CORE research focus on politically relevant issues. This is designed to allow it to utilize the experiences of former mission members and thus structure its advisory capacities on policy in a realistic manner and not simply offer theoretical hypotheses.

### *Working Areas*

The essential focus of the Centre, reflected in all of its individual activities, is on conflict prevention, crisis management and the process of post-conflict peace-building. In addition to conducting research, CORE issues publications and provides services. The research focus, in particular, is to be on innovative OSCE instruments directed towards conflict management during the differing phases in which conflicts escalate. These include the High Commissioner on National Minorities (HCNM), the Office for Democratic Institutions and Human Rights (ODIHR), the Representative on Freedom of the Media and naturally the long-term missions. The regional focus is on the three central crisis regions in the OSCE area, the Balkans, Central Asia and the Caucasus.



*The Project "On the Effectiveness of the OSCE Minority Regime"*

Ethno-political conflicts are currently the main cause of violent confrontations in Europe. As a rule, they occur within states, but often have the potential to escalate into inter-state conflict. Thus, ethno-political violence is always a danger to security and stability, as well as peace and is therefore a risk to the inter-state relations between OSCE participating States. This was the reason the then CSCE created the institution of the High Commissioner on National Minorities (HCNM) in 1992.

The main task of the HCNM is the early identification of minority conflicts and if applicable their peaceful solution. Despite the fact that the work of the HCNM, the former Dutch Foreign Minister Max van der Stoep, who has been in office since 1993, has unanimously been recognized by politicians as well as academicians as highly productive, the effectiveness of this instrument has yet to be examined empirically. This led to the above-mentioned research project, which since 1999 has been funded by the *Deutsche Forschungsgesellschaft* (DFG, German Research Association) and is being implemented by CORE.

In this project, research is being conducted to evaluate the effectiveness of the OSCE minority regime according to the degree to which the HCNM recommendations on legislation and praxis during the period from 1993 to 2000 have been implemented. The groups dealt with are the Russian minorities in Estonia, Latvia and the Ukraine, the Hungarian minorities in Romania and Slovakia as well as the Albanian minority in Macedonia. Furthermore an attempt will be made to explain the reasons for the differing degrees to which of the High Commissioner's recommendations have been implemented in each country. On this basis, political recommendations will be made to optimize the effectivity of the HCNM as an OSCE institution.

*The Project "Performance Requirements and Performance Profiles of OSCE and UN Missions"*

The topic of this project was not created in an ivory tower at the Institute in Hamburg, but was the result of discussions with members of the German Parliament, members of the OSCE Secretariat and around 25 Heads of Permanent Representations to the OSCE in Vienna, who were all concurrently of the opinion that a mission study should be given priority. Within a period of only a few years, more than 20 multi-functional UN peacekeeping operations and OSCE missions have been deployed in the OSCE area. They are currently one of the most important instruments used by international actors to prevent violence and manage conflicts with civilian means in OSCE space. In the Charter for European Security adopted at the Istanbul Summit in Novem-

ber 1999, the OSCE participating States again emphasized the importance of OSCE missions. However, there is a huge disparity between the political significance of this innovative instrument and its scientific treatment.

The scientific literature on UN and OSCE civilian missions is characterized by being primarily descriptive blended with some prescriptive elements. There are very few studies based on theory or on explicit systematic research on the performance requirements and performance profiles of OSCE and UN missions. Thus especially those questions that are decisive for mission deployment have remained unanswered, that is, what are the comparative advantages and disadvantages the world organization has with respect to the regional organization and vice-versa, as well as how synergy effects can be achieved through division of labour and co-operation. This research project is aimed at filling the gap in this area.

The empirical goal of this study is to compare the performance profiles of UN and OSCE missions and explain the differences between the two through variables related to conflict and/or organization. The OSCE and UN Missions in Kosovo, Macedonia, Georgia and Tajikistan are to be the focus of this research.

With respect to policy advice, the goal of the study is developing recommendations for optimizing UN and OSCE civilian missions. These will be drawn from empirical results and an interpretation of these. The recommendations are to have an effect on the organization of missions, their working methods, their fields of activity and forms of co-operation as well as lead to possible adaptations in the structure of the parent organizations.

#### *The Research Project "Security through Democratization"*

The OSCE is characterized by its unique linking of the human dimension with the security dimension. The democratic quality of intra-state relationships thus becomes the legitimate object of international security concerns and co-operative regulatory measures. Thus, the OSCE promotion of democracy is not primarily legitimized through the goal of perfecting democracy, but indirectly, through efforts to create stability and security. In view of the widespread weaknesses in democratic institutions in the countries in transition, the building of democracy is decidedly an essential instrument in conflict prevention. OSCE efforts in the area of the human dimension are consequently not to be measured by an abstract democracy model or ideal.

For the first time, this research project is to implement a theoretical analysis of OSCE democratization measures directed towards creating security based on comparative case studies in Georgia, Armenia, Azerbaijan, Kazakhstan, Uzbekistan, and Tajikistan. The central focus of the project is on the capabilities and limits of the OSCE to make a contribution to the maintenance and strengthening of stability and security through its democratization work. This project is an initial venture into creating security through democratization

measures by external actors, an area where extensive research is still required.

Likewise, the results of this research project are to be used to make concrete policy recommendations to optimize activity fields, instruments and co-operation processes in the area of the OSCE human dimension.

#### *Publications and Services*

At this point it is no longer necessary to make special mention of the OSCE Yearbook, which readers have recognized for years now as an indispensable source of basic information on OSCE activities. The authors of this book include OSCE practitioners, diplomats, soldiers and scientists. We are particularly proud that the book appears in three languages (German, English and Russian) and the Russian edition is used as standard material in numerous universities in the Russian Federation and in other CIS countries.

The results of current research projects are being published in the *Working Papers* series, by and large in English. Our newsletter, *CORE News*, provides information on the events and developments at CORE. Core News and the Working Papers can be accessed at the Centre's web site.

CORE provides an extensive collection of OSCE-related documents and secondary literature for external researchers and the general public in its "OSCE Depository Library". This library was begun during mid-1999 and is being continually enlarged.

Since the middle of the year 2000, the IFSH and CORE and thus the "OSCE Depository Library" have been members of the German Information Network on International Relations and Area Studies, whose scientific data base World Affairs Online (WAO) includes almost a half a million entries. CORE has agreed to give special attention to the task of making OSCE documents as well as OSCE-related literature available on this information network.

Since mid-1999, the German Foreign Office has offered a training programme for personnel to be deployed in civilian peace missions. The goal of the programme is to better prepare future OSCE and UN mission members before they are deployed, so that they will be able to operate more effectively and thus guarantee better mission working methods. CORE members have offered courses on the institutional development of the OSCE and on mission activities as well as developed materials related to countries and conflicts for mission members.

#### *Co-operation with Academia, Politics and Society*

Many of the above-mentioned activities would not have been possible without the project funding of the German Foreign Office. This funding is by no

means a one-way street. CORE is also in the process of developing professional reports which could be of value to future German OSCE policy. The development of such studies, compilations, policy papers is, in addition to the long-term research, naturally one of the basic tasks of a centre, which has praxis-oriented and policy-relevant aims. CORE continues to maintain working contacts with the OSCE Secretariat, the numerous OSCE delegations as well as other organizations, like the Council of Europe.

On a scientific level, CORE has the opportunity to build on the broad basis for co-operation that the IFSH has developed during the last decades, and in addition, it will bring in new elements. One of our guiding principles is an orientation towards making the Centre highly international, i.e. by maintaining contacts with international institutes as well as increasingly inviting international fellows to join us. Although we do not yet have an adequate formally financed fellowship programme, our first international guest researcher, Professor Noboru Miyawaki from Japan, joined us at CORE in September 2000. These are small steps but they are headed in the right direction.

And last, but not least, it must be mentioned that requests from the general public or the media on OSCE topics for information for seminars, lectures etc. - have increased considerably since CORE was founded.

Just a year after the creation of CORE, it is still too early to offer an interim evaluation of the situation. Many areas have been tackled, but many areas lie fallow because of the lack of personnel or funding. CORE is far from "completed" and in fact, this state will never come into effect. A centre dedicated to the realities of policy and policy-making will have to evolve continually to be able to fulfil its self-elected goal: to put the politically desired priority for civilian conflict prevention on a scientific basis.



## Annex



## **Istanbul Summit Declaration<sup>1</sup>**

*Istanbul, November 1999*

1. We, the Heads of State or Government of the participating States of the OSCE, have assembled in Istanbul on the eve of the twenty-first century and of the twenty-fifth anniversary of the Helsinki Final Act. Since we last met we have transformed the OSCE to meet unprecedented challenges. When we met in Lisbon, the first large-scale OSCE field operation had just been established, in Bosnia and Herzegovina. During the three intervening years, we have increased dramatically the number and size of our field operations. Our common institutions have grown in number and in the level of their activities. The OSCE has expanded the scale and substance of its efforts. This has greatly strengthened the OSCE's contribution to security and co-operation across the OSCE area. We pay special tribute to the women and men whose dedication and hard work have made the Organization's achievements possible.

2. Today, we adopted a Charter for European Security in order to strengthen security and stability in our region and improve the operational capabilities of our Organization. We task the OSCE Permanent Council to take the necessary decisions to implement promptly the new steps agreed upon in this Charter. We need the contribution of a strengthened OSCE to meet the risks and challenges facing the OSCE area, to improve human security and thereby to make a difference in the life of the individual, which is the aim of all our efforts. We reiterate unreservedly our commitment to respect human rights and fundamental freedoms and to abstain from any form of discrimination. We also reiterate our respect for international humanitarian law. We pledge our commitment to intensify efforts to prevent conflicts in the OSCE area, and when they occur to resolve them peacefully. We will work closely with other international organizations and institutions on the basis of the Platform for Co-operative Security, which we adopted as a part of our Charter.

3. The situation in Kosovo, FRY, in particular the humanitarian situation, remains a major challenge for the OSCE. Our thoughts still go out to the large number of Kosovo Albanians and others who lost their lives, those who saw their property destroyed and the hundreds of thousands who were expelled from and abandoned their homes. Now most of these refugees have returned. As the difficult work of rehabilitation advances, remaining refugees will be able to return. The OSCE Mission in Kosovo forms an essential part of the broader United Nations Mission working under United Nations Secu-

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1 SUM.DOC/2/99, 19 November 1999.



riety Council Resolution 1244. The OSCE Mission today has more than 1,400 staff members, and plays a vital role in the process of rebuilding a multi-ethnic society in Kosovo; the first class from the OSCE Police School has graduated, and the OSCE training of judicial and administrative personnel has started. The Organization assists in developing a civil society, in supporting the formation of a pluralistic political party landscape, free media and a viable NGO community. The OSCE plays a leading role in promoting and protecting human rights, and establishing respect for the rule of law. The success of this work is essential if democracy is to take root. We pledge to give it our full support. As we advance in these areas, we accelerate our work towards creating the necessary conditions for the first free elections in Kosovo, which the OSCE has been tasked to organize. We will seek to involve the local population increasingly in the efforts of the OSCE Mission.

4. Against the background of years of repression, intolerance and violence in Kosovo, the challenge is to build a multi-ethnic society on the basis of substantial autonomy respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, pending final settlement in accordance with UNSCR 1244. We expect this Resolution to be fully implemented and strictly adhered to by all concerned. We will assist all inhabitants of Kosovo. But they, and those who aspire to be their leaders, must work together towards a multi-ethnic society where the rights of each citizen are fully and equally respected. They must fight decisively against the cycle of hate and revenge and bring about reconciliation among all ethnic groups. Over the recent months, we have witnessed a new exodus from Kosovo, this time of Serbs and other non-Albanians. The necessary conditions must be restored so that those who have fled recently can return and enjoy their rights. Those who fought and suffered for their rights must now stand up for the equal rights of others. We firmly reject any further violence and any form of ethnic discrimination. Failure to oppose such acts will affect the security of the region.

5. The democratic shortcomings in the Federal Republic of Yugoslavia remain one of the fundamental sources of grave concern in the region. The leaders and people of the Federal Republic of Yugoslavia must put the country firmly on the path towards democracy and respect for human rights and fundamental freedoms. When conditions permit, the OSCE stands ready to assist in order to accelerate democratization, promote independent media and hold free and fair elections in the Federal Republic of Yugoslavia. We emphasize our desire to see the Federal Republic of Yugoslavia as a full partner. Real progress towards democracy will be a positive step towards equal participation of the Federal Republic of Yugoslavia in the international community, including in the OSCE, and will create a new basis for growth and prosperity.

6. We remain committed to a democratic, multi-ethnic Bosnia and Herzegovina based on the General Framework Agreement for Peace. We underline the importance of improving the functioning of common institutions, and of

the continued assumption by those and other institutions of tasks undertaken by the international community. We expect Bosnia and Herzegovina to rapidly adopt the permanent election law, so that it can be implemented prior to the general elections scheduled for the autumn of 2000. We appeal to all the leaders of Bosnia and Herzegovina to take decisive steps towards bringing its two entities closer together and to create a situation where persons, goods and services can circulate freely within a single State to the benefit of stability and prosperity. We underline the importance of respect for the rule of law and of vigorous efforts to fight organized crime and corruption, which constitute a great threat to economic reform and prosperity. We remain committed to the return of refugees and internally displaced persons, in particular minority returns.

7. We underscore the importance of working with Croatian authorities to intensify efforts towards reconciliation in Croatia. The OSCE pledges to continue its assistance to a multi-ethnic Croatia through post-war confidence-building and reconciliation. We look forward to faster progress towards the return of refugees and displaced persons and the implementation of relevant international standards, particularly those related to equal treatment without regard to ethnicity, freedom of the media, and free and fair elections. The OSCE's police monitoring in the Danubian region of Croatia, which has played a valuable role in protecting the rights of individuals, demonstrates the OSCE's ability to develop new operational capabilities quickly and efficiently.

8. We reaffirm our commitment to assist Albania as it continues its social, political and economic reform process following the setbacks caused by the upheaval of 1997 and the Kosovo refugee crisis of 1999. Noting the recent progress, we call upon the Government and all political parties to improve the political atmosphere, thereby strengthening democratic institutions. We encourage the new Government of Albania to continue its fight against crime and corruption. The OSCE is committed to continue its assistance and to work closely with the European Union and international organizations within the framework of the "Friends of Albania".

9. We commend the Government of the former Yugoslav Republic of Macedonia for its commitment to domestic reforms designed to enhance stability and economic prosperity. We reaffirm the OSCE's determination to support its efforts in this process, and emphasize the importance of continued attention to the development of inter-ethnic relations.

10. We pay tribute to the Governments and peoples of Albania and the former Yugoslav Republic of Macedonia, as most affected countries, as well as those of other neighbouring countries for their hospitality during the Kosovo refugee crisis and for their generosity in shouldering a heavy political and economic burden during this period.

11. Our experiences in South Eastern Europe demonstrate the need for a broader view of the region. We therefore welcome the adoption by the Co-

logne Ministerial Conference on 10 June 1999 of the Stability Pact for South-Eastern Europe, launched on the initiative of the European Union, which plays a leading role in co-operation with other participating and facilitating States, international organizations and institutions. We reinforce the message from the Sarajevo Summit: regional co-operation will serve as a catalyst for the integration of countries in the region into broader structures. The OSCE, under whose auspices the Stability Pact is placed, has a key role to play in contributing to its success, and we task the Permanent Council to develop a regional strategy to support its aims. We welcome the reports provided to us by the Special Co-ordinator for the Stability Pact and the Special Envoy of the OSCE Chairman-in-Office. The OSCE will work in close concert with our participating States and with non-governmental organizations in the region.

12. We consider that the work of the International Criminal Tribunal for the former Yugoslavia is crucial to achieving lasting peace and justice in the region, and reiterate the obligation of all to co-operate fully with the Tribunal.

13. During this year we have witnessed a significant increase in our co-operation with the five participating States in Central Asia. Political dialogue has gained from a growing number of high-level visits from the Central Asian States to the OSCE and by OSCE representatives to Central Asia. With the continuing support of our partners in Central Asia, the OSCE has now established offices in all five States. This in particular has contributed to an expansion of our co-operative activities in all OSCE dimensions. Reiterating our target of achieving comprehensive security throughout the OSCE area, we strongly welcome these positive developments. We are convinced that necessary progress in the difficult and complex transition process will be stimulated by an increase in our efforts based on co-operation and our common commitments. Strengthening the rule of law, the respect for human rights and fundamental freedoms as well as the development of civil societies constitute one of the centrepieces in our broad framework of co-operative efforts. In this regard, we welcome the process of signing of Memoranda of Understanding between the ODIHR and the Central Asian participating States.

14. We share the concerns expressed by the participating States in Central Asia regarding international terrorism, violent extremism, organized crime and drug and arms trafficking. We agree that national, regional and joint action by the international community is necessary to cope with these threats, including those stemming from areas neighbouring the OSCE participating States. We further recognize the importance of addressing economic and environmental risks in the region, such as issues related to water resources, energy and erosion. We are convinced that strengthening regional co-operation will promote stability and security in Central Asia, and we welcome the active approach taken by the Chairman-in-Office to this effect.

15. Reaffirming our strong support for the sovereignty and territorial integrity of Georgia, we stress the need for solving the conflicts with regard to the Tskhinvali region/South Ossetia and Abkhazia, Georgia, particularly by defining the political status of these regions within Georgia. Respect for human rights and development of joint democratic institutions as well as the prompt, safe and unconditional return of refugees and internally displaced persons will contribute to peaceful settlement of these conflicts. We underscore the importance of taking concrete steps in this direction. We welcome progress reached at this Summit Meeting in the Georgian-Russian negotiations on the reduction of Russian military equipment in Georgia.

16. With regard to the Tskhinvali region/South Ossetia, Georgia, some progress has been made towards solving the conflict. We emphasize the importance of maintaining and intensifying the dialogue which is now under way. In light of further progress, we believe that an early meeting in Vienna, with participation of experts from this region, should be used to take decisive steps towards a solution. The establishment by the parties concerned of a legal framework for refugee and internally displaced persons housing and property restitution will facilitate the early return of refugees and internally displaced persons to the region. We also urge the early signing of the Georgian-Russian economic rehabilitation agreement and encourage further international economic assistance.

17. We continue to support the leading role of the United Nations in Abkhazia, Georgia. We emphasize the importance of breaking the current deadlock with regard to finding a peaceful solution to the conflict. In this respect we - and in particular those of us who belong to the Friends of the United Nations Secretary-General - are ready to work with the United Nations to prepare and submit a draft document addressing the distribution of constitutional competencies between the central authorities of Georgia and authorities of Abkhazia, Georgia. We reiterate our strong condemnation as formulated in the Budapest and Lisbon Summit Documents, of the "ethnic cleansing" resulting in mass destruction and forcible expulsion of predominantly Georgian population in Abkhazia, Georgia, and of the violent acts in May 1998 in the Gali region. In light of the precarious situation of the returnees, we recommend that a fact-finding mission with the participation of the OSCE and the United Nations be dispatched early next year to the Gali region to assess, *inter alia*, reported cases of continued "ethnic cleansing". Such a mission would provide a basis for increased international support for the unconditional and safe return of refugees and internally displaced persons and contribute to the general stability in the area. We consider the so-called presidential elections and referendum in Abkhazia, Georgia, this year as unacceptable and illegitimate.

18. We welcome the encouraging steps which have been recently taken in the process of the settlement of the Trans-Dniestrian problem. The Summit in Kiev (July 1999) became an important event in this regard. However, there have been no tangible shifts on the major issue - defining the status of the

Trans-Dniestrian region. We reaffirm that in the resolution of this problem the sovereignty and territorial integrity of the Republic of Moldova should be ensured. We stand for the continuation and deployment of the negotiation process and call on all sides and in particular the Trans-Dniestrian authorities to demonstrate the political will required to negotiate a peaceful and early elimination of the consequences of the conflict. We appreciate the continuation of the mediating efforts of the Russian Federation, Ukraine and the OSCE in the negotiation process on the future status of the Trans-Dniestrian region within the Republic of Moldova. We take note of the positive role of the joint peacekeeping forces in securing stability in the region.

19. Recalling the decisions of the Budapest and Lisbon Summits and Oslo Ministerial Meeting, we reiterate our expectation of an early, orderly and complete withdrawal of Russian troops from Moldova. In this context, we welcome the recent progress achieved in the removal and destruction of the Russian military equipment stockpiled in the Trans-Dniestrian region of Moldova and the completion of the destruction of non-transportable ammunition.

We welcome the commitment by the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002. We also welcome the willingness of the Republic of Moldova and of the OSCE to facilitate this process, within their respective abilities, by the agreed deadline.

We recall that an international assessment mission is ready to be dispatched without delay to explore removal and destruction of Russian ammunition and armaments. With the purpose of securing the process of withdrawal and destruction, we will instruct the Permanent Council to consider the expansion of the mandate of the OSCE Mission to Moldova in terms of ensuring transparency of this process and co-ordination of financial and technical assistance offered to facilitate withdrawal and destruction. Furthermore, we agree to consider the establishment of a fund for voluntary international financial assistance to be administered by the OSCE.

20. We received the report of the Co-Chairmen of the OSCE Minsk Group on the evolving situation and recent developments connected with the Nagorno-Karabakh conflict and commend their efforts. We applaud in particular the intensified dialogue between the Presidents of Armenia and Azerbaijan, whose regular contacts have created opportunities to dynamize the process of finding a lasting and comprehensive solution to the problem. We firmly support this dialogue and encourage its continuation, with the hope of resuming negotiations within the OSCE Minsk Group. We also confirm that the OSCE and its Minsk Group, which remains the most appropriate format for finding a solution, stand ready to further advance the peace process and its future implementation, including by providing all necessary assistance to the parties.

21. We welcome the opening of an OSCE Office in Yerevan this year and the decision to open a similar office in Baku. These steps will enable the OSCE to strengthen our co-operation with Armenia and Azerbaijan.
22. We strongly support the work of the Advisory and Monitoring Group in Belarus, which has worked closely with the Belarusian authorities as well as with opposition parties and leaders and NGOs in promoting democratic institutions and compliance with OSCE commitments, thus facilitating a resolution of the constitutional controversy in Belarus. We emphasize that only a real political dialogue in Belarus can pave the way for free and democratic elections through which the foundations for real democracy can be developed. We would welcome early progress in this political dialogue with the OSCE participation, in close co-operation with the OSCE Parliamentary Assembly. We stress the necessity of removing all remaining obstacles to this dialogue by respecting the principles of the rule of law and the freedom of the media.
23. In connection with the recent chain of events in North Caucasus, we strongly reaffirm that we fully acknowledge the territorial integrity of the Russian Federation and condemn terrorism in all its forms. We underscore the need to respect OSCE norms. We agree that in light of the humanitarian situation in the region it is important to alleviate the hardships of the civilian population, including by creating appropriate conditions for international organizations to provide humanitarian aid. We agree that a political solution is essential, and that the assistance of the OSCE would contribute to achieving that goal. We welcome the willingness of the OSCE to assist in the renewal of a political dialogue. We welcome the agreement of the Russian Federation to a visit by the Chairman-in-Office to the region. We reaffirm the existing mandate of the OSCE Assistance Group in Chechnya. In this regard, we also welcome the willingness of the Russian Federation to facilitate these steps, which will contribute to creating conditions for stability, security, and economic prosperity in the region.
24. In a year which has seen the deployment of our largest ever mission, we have been able to welcome the successful conclusion of the work of one of our smallest, the OSCE Representative to the Joint Committee on the Skrunda Radar Station. We congratulate the parties involved in decommissioning the Radar Station on their efforts, undertaken in a spirit of constructive co-operation.
25. We welcome the successful completion of the work of the OSCE Mission to Ukraine. This work has been an important contribution by the OSCE to the process of stabilization in its Autonomous Republic of Crimea. We look forward to continued co-operation between Ukraine and the OSCE, including through the OSCE Project Co-ordinator in Ukraine, on the basis of its mandate and the Memorandum of Understanding.
26. With a large number of elections ahead of us, we are committed to these being free and fair, and in accordance with OSCE principles and commit-

ments. This is the only way in which there can be a stable basis for democratic development. We appreciate the role of the ODIHR in assisting countries to develop electoral legislation in keeping with OSCE principles and commitments, and we agree to follow up promptly ODIHR's election assessments and recommendations. We value the work of the ODIHR and the OSCE Parliamentary Assembly - before, during and after elections - which further contributes to the democratic process. We are committed to secure the full right of persons belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin. We pledge to ensure fair competition among candidates as well as parties, including through their access to the media and respect for the right of assembly.

27. We commit ourselves to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies. We are deeply concerned about the exploitation of media in areas of conflict to foment hatred and ethnic tension and the use of legal restrictions and harassment to deprive citizens of free media. We underline the need to secure freedom of expression, which is an essential element of political discourse in any democracy. We support the Office of the Representative on Freedom of the Media in its efforts to promote free and independent media.

28. In the year of the 10th anniversary of the adoption of the Convention on the Rights of the Child, and putting the OSCE's Copenhagen commitments into practice, we commit ourselves to actively promote children's rights and interests, especially in conflict and post-conflict situations. We will regularly address the rights of children in the work of the OSCE, including by organizing a special meeting dedicated to children in armed conflict during the year 2000. We will pay particular attention to the physical and psychological well-being of children involved in or affected by armed conflict.

29. The Co-ordinator of OSCE Economic and Environmental Activities should, under the authority of the Chairman-in-Office and the Secretary General and in close co-operation with the relevant OSCE field operations, develop regular reports concerning economic and environmental risks to security. These reports should include questions of promoting public awareness of the relationship between economic and environmental problems and security and the relationship between our Organization and others concerned with the promotion of economic and environmental security within the OSCE area. Such reports will be discussed by the Permanent Council.

30. We reaffirm our commitment to ensure that laws and policies fully respect the rights of persons belonging to national minorities, in particular in relation to issues affecting cultural identity. Specifically, we emphasize the requirement that laws and policies regarding the educational, linguistic and participatory rights of persons belonging to national minorities conform to applicable international standards and conventions. We also support the adoption and full implementation of comprehensive anti-discrimination leg-

isolation to promote full equality of opportunities for all. We commend the essential work of the High Commissioner on National Minorities. We reaffirm that we will increase our efforts to implement the recommendations of the High Commissioner on National Minorities.

31. We deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect. We underline the importance of careful attention to the problems of the social exclusion of Roma and Sinti. These issues are primarily a responsibility of the participating States concerned. We emphasize the important role that the ODIHR Contact Point for Roma and Sinti issues can play in providing support. A further helpful step might be the elaboration by the Contact Point of an action plan of targeted activities, drawn up in co-operation with the High Commissioner on National Minorities and others active in this field, notably the Council of Europe.

32. In line with our commitment to ensure full equality between women and men, we look forward to an early approval and implementation of an OSCE gender action plan.

33. In the framework of our commitment to further strengthening of the operational capacities of the OSCE Secretariat, we will improve the OSCE employment conditions so that it can better compete for and retain well qualified personnel to enable the Secretariat to carry out its tasks and fulfil its other responsibilities. We will take into account the need for geographic diversity and gender balance when recruiting personnel to OSCE institutions and field operations.

34. We note that a large number of participating States have not been able to implement the 1993 Rome Ministerial Council decision on legal capacity of the OSCE institutions and on privileges and immunities. With a view to improve this situation, a determined effort should be made to review issues related to the implementation of commitments under the 1993 Rome Ministerial decision. To this end, we task the Permanent Council, through an informal open-ended working group to draw up a report to the next Ministerial Council Meeting, including recommendations on how to improve the situation.

35. To address the challenges in the OSCE area quickly and efficiently new instruments are required. We welcome the establishment, in the Charter, of a Rapid Expert Assistance and Co-operation Teams (REACT) programme for the OSCE. We commit ourselves to make this concept fully operational at the shortest possible time. We are determined as a matter of priority to implement the decision made in the Charter. We will provide the expertise required and commit the necessary resources according to established procedures. We take note of the letter from the Secretary General to the Permanent Council concerning the rapid deployment of expertise. We request the Permanent



Council and the Secretary General to establish a task force within the Conflict Prevention Centre aimed at developing the REACT programme and a budget that will enable REACT to be fully operational by 30 June 2000.

36. We task the Permanent Council and the Secretary General to implement within the same time frame, our decision in the Charter to set up an Operation Centre within the Conflict Prevention Centre, with a small core staff having expertise relevant for all kinds of OSCE operations, which can be expanded rapidly when required, and the decisions made to strengthen the Secretariat and our field operations.

37. We have in the Charter reaffirmed our commitment to the rule of law and stressed the need to combat corruption. We task the Permanent Council to examine how best to contribute to efforts to combat corruption, taking into account efforts of other organizations such as the Organization for Economic Co-operation and Development, Council of Europe and the United Nations. The results of this work will be reported to the 2000 Ministerial Meeting.

38. The fact that we are meeting in Turkey, which only recently suffered terrible earthquakes, brings home to us the major impact of natural disasters. We need to strengthen the international community's ability to respond to such events, by improving the co-ordination of the efforts of participating States, international organizations and NGOs. We task the Permanent Council to discuss this matter further.

39. We welcome the successful adaptation of the Treaty on Conventional Armed Forces in Europe. The adapted Treaty will provide a greater degree of military stability through a stricter system of limitations, increased transparency and lower levels of conventional armed forces in its area of application. We hope the States Parties will move forward expeditiously to facilitate completion of national ratification procedures, taking into account their common commitment to, and the central importance of, full and continued implementation of the Treaty and its associated documents until and following entry into force of the Agreement on Adaptation. Upon entry into force of the Agreement on Adaptation, OSCE participating States with territory in the area between the Atlantic Ocean and the Ural Mountains may apply for accession to the adapted Treaty, thereby providing an important additional contribution to European stability and security.

40. We welcome the OSCE Forum for Security Co-operation's efforts to advance security dialogue, co-operation, transparency and mutual confidence, as well as its work on the OSCE concept of comprehensive and indivisible security in accordance with its mandate of Helsinki 1992. We welcome the conclusion of the review process resulting in the adoption of the Vienna Document 1999 on confidence- and security-building measures, a key element of politico-military co-operation and stability. It improves current CSBMs and emphasizes the importance of regional co-operation. We remain fully committed to the principles contained in the Code of Conduct on politico-military aspects of security. We welcome the decision of the FSC to

launch a broad and comprehensive discussion on all aspects of the problem of the spread of small arms and light weapons and to study concrete measures to deal with this issue, in order to respond to the challenge to peace and stability stemming from the excessive and destabilizing accumulation and uncontrolled spread of these weapons.

41. We note with satisfaction that the negotiations on regional stability, as foreseen under Article V of Annex 1-B of the General Framework Agreement for Peace have entered their substantive phase. A successful outcome to the on-going Article V negotiations would make a significant contribution to security and stability in the region. We urge the states participating in the Article V negotiations to aim to conclude their work by the end of 2000. We appreciate the OSCE's active role in facilitating the implementation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina and the Agreement on Sub-Regional Arms Control negotiated under Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina.

42. We reaffirm the significance of the Open Skies Treaty: in this respect, convinced that trial flights are in no way a substitute for the regime of observation flights as set forth in the Treaty, we urge early completion of the process of its ratification and entry into force.

43. We note the widespread human suffering caused by anti-personnel mines and note the entry into force on 1 March 1999 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. We also note the entry into force on 3 December 1998 of the Amended Mines Protocol to the UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects. We reaffirm our support for international co-operation in promoting global humanitarian action against anti-personnel mines, including promoting mine clearance activities, mine awareness programs, and the care, rehabilitation and social and economic reintegration of mine victims.

44. We take note of the report of the Chairman-in-Office on discussions held this year with regard to reviewing the scale and criteria for financing OSCE activities and instruct the Permanent Council to continue its discussions with a view to reaching agreement before the OSCE Ministerial Council Meeting in November/December 2000, so that this agreement can be applied after 31 December 2000, in accordance with the decision taken at the 1997 Copenhagen Ministerial Council Meeting.

45. We reconfirm the importance we attach to the relationship with our Partners for Co-operation as set out in the Charter for European Security. In light of our relationship with our Mediterranean Partners, Algeria, Egypt, Israel, Jordan, Morocco and Tunisia, we reaffirm that strengthening security and co-operation in the Mediterranean area is of major importance to the stability in the OSCE area. We therefore intend to enhance our dialogue and joint activi-

ties with them. We will furthermore strengthen our relationship with Japan and the Republic of Korea. We appreciate the contributions made by Japan to OSCE activities.

46. We express our gratitude to the High Commissioner on National Minorities, Mr. Max van der Stoep, for his willingness to continue in his position until a new High Commissioner on National Minorities has been appointed at the latest at the OSCE Ministerial Meeting in Vienna in November/December 2000.

47. The next Ministerial Council will take place in Vienna in November/December 2000, and will take a decision on the time and place of the next meeting of the Heads of State or Government of the OSCE participating States.

48. We welcome and accept the offer of Romania to exercise the function of Chairman-in-Office in 2001.

# Charter for European Security<sup>1</sup>

*Istanbul, November 1999*

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### II. Modalities for Co-operative Security

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# Charter for European Security

*Istanbul, November 1999*

1. At the dawn of the twenty-first century we, the Heads of State or Government of the OSCE participating States, declare our firm commitment to a free, democratic and more integrated OSCE area where participating States are at peace with each other, and individuals and communities live in freedom, prosperity and security. To implement this commitment, we have decided to take a number of new steps. We have agreed to:

- Adopt the Platform for Co-operative Security, in order to strengthen co-operation between the OSCE and other international organizations and institutions, thereby making better use of the resources of the international community;
- Develop the OSCE's role in peacekeeping, thereby better reflecting the Organization's comprehensive approach to security;
- Create Rapid Expert Assistance and Co-operation Teams (REACT), thereby enabling the OSCE to respond quickly to demands for assistance and for large civilian field operations;
- Expand our ability to carry out police-related activities in order to assist in maintaining the primacy of law;
- Establish an Operation Centre, in order to plan and deploy OSCE field operations;
- Strengthen the consultation process within the OSCE by establishing the Preparatory Committee under the OSCE Permanent Council.

We are committed to preventing the outbreak of violent conflicts wherever possible. The steps we have agreed to take in this Charter will strengthen the OSCE's ability in this respect as well as its capacity to settle conflicts and to rehabilitate societies ravaged by war and destruction. The Charter will contribute to the formation of a common and indivisible security space. It will advance the creation of an OSCE area free of dividing lines and zones with different levels of security.

## *1. Our Common Challenges*

2. The last decade of the twentieth century has brought great achievements in the OSCE area, co-operation has replaced previous confrontation, but the danger of conflicts between States has not been eliminated. We have put Europe's old divisions behind us, but new risks and challenges have emerged. Since we signed the Charter of Paris it has become more obvious that threats

to our security can stem from conflicts within States as well as from conflicts between States. We have experienced conflicts which have often resulted from flagrant violations of OSCE norms and principles. We have witnessed atrocities of a kind we had thought were relegated to the past. In this decade it has become clear that all such conflicts can represent a threat to the security of all OSCE participating States.

3. We are determined to learn from the dangers of confrontation and division between States as well as from tragedies of the last decade. Security and peace must be enhanced through an approach which combines two basic elements, we must build confidence among people within States and strengthen co-operation between States. Therefore, we will strengthen existing instruments and develop new ones to provide assistance and advice. We will reinforce our efforts to ensure full respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities. In parallel, we will strengthen our capacity to enhance confidence and security between States. We are determined to develop the means at our disposal to settle peacefully disputes between them.

4. International terrorism, violent extremism, organized crime and drug trafficking represent growing challenges to security. Whatever its motives, terrorism in all its forms and manifestations is unacceptable. We will enhance our efforts to prevent the preparation and financing of any act of terrorism on our territories and deny terrorists safe havens. The excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons represent a threat to peace and security. We are committed to strengthening our protection against these new risks and challenges; strong democratic institutions and the rule of law are the foundation for this protection. We are also determined to co-operate more actively and closely with each other to meet these challenges.

5. Acute economic problems and environmental degradation may have serious implications for our security. Co-operation in the fields of economy, science and technology and the environment will be of critical importance. We will strengthen our responses to such threats through continued economic and environmental reforms, by stable and transparent frameworks for economic activity and by promoting market economies, while paying due attention to economic and social rights. We applaud the unprecedented process of economic transformation taking place in many participating States. We encourage them to continue this reform process, which will contribute to security and prosperity in the entire OSCE area. We will step up our efforts across all dimensions of the OSCE to combat corruption and to promote the rule of law.

6. We confirm that security in areas nearby, in particular in the Mediterranean area as well as areas in direct proximity to participating States, such as those of Central Asia, is of increasing importance to the OSCE. We recognize that instability in these areas creates challenges that directly affect the security and prosperity of OSCE States.

## *II. Our Common Foundations*

7. We reaffirm our full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris and all other OSCE documents to which we have agreed. These documents represent our common commitments and are the foundation for our work. They have helped us to bring about an end to the old confrontation in Europe and to foster a new era of democracy, peace and solidarity throughout the OSCE area. They established clear standards for participating States' treatment of each other and of all individuals within their territories. All OSCE commitments, without exception, apply equally to each participating State. Their implementation in good faith is essential for relations between States, between governments and their peoples, as well as between the organizations of which they are members. Participating States are accountable to their citizens and responsible to each other for their implementation of their OSCE commitments. We regard these commitments as our common achievement and therefore consider them to be matters of immediate and legitimate concern to all participating States.

We reaffirm the OSCE as a regional arrangement under Chapter VIII of the Charter of the United Nations and as a primary organization for the peaceful settlement of disputes within its region and as a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation. The OSCE is the inclusive and comprehensive organization for consultation, decision-making and co-operation in its region.

8. Each participating State has an equal right to security. We reaffirm the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance, as they evolve. Each State also has the right to neutrality. Each participating State will respect the rights of all others in these regards. They will not strengthen their security at the expense of the security of other States. Within the OSCE no State, group of States or organization can have any pre-eminent responsibility for maintaining peace and stability in the OSCE area or can consider any part of the OSCE area as its sphere of influence.

9. We will build our relations in conformity with the concept of common and comprehensive security, guided by equal partnership, solidarity and transparency. The security of each participating State is inseparably linked to that of all others. We will address the human, economic, political and military dimensions of security as an integral whole.

10. We will continue to uphold consensus as the basis for OSCE decision-making. The OSCE's flexibility and ability to respond quickly to a changing political environment should remain at the heart of the OSCE's co-operative and inclusive approach to common and indivisible security.

11. We recognize the primary responsibility of the United Nations Security Council for the maintenance of international peace and security and its crucial role in contributing to security and stability in our region. We reaffirm

our rights and obligations under the Charter of the United Nations, including our commitment on the issue of the non-use of force or the threat of force. In this connection, we also reaffirm our commitment to seek the peaceful resolution of disputes as set out in the Charter of the United Nations.

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Based on these foundations we will strengthen our common response and improve our common instruments in order to meet the challenges confronting us more efficiently.

### *III. Our Common Response*

#### *Co-operation with Other Organizations: the Platform for Co-operative Security*

12. The risks and challenges we face today cannot be met by a single State or organization. Over the last decade, we have taken important steps to forge new co-operation between the OSCE and other international organizations. In order to make full use of the resources of the international community, we are committed to even closer co-operation among international organizations.

We pledge ourselves, through the Platform for Co-operative Security, which is hereby adopted as an essential element of this Charter, to further strengthen and develop co-operation with competent organizations on the basis of equality and in a spirit of partnership. The principles of the Platform for Co-operative Security, as set out in the operational document attached to this Charter, apply to any organization or institution whose members individually and collectively decide to adhere to them. They apply across all dimensions of security; politico-military, human and economic. Through this Platform we seek to develop and maintain political and operational coherence, on the basis of shared values, among all the various bodies dealing with security, both in responding to specific crises and in formulating responses to new risks and challenges. Recognizing the key integrating role that the OSCE can play, we offer the OSCE, when appropriate, as a flexible co-ordinating framework to foster co-operation, through which various organizations can reinforce each other drawing on their particular strengths. We do not intend to create a hierarchy of organizations or a permanent division of labour among them.

We are ready in principle to deploy the resources of international organizations and institutions of which we are members in support of the OSCE's work, subject to the necessary policy decisions as cases arise.

13. Subregional co-operation has become an important element in enhancing security across the OSCE area. Processes such as the Stability Pact for South-



Eastern Europe, which has been placed under the auspices of the OSCE, help to promote our common values. They contribute to improved security not just in the subregion in question but throughout the OSCE area. We offer the OSCE, in accordance with the Platform for Co-operative Security, as a forum for subregional co-operation. In this respect, and in accordance with the modalities in the operational document, the OSCE will facilitate the exchange of information and experience between subregional groups and may, if so requested, receive and keep their mutual accords and agreements.

#### *Solidarity and Partnership*

14. Peace and security in our region is best guaranteed by the willingness and ability of each participating State to uphold democracy, the rule of law and respect for human rights. We individually confirm our willingness to comply fully with our commitments. We also have a joint responsibility to uphold OSCE principles. We are therefore determined to co-operate within the OSCE and with its institutions and representatives and stand ready to use OSCE instruments, tools and mechanisms. We will co-operate in a spirit of solidarity and partnership in a continuing review of implementation. Today we commit ourselves to joint measures based on co-operation, both in the OSCE and through those organizations of which we are members, in order to offer assistance to participating States to enhance their compliance with OSCE principles and commitments. We will strengthen existing co-operative instruments and develop new ones in order to respond efficiently to requests for assistance from participating States. We will explore ways to further increase the effectiveness of the Organization to deal with cases of clear, gross and continuing violations of those principles and commitments.

15. We are determined to consider ways of helping participating States requesting assistance in cases of internal breakdown of law and order. We will jointly examine the nature of the situation and possible ways and means of providing support to the State in question.

16. We reaffirm the validity of the Code of Conduct on Politico-Military Aspects of Security. We will consult promptly, in conformity with our OSCE responsibilities, with a participating State seeking assistance in realizing its right to individual or collective self-defence in the event that its sovereignty, territorial integrity and political independence are threatened. We will consider jointly the nature of the threat and actions that may be required in defence of our common values.

#### *Our Institutions*

17. The Parliamentary Assembly has developed into one of the most important OSCE institutions continuously providing new ideas and proposals. We welcome this increasing role, particularly in the field of democratic develop-

ment and election monitoring. We call on the Parliamentary Assembly to develop its activities further as a key component in our efforts to promote democracy, prosperity and increased confidence within and between participating States.

18. The Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media are essential instruments in ensuring respect for human rights, democracy and the rule of law. The OSCE Secretariat provides vital assistance to the Chairman-in-Office and to the activities of our Organization, especially in the field. We will also strengthen further the operational capacities of the OSCE Secretariat to enable it to face the expansion of our activities and to ensure that field operations function effectively and in accordance with the mandates and guidance given to them.

We commit ourselves to giving the OSCE institutions our full support. We emphasize the importance of close co-ordination among the OSCE institutions, as well as our field operations, in order to make optimal use of our common resources. We will take into account the need for geographic diversity and gender balance when recruiting personnel to OSCE institutions and field operations.

We acknowledge the tremendous developments and diversification of OSCE activities. We recognize that a large number of OSCE participating States have not been able to implement the 1993 decision of the Rome Ministerial Council, and that difficulties can arise from the absence of a legal capacity of the Organization. We will seek to improve the situation.

#### *The Human Dimension*

19. We reaffirm 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. We commit ourselves to counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism.

The protection and promotion of the rights of persons belonging to national minorities are essential factors for democracy, peace, justice and stability within, and between, participating States. In this respect we reaffirm our commitments, in particular under the relevant provisions of the Copenhagen 1990 Human Dimension Document, and recall the Report of the Geneva 1991 Meeting of Experts on National Minorities. Full respect for human rights, including the rights of persons belonging to national minorities, besides being an end in itself, may not undermine, but strengthen territorial integrity and sovereignty. Various concepts of autonomy as well as other approaches outlined in the above-mentioned documents, which are in line with

OSCE principles, constitute ways to preserve and promote the ethnic, cultural, linguistic and religious identity of national minorities within an existing State. We condemn violence against any minority. We pledge to take measures to promote tolerance and to build pluralistic societies where all, regardless of their ethnic origin, enjoy full equality of opportunity. We emphasize that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law.

We reaffirm our recognition that everyone has the right to a nationality and that no one should be deprived of his or her nationality arbitrarily. We commit ourselves to continue our efforts to ensure that everyone can exercise this right. We also commit ourselves to further the international protection of stateless persons.

20. We recognize the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensure that Roma and Sinti are able to play a full and equal part in our societies, and to eradicate discrimination against them.

21. We are committed to eradicating torture and cruel, inhumane or degrading treatment or punishment throughout the OSCE area. To this end, we will promote legislation to provide procedural and substantive safeguards and remedies to combat these practices. We will assist victims and co-operate with relevant international organizations and non-governmental organizations, as appropriate.

22. We reject any policy of ethnic cleansing or mass expulsion. We reaffirm our commitment to respect the right to seek asylum and to ensure the international protection of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to facilitate the voluntary return of refugees and internally displaced persons in dignity and safety. We will pursue without discrimination the reintegration of refugees and internally displaced persons in their places of origin.

In order to enhance the protection of civilians in times of conflict, we will seek ways of reinforcing the application of international humanitarian law.

23. The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies, both at the level of our States and within the Organization.

24. We will 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. In order to prevent such crimes we will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims. We will also develop and implement measures to promote the rights and interests of children in armed

conflict and post-conflict situations, including refugees and internally displaced children. We will look at ways of preventing forced or compulsory recruitment for use in armed conflict of persons under 18 years of age.

25. We reaffirm our obligation to conduct free and fair elections in accordance with OSCE commitments, in particular the Copenhagen Document 1990. We recognize the assistance the ODIHR can provide to participating States in developing and implementing electoral legislation. In line with these commitments, we will invite observers to our elections from other participating States, the ODIHR, the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe our election proceedings. We agree to follow up promptly the ODIHR's election assessment and recommendations.

26. We reaffirm the importance of independent media and the free flow of information as well as the public's access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information, which we consider to be an essential component of any democratic, free and open society.

27. 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.

#### *The Politico-Military Dimension*

28. The politico-military aspects of security remain vital to the interests of participating States. They constitute a core element of the OSCE's concept of comprehensive security. Disarmament, arms control and confidence- and security-building measures (CSBMs) are important parts of the overall effort to enhance security by fostering stability, transparency and predictability in the military field. Full implementation, timely adaptation and, when required, further development of arms control agreements and CSBMs are key contributions to our political and military stability.

29. The Treaty on Conventional Armed Forces in Europe (CFE) must continue to serve as a cornerstone of European security. It has dramatically reduced equipment levels. It provides a fundamental contribution to a more secure and integrated Europe. The States Parties to this Treaty are taking a critical step forward. The Treaty is being strengthened by adapting its provisions to ensure enhanced stability, predictability and transparency amidst changing circumstances. A number of States Parties will reduce further their equipment levels. The adapted Treaty, upon its entry into force, will be open to voluntary accession by other OSCE participating States in the area be-

tween the Atlantic Ocean and the Ural Mountains and thereby will provide an important additional contribution to European stability and security.

30. The OSCE Vienna Document 1999, together with other documents adopted by the Forum for Security Co-operation (FSC) on politico-military aspects of security, provide valuable tools for all OSCE participating States in building greater mutual confidence and military transparency. We will continue to make regular use of and fully implement all OSCE instruments in this field and seek their timely adaptation in order to ensure adequate response to security needs in the OSCE area. We remain committed to the principles contained in the Code of Conduct on politico-military aspects of security. We are determined to make further efforts within the FSC in order to jointly address common security concerns of participating States and to pursue the OSCE's concept of comprehensive and indivisible security so far as the politico-military dimension is concerned. We will continue a substantial security dialogue and task our representatives to conduct this dialogue in the framework of the FSC.

#### *The Economic and Environmental Dimension*

31. The link between security, democracy and prosperity has become increasingly evident in the OSCE area, as has the risk to security from environmental degradation and the depletion of natural resources. Economic liberty, social justice and environmental responsibility are indispensable for prosperity. On the basis of these linkages, we will ensure that the economic dimension receives appropriate attention, in particular as an element of our early warning and conflict prevention activities. We will do so, *inter alia*, with a view to promoting the integration of economies in transition into the world economy and to ensure the rule of law and the development of a transparent and stable legal system in the economic sphere.

32. The OSCE is characterized by its broad membership, its comprehensive approach to security, its large number of field operations and its long history as a norm-setting organization. These qualities enable it to identify threats and to act as a catalyst for co-operation between key international organizations and institutions in the economic and environmental areas. The OSCE stands ready to play this role, where appropriate. We will foster such co-ordination between the OSCE and relevant international organizations in accordance with the Platform for Co-operative Security. We will enhance the OSCE's ability to address economic and environmental issues in ways that neither duplicate existing work nor replace efforts that can be more efficiently undertaken by other organizations. We will focus on areas in which the OSCE has particular competence. The 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. In the spirit of the 1998 Århus Convention on Access to Informa-

tion, Public Participation in Decision-Making and Access to Justice in Environmental Matters, we will in particular seek to ensure access to information, public participation in decision-making and access to justice in environmental matters.

#### *Rule of Law and Fight against Corruption*

33. We reaffirm our commitment to the rule of law. We recognize that corruption poses a great threat to the OSCE's shared values. It generates instability and reaches into many aspects of the security, economic and human dimensions. Participating States pledge to strengthen their efforts to combat corruption and the conditions that foster it, and to promote a positive framework for good government practices and public integrity. They will make better use of existing international instruments and assist each other in their fight against corruption. As part of its work to promote the rule of law, the OSCE will work with NGOs that are committed to a strong public and business consensus against corrupt practices.

#### *IV. Our Common Instruments*

##### *Enhancing Our Dialogue*

34. We are determined to broaden and strengthen our dialogue concerning developments related to all aspects of security in the OSCE area. We charge the Permanent Council and the FSC within their respective areas of competence to address in greater depth security concerns of the participating States and to pursue the OSCE's concept of comprehensive and indivisible security.

35. The Permanent Council, being the regular body for political consultations and decision-making, will address the full range of conceptual issues as well as the day-to-day operational work of the Organization. To assist in its deliberations and decision-making and to strengthen the process of political consultations and transparency within the Organization, we will establish a Preparatory Committee under the Permanent Council's direction. This open-ended Committee will normally meet in informal format and will be tasked by the Council, or its Chairman, to deliberate and to report back to the Council.

36. Reflecting our spirit of solidarity and partnership, we will also enhance our political dialogue in order to offer assistance to participating States, thereby ensuring compliance with OSCE commitments. To encourage this dialogue, we have decided, in accordance with established rules and practices, to make increased use of OSCE instruments, including:

- Dispatching delegations from the OSCE institutions, with the participation of other relevant international organizations, when appropriate, to provide advice and expertise for reform of legislation and practices;
- Dispatching Personal Representatives of the Chairman-in-Office, after consultations with the State concerned, for fact-finding or advisory missions;
- Bringing together representatives of the OSCE and States concerned in order to address questions regarding compliance with OSCE commitments;
- Organizing training programmes aimed at improving standards and practices, *inter alia*, within the fields of human rights, democratization and the rule of law;
- Addressing matters regarding compliance with OSCE commitments at OSCE review meetings and conferences as well as in the Economic Forum;
- Submitting such matters for consideration by the Permanent Council, *inter alia*, on the basis of recommendations by the OSCE institutions within their respective mandates or by Personal Representatives of the Chairman-in-Office;
- Convening meetings of the Permanent Council in a special or reinforced format in order to discuss matters of non-compliance with OSCE commitments and to decide on appropriate courses of action;
- Establishing field operations with the consent of the State concerned.

#### *OSCE Field Operations*

37. The Permanent Council will establish field operations. It will decide on their mandates and budgets. On this basis, the Permanent Council and the Chairman-in-Office will provide guidance to such operations.

38. The development of OSCE field operations represents a major transformation of the Organization that has enabled the OSCE to play a more prominent role in promoting peace, security and compliance with OSCE commitments. Based on the experience we have acquired, we will develop and strengthen this instrument further in order to carry out tasks according to their respective mandates, which may, *inter alia*, include the following:

- Providing assistance and advice or formulating recommendations in areas agreed by the OSCE and the host country;
- Observing compliance with OSCE commitments and providing advice or recommendations for improved compliance;
- Assisting in the organization and monitoring of elections;
- Providing support for the primacy of law and democratic institutions and for the maintenance and restoration of law and order;

- Helping to create conditions for negotiation or other measures that could facilitate the peaceful settlement of conflicts;
- Verifying and/or assisting in fulfilling agreements on the peaceful settlement of conflicts;
- Providing support in the rehabilitation and reconstruction of various aspects of society.

39. Recruitment to field operations must ensure that qualified personnel are made available by participating States. The training of personnel is an important aspect of enhancing the effectiveness of the OSCE and its field operations and will therefore be improved. Existing training facilities in OSCE participating States and training activities of the OSCE could play an active role in achieving this aim in co-operation, where appropriate, with other organizations and institutions.

40. In accordance with the Platform for Co-operative Security, co-operation between OSCE and other international organizations in performing field operations will be enhanced. This will be done, *inter alia*, by carrying out common projects with other partners, in particular the Council of Europe, allowing the OSCE to benefit from their expertise while respecting the identity and decision-making procedures of each organization involved.

41. The host country of an OSCE field operation should, when appropriate, be assisted in building its own capacity and expertise within the area of responsibility. This would facilitate an efficient transfer of the tasks of the operation to the host country, and consequently the closure of the field operation.

#### *Rapid Response (REACT)*

42. We recognize that the ability to deploy rapidly civilian and police expertise is essential to effective conflict prevention, crisis management and post-conflict rehabilitation. We are committed to developing a capability within the participating States and the OSCE to set up Rapid Expert Assistance and Co-operation Teams (REACT) that will be at the disposal of the OSCE. This will enable OSCE bodies and institutions, acting in accordance with their respective procedures, to offer experts quickly to OSCE participating States to provide assistance, in compliance with OSCE norms, in conflict prevention, crisis management and post-conflict rehabilitation. This rapidly deployable capability will cover a wide range of civilian expertise. It will give us the ability to address problems before they become crises and to deploy quickly the civilian component of a peacekeeping operation when needed. These Teams could also be used as surge capacity to assist the OSCE with the rapid deployment of large-scale or specialized operations. We expect REACT to develop and evolve, along with other OSCE capabilities, to meet the needs of the Organization.



### *Operation Centre*

43. Rapid deployment is important for the OSCE's effectiveness in contributing to our conflict prevention, crisis management and post-conflict rehabilitation efforts and depends on effective preparation and planning. To facilitate this, we decide to set up an Operation Centre within the Conflict Prevention Centre with a small core staff, having expertise relevant for all kinds of OSCE operations, which can be expanded rapidly when required. Its role will be to plan and deploy field operations, including those involving REACT resources. It will liaise with other international organizations and institutions as appropriate in accordance with the Platform for Co-operative Security. The Centre's core staff will, to the extent possible, be drawn from personnel with appropriate expertise seconded by participating States and from existing Secretariat resources. This core will provide the basis for rapid expansion, to deal with new tasks as they arise. The precise arrangements will be decided in accordance with existing procedures.

### *Police-Related Activities*

44. We will work to enhance the OSCE's role in civilian police-related activities as an integral part of the Organization's efforts in conflict prevention, crisis management and post-conflict rehabilitation. Such activities may comprise:

- Police monitoring, including with the aim of preventing police from carrying out such activities as discrimination based on religious and ethnic identity;
- Police training, which could, *inter alia*, include the following tasks:
  - Improving the operational and tactical capabilities of local police services and reforming paramilitary forces;
  - Providing new and modern policing skills, such as community policing, and anti-drug, anti-corruption and anti-terrorist capacities;
  - Creating a police service with a multi-ethnic and/or multi-religious composition that can enjoy the confidence of the entire population;
  - Promoting respect for human rights and fundamental freedoms in general.

We will encourage the provision of modern equipment appropriate to police services that receive training in such new skills.

In addition, the OSCE will examine options and conditions for a role in law enforcement.

45. We shall also promote the development of independent judicial systems that play a key role in providing remedies for human rights violations as well as providing advice and assistance for prison system reforms. The OSCE will

also work with other international organizations in the creation of political and legal frameworks within which the police can perform its tasks in accordance with democratic principles and the rule of law.

#### *Peacekeeping*

46. We remain committed to reinforcing the OSCE's key role in maintaining peace and stability throughout our area. The OSCE's most effective contributions to regional security have been in areas such as field operations, post-conflict rehabilitation, democratization, and human rights and election monitoring. We have decided to explore options for a potentially greater and wider role for the OSCE in peacekeeping. Reaffirming our rights and obligations under the Charter of the United Nations, and on the basis of our existing decisions, we confirm that the OSCE can, on a case-by-case basis and by consensus, decide to play a role in peacekeeping, including a leading role when participating States judge it to be the most effective and appropriate organization. In this regard, it could also decide to provide the mandate covering peacekeeping by others and seek the support of participating States as well as other organizations to provide resources and expertise. In accordance with the Platform for Co-operative Security, it could also provide a co-ordinating framework for such efforts.

#### *The Court of Conciliation and Arbitration*

47. We reiterate that the principle of the peaceful settlement of disputes is at the core of OSCE commitments. The Court of Conciliation and Arbitration, in this respect, remains a tool available to those, a large number of participating States, which have become parties to the 1992 Convention of Stockholm. We encourage them to use this instrument to resolve disputes between them, as well as with other participating States which voluntarily submit to the jurisdiction of the Court. We also encourage those participating States which have not yet done so to consider joining the Convention.

#### *V. Our Partners for Co-operation*

48. We recognize the interdependence between the security of the OSCE area and that of Partners for Co-operation, as well as our commitment to the relationship and the dialogue with them. We emphasize in particular the long-standing relations with our Mediterranean partners, Algeria, Egypt, Israel, Jordan, Morocco and Tunisia. We recognize the increased involvement in and support for the work of the OSCE by our Partners for Co-operation. Building on this interdependence, we are ready to develop this process further. Implementing and building on the Helsinki Document 1992 and the Bu-

dapest Document 1994, we will work more closely with the Partners for Co-operation to promote OSCE norms and principles. We welcome their wish to promote the realization of the Organization's norms and principles, including the fundamental principle of resolving conflicts through peaceful means. To this end, we will invite the Partners for Co-operation on a more regular basis to increased participation in the work of the OSCE as the dialogue develops.

49. The potential of the Contact Group and the Mediterranean seminars must be fully explored and exploited. Drawing on the Budapest mandate, the Permanent Council will examine the recommendations emerging from the Contact Group and the Mediterranean seminars. We will encourage the Mediterranean Partners for Co-operation to draw on our expertise in setting up structures and mechanisms in the Mediterranean for early warning, preventive diplomacy and conflict prevention.

50. We welcome the increased participation in our work by Japan and the Republic of Korea. We welcome the contribution by Japan to OSCE field activities. We will seek to strengthen further our co-operation with our Asian partners in meeting challenges of common interest.

## *VI. Conclusion*

51. This Charter will benefit the security of all participating States by enhancing and strengthening the OSCE as we enter the twenty-first century. Today we have decided to develop its existing instruments and to create new tools. We will use them fully to promote a free, democratic and secure OSCE area. The Charter will thus underpin the OSCE's role as the only pan-European security organization entrusted with ensuring peace and stability in its area. We appreciate the completion of the work of the Security Model Committee.

52. The original of the present Charter, drawn up in English, French, German, Italian, Russian and Spanish, will be transmitted to the Secretary General of the Organization, who will transmit a certified true copy of this Charter to each of the participating States.

We, the undersigned High Representatives of the participating States, mindful of the high political significance that we attach to the present Charter and declaring our determination to act in accordance with the provisions contained in the above text, have subscribed our signatures below.

# Operational Document - the Platform for Co-operative Security

## *I. The Platform*

1. The goal of the Platform for Co-operative Security is 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.

2. The OSCE will work co-operatively with those organizations and institutions whose members individually and collectively, in a manner consistent with the modalities appropriate to each organization or institution, now and in the future:

- Adhere to the principles of the Charter of the United Nations and the OSCE principles and commitments as set out in the Helsinki Final Act, the Charter of Paris, the Helsinki Document 1992, the Budapest Document 1994, the OSCE Code of Conduct on politico-military aspects of security and the Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century;
- Subscribe to the principles of transparency and predictability in their actions in the spirit of the Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures;
- Implement fully the arms control obligations, including disarmament and CSBMs, to which they have committed themselves;
- Proceed on the basis that those organizations and institutions of which they are members will adhere to transparency about their evolution;
- Ensure that their membership in those organizations and institutions is based on openness and free will;
- Actively support the OSCE's concept of common, comprehensive and indivisible security and a common security space free of dividing lines;
- Play a full and appropriate part in the development of the relationships between mutually reinforcing security-related institutions in the OSCE area;
- Are ready in principle to deploy the institutional resources of international organizations and institutions of which they are members in support of the OSCE's work, subject to the necessary policy decisions as cases arise. In this regard, participating States note the particular relevance of co-operation in the areas of conflict prevention and crisis management.

3. Together these principles and commitments form the Platform for Co-operative Security.

## *II. Modalities for Co-operation*

1. Within the relevant organizations and institutions of which they are members, participating States will work to ensure the organizations' and institutions' adherence to the Platform for Co-operative Security. Adherence, on the basis of decisions taken by each member State within relevant organizations and institutions, will take place in a manner consistent with the modalities appropriate to each organization or institution. Contacts and co-operation of the OSCE with other organizations and institutions will be transparent to participating States and will take place in a manner consistent with the modalities appropriate to the OSCE and those organizations and institutions.

2. At the 1997 Ministerial Meeting in Copenhagen, a decision was taken on the Common Concept for the Development of Co-operation between Mutually Reinforcing Institutions. We acknowledge the extensive network of contacts elaborated since then, in particular the growing co-operation with organizations and institutions active both in the politico-military field and in the human and economic dimensions of security, and the strengthening of co-operation between the OSCE and the various United Nations bodies and agencies, recalling the OSCE's role as a regional arrangement under the Charter of the United Nations. We are determined to develop this further.

3. The growing importance of subregional groupings in the work of the OSCE is another important area, and we support the growth in co-operation with these groups based on this Platform.

4. Development of co-operation can be further enhanced through extensive use of the following instruments and mechanisms:

- Regular contacts, including meetings; a continuous framework for dialogue; increased transparency and practical co-operation, including the identification of liaison officers or points of contact; cross-representation at appropriate meetings; and other contacts intended to increase understanding of each organization's conflict prevention tools.

5. In addition, the OSCE may engage in special meetings with other organizations, institutions and structures operating in the OSCE area. These meetings may be held at a political and/or executive level (to co-ordinate policies or determine areas of co-operation) and at a working level (to address the modalities of co-operation).

6. The development of the OSCE field operations in recent years has represented a major transformation of the Organization. In view of the adoption of the Platform for Co-operative Security, existing co-operation between the OSCE and other relevant international bodies, organizations and institutions in field operations should be developed and built upon in accordance with their individual mandates. Modalities for this form of co-operation could include: regular information exchanges and meetings, joint needs assessment

missions, secondment of experts by other organizations to the OSCE, appointment of liaison officers, development of common projects and field operations, and joint training efforts.

7. Co-operation in responding to specific crises:

- The OSCE, through its Chairman-in-Office and supported by the Secretary General, and the relevant organizations and institutions are encouraged to keep each other informed of what actions they are undertaking or plan to undertake to deal with a particular situation;
- To this end, participating States encourage the Chairman-in-Office, supported by the Secretary General, to work with other organizations and institutions to foster co-ordinated approaches that avoid duplication and ensure efficient use of available resources. As appropriate, the OSCE can offer to serve as a flexible framework for co-operation of the various mutually reinforcing efforts. The Chairman-in-Office will consult with participating States on the process and will act in accordance with the results of these consultations.

8. The Secretary General shall prepare an annual report for the Permanent Council on interaction between organizations and institutions in the OSCE area.



# The Lund Recommendations on the Effective Participation of National Minorities in Public Life and Explanatory Note

Foundation on Inter-Ethnic Relations

September 1999



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## Introduction

In its Helsinki Decisions of July 1992, the Organization for Security and Co-operation in Europe (OSCE) established the position of High Commissioner on National Minorities to be "an instrument of conflict prevention at the earliest possible stage". This mandate was created largely in reaction to the situation in the former Yugoslavia which some feared would be repeated elsewhere in Europe, especially among the countries in transition to democracy, and could undermine the promise of peace and prosperity as envisaged in the Charter of Paris for a New Europe adopted by the Heads of State and Government in November 1990.

On 1 January 1993, Mr. Max van der Stoep took up his duties as the first OSCE High Commissioner on National Minorities (HCNM). Drawing on his considerable personal experience as a former Member of Parliament, Foreign Minister of The Netherlands, Permanent Representative to the United Nations, and long-time human rights advocate, Mr. van der Stoep turned his attention to the many disputes between minorities and central authorities in Europe which had the potential, in his view, to escalate. Acting quietly through diplomatic means, the HCNM has become involved in over a dozen States, including Albania, Croatia, Estonia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, the Former Yugoslav Republic of Macedonia, Romania, Slovakia and Ukraine. His involvement has focused primarily on those situations involving persons belonging to national/ethnic groups who constitute the numerical majority in one State but the numerical minority in another State, thus engaging the interest of governmental authorities in each State and constituting a potential source of inter-State tension if not conflict. Indeed, such tensions have defined much of European history.

In addressing the substance of tensions involving national minorities, the HCNM approaches the issues as an independent, impartial and co-operative actor. While the HCNM is not a supervisory mechanism, he employs the international standards to which each State has agreed as his principal framework of analysis and the foundation of his specific recommendations. In this relation, it is important to recall the commitments undertaken by all OSCE participating States, in particular those of the 1990 Copenhagen Document of the Conference on the Human Dimension which, in Part IV, articulates detailed standards relating to national minorities. All OSCE States are also bound by United Nations obligations relating to human rights, including minority rights, and the great majority of OSCE States are further bound by the standards of the Council of Europe.

Through the course of more than six years of intense activity, the HCNM has identified certain recurrent issues and themes which have become the subject of his attention in a number of States in which he is involved. Among these are issues of minority education and use of minority languages, in particular as matters of great importance for the maintenance and development of the identity of

persons belonging to national minorities. With a view to achieving an appropriate and coherent application of relevant minority rights in the OSCE area, the HCNM requested the Foundation on Inter-Ethnic Relations - a non-governmental organization established in 1993 to carry out specialized activities in support of the HCNM - to bring together two groups of internationally recognized independent experts to elaborate two sets of recommendations: The Hague Recommendations regarding the Education Rights of National Minorities (1996) and the Oslo Recommendations regarding the Linguistic Rights of National Minorities (1998). Both sets of recommendations have subsequently served as references for policy- and law-makers in a number of States. The recommendations are available (in several languages) from the Foundation on Inter-Ethnic Relations free of charge.

A third recurrent theme which has arisen in a number of situations in which the HCNM has been involved is that of forms of effective participation of national minorities in the governance of States. In order to gain a sense of the views and experiences of OSCE participating States on this issue and to allow States to share their experiences with each other, the HCNM and the OSCE's Office for Democratic Institutions and Human Rights convened a conference of all OSCE States and relevant international organisations entitled "Governance and Participation: Integrating Diversity", which was hosted by the Swiss Confederation in Locarno from 18 to 20 October 1998. The Chairman's Statement issued at the end of the conference summarized the themes of the meeting and noted the desirability of "concrete follow-up activities, including the further elaboration of the various concepts and mechanisms of good governance with the effective participation of minorities, leading to integration of diversity within the State." To this end, the HCNM called upon the Foundation on Inter-Ethnic Relations, in co-operation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, to bring together a group of internationally recognized independent experts to elaborate recommendations and outline alternatives, in line with the relevant international standards.

The result of the above initiative is The Lund Recommendations on the Effective Participation of National Minorities in Public Life - named after the Swedish city in which the experts last met and completed the recommendations. Among the experts were jurists specializing in relevant international law, political scientists specializing in constitutional orders and election systems, and sociologists specializing in minority issues. Specifically, under the Chairmanship of the Director of the Raoul Wallenberg Institute, Professor Gudmundur Alfredsson, the experts were:

Professor Gudmundur Alfredsson (Icelandic), Director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund University; Professor Vernon Bogdanor (British), Professor of Government, Oxford University; Professor Vojin Dimitrijević (Yugoslavian), Director of the Belgrade Centre for Human Rights; Dr. Asbjørn Eide (Norwegian),

Senior Fellow at the Norwegian Institute of Human Rights; Professor Yash Ghai (Kenyan), Sir YK Pao Professor of Public Law, University of Hong Kong; Professor Hurst Hannum (American), Professor of International Law, Fletcher School of Law and Diplomacy, Tufts University; Mr. Peter Harris (South African), Senior Executive to the International Institute for Democracy and Electoral Assistance; Dr. Hans-Joachim Heintze (German), Director of the Institut für Friedenssicherungsrecht und Humanitäres Völkerrecht, Ruhr-Universität Bochum; Professor Ruth Lapidoth (Israeli), Professor of International Law and Chairman of the Academic Committee of the Institute for European Studies, The Hebrew University of Jerusalem; Professor Rein Müllerson (Estonian), Chair of International Law, King's College, University of London; Dr. Sarlotta Pufflerova (Slovak), Director, Foundation Citizen and Minority/Minority Rights Group; Professor Steven Ratner (American), Professor of International Law, University of Texas; Dr. Andrew Reynolds (British), Assistant Professor of Government, University of Notre Dame; Mr. Miquel Strubell (Spanish and British), Director of the Institute of Catalan Socio-Linguistics, Generalitat de Catalunya; Professor Markku Suksi (Finnish), Professor of Public Law, Åbo Akademi University; Professor Danilo Türk (Slovene), Professor of International Law, Ljubljana University; Dr. Fernand de Varennes (Canadian), Senior Lecturer in Law and Director of the Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict, Murdoch University; Professor Roman Wieruszewski (Polish), Director of the Poznan Human Rights Centre, Polish Academy of Sciences.

Insofar as existing standards of minority rights are part of human rights, the starting point of the consultations among the experts was to presume compliance by States with all other human rights obligations including, in particular, freedom from discrimination. It was also presumed that the ultimate object of all human rights is the full and free development of the individual human personality in conditions of equality. Consequently, it was presumed that civil society should be open and fluid and, therefore, integrate all persons, including those belonging to national minorities. Moreover, insofar as the objective of good and democratic governance is to serve the needs and interests of the whole population, it was presumed that all governments seek to ensure the maximum opportunities for contributions from those affected by public decision-making.

The purpose of the Lund Recommendations, like The Hague and Oslo Recommendations before them, is to encourage and facilitate the adoption by States of specific measures to alleviate tensions related to national minorities and thus to serve the ultimate conflict prevention goal of the HCNM. The Lund Recommendations on the Effective Participation of National Minorities in Public Life attempt to clarify in relatively straight-forward language and build upon the content of minority rights and other standards generally applicable in the situations in which the HCNM is involved. The standards have been interpreted spe-

cifically to ensure the coherence of their application in open and democratic States. The Recommendations are divided into four sub-headings which group the twenty-four recommendations into general principles, participation in decision-making, self-governance, and ways of guaranteeing such effective participation in public life. The basic conceptual division within the Lund Recommendations follows two prongs: participation in governance of the State as a whole, and self-governance over certain local or internal affairs. A wide variety of arrangements are possible and known. In several recommendations, alternatives are suggested. All recommendations are to be interpreted in accordance with the General Principles in Part I. A more detailed explanation of each recommendation is provided in an accompanying Explanatory Note wherein express reference to the relevant international standards is found.

# The Lund Recommendations on the Effective Participation of National Minorities in Public Life

## *I. General Principles*

1. Effective participation of national minorities in public life is an essential component of a peaceful and democratic society. Experience in Europe and elsewhere has shown that, in order to promote such participation, governments often need to establish specific arrangements for national minorities. These Recommendations aim to facilitate the inclusion of minorities within the State and enable minorities to maintain their own identity and characteristics, thereby promoting the good governance and integrity of the State.
2. These Recommendations build upon fundamental principles and rules of international law, such as respect for human dignity, equal rights, and non-discrimination, as they affect the rights of national minorities to participate in public life and to enjoy other political rights. States have a duty to respect internationally recognized human rights and the rule of law, which allow for the full development of civil society in conditions of tolerance, peace, and prosperity.
3. When specific institutions are established to ensure the effective participation of minorities in public life, which can include the exercise of authority or responsibility by such institutions, they must respect the human rights of all those affected.
4. Individuals identify themselves in numerous ways in addition to their identity as members of a national minority. The decision as to whether an individual is a member of a minority, the majority, or neither rests with that individual and shall not be imposed upon her or him. Moreover, no person shall suffer any disadvantage as a result of such a choice or refusal to choose.
5. When creating institutions and procedures in accordance with these Recommendations, both substance and process are important. Governmental authorities and minorities should pursue an inclusive, transparent, and accountable process of consultation in order to maintain a climate of confidence. The State should encourage the public media to foster intercultural understanding and address the concerns of minorities.

## *II. Participation in Decision-Making*

### *(A) Arrangements at the Level of the Central Government*

6. States should ensure that opportunities exist for minorities to have an effective voice at the level of the central government, including through spe-

cial arrangements as necessary. These may include, depending upon the circumstances:

- special representation of national minorities, for example, through a reserved number of seats in one or both chambers of parliament or in parliamentary committees; and other forms of guaranteed participation in the legislative process;
- formal or informal understandings for allocating to members of national minorities cabinet positions, seats on the supreme or constitutional court or lower courts, and positions on nominated advisory bodies or other high-level organs;
- mechanisms to ensure that minority interests are considered within relevant ministries, through, e.g., personnel addressing minority concerns or issuance of standing directives; and
- special measures for minority participation in the civil service as well as the provision of public services in the language of the national minority.

*(B) Elections*

7. Experience in Europe and elsewhere demonstrates the importance of the electoral process for facilitating the participation of minorities in the political sphere. States shall guarantee the right of persons belonging to national minorities to take part in the conduct of public affairs, including through the rights to vote and stand for office without discrimination.
8. The regulation of the formation and activity of political parties shall comply with the international law principle of freedom of association. This principle includes the freedom to establish political parties based on communal identities as well as those not identified exclusively with the interests of a specific community.
9. The electoral system should facilitate minority representation and influence.
  - Where minorities are concentrated territorially, single-member districts may provide sufficient minority representation.
  - Proportional representation systems, where a political party's share in the national vote is reflected in its share of the legislative seats, may assist in the representation of minorities.
  - Some forms of preference voting, where voters rank candidates in order of choice, may facilitate minority representation and promote inter-communal co-operation.
  - Lower numerical thresholds for representation in the legislature may enhance the inclusion of national minorities in governance.
10. The geographic boundaries of electoral districts should facilitate the equitable representation of national minorities.

*(C) Arrangements at the Regional and Local Levels*

11. States should adopt measures to promote participation of national minorities at the regional and local levels such as those mentioned above regarding the level of the central government (paragraphs 6-10) The structures and decision-making processes of regional and local authorities should be made transparent and accessible in order to encourage the participation of minorities.

*(D) Advisory and Consultative Bodies*

12. States should establish advisory or consultative bodies within appropriate institutional frameworks to serve as channels for dialogue between governmental authorities and national minorities. Such bodies might also include special purpose committees for addressing such issues as housing, land, education, language, and culture. The composition of such bodies should reflect their purpose and contribute to more effective communication and advancement of minority interests.
13. These bodies should be able to raise issues with decisionmakers, prepare recommendations, formulate legislative and other proposals, monitor developments and provide views on proposed governmental decisions that may directly or indirectly affect minorities. Governmental authorities should consult these bodies regularly regarding minority-related legislation and administrative measures in order to contribute to the satisfaction of minority concerns and to the building of confidence. The effective functioning of these bodies will require that they have adequate resources.

*III. Self-Governance*

14. Effective participation of minorities in public life may call for non-territorial or territorial arrangements of self-governance or a combination thereof. States should devote adequate resources to such arrangements.
15. It is essential to the success of such arrangements that governmental authorities and minorities recognize the need for central and uniform decisions in some areas of governance together with the advantages of diversity in others.
  - Functions that are generally exercised by the central authorities include defense, foreign affairs, immigration and customs, macroeconomic policy, and monetary affairs.
  - Other functions, such as those identified below, may be managed by minorities or territorial administrations or shared with the central authorities.
  - Functions may be allocated asymmetrically to respond to different minority situations within the same State.



16. Institutions of self-governance, whether non-territorial or territorial, must be based on democratic principles to ensure that they genuinely reflect the views of the affected population.

(A) *Non-Territorial Arrangements*

17. Non-territorial forms of governance are useful for the maintenance and development of the identity and culture of national minorities.
18. The issues most susceptible to regulation by these arrangements include education, culture, use of minority language, religion, and other matters crucial to the identity and way of life of national minorities.
  - Individuals and groups have the right to choose to use their names in the minority language and obtain official recognition of their names.
  - Taking into account the responsibility of the governmental authorities to set educational standards, minority institutions can determine curricula for teaching of their minority languages, cultures, or both.
  - Minorities can determine and enjoy their own symbols and other forms of cultural expression.

(B) *Territorial Arrangements*

19. All democracies have arrangements for governance at different territorial levels. Experience in Europe and elsewhere shows the value of shifting certain legislative and executive functions from the central to the regional level, beyond the mere decentralization of central government administration from the capital to regional or local offices. Drawing on the principle of subsidiarity, States should favourably consider such territorial devolution of powers, including specific functions of self-government, particularly where it would improve the opportunities of minorities to exercise authority over matters affecting them.
20. Appropriate local, regional, or autonomous administrations that correspond to the specific historical and territorial circumstances of national minorities may undertake a number of functions in order to respond more effectively to the concerns of these minorities.
  - Functions over which such administrations have successfully assumed primary or significant authority include education, culture, use of minority language, environment, local planning, natural resources, economic development, local policing functions, and housing, health, and other social services.
  - Functions shared by central and regional authorities include taxation, administration of justice, tourism, and transport.
21. Local, regional, and autonomous authorities must respect and ensure the human rights of all persons, including the rights of any minorities within their jurisdiction.

#### *IV. Guarantees*

##### *(A) Constitutional and Legal Safeguards*

22. Self-governance arrangements should be established by law and generally not be subject to change in the same manner as ordinary legislation. Arrangements for promoting participation of minorities in decision-making may be determined by law or other appropriate means.
  - Arrangements adopted as constitutional provisions are normally subject to a higher threshold of legislative or popular consent for their adoption and amendment.
  - Changes to self-governance arrangements established by legislation often require approval by a qualified majority of the legislature, autonomous bodies or bodies representing national minorities, or both.
  - Periodic review of arrangements for self-governance and minority participation in decision-making can provide useful opportunities to determine whether such arrangements should be amended in the light of experience and changed circumstances.
23. The possibility of provisional or step-by-step arrangements that allow for the testing and development of new forms of participation may be considered. These arrangements can be established through legislation or informal means with a defined time period, subject to extension, alteration, or termination depending upon the success achieved.

##### *(B) Remedies*

24. Effective participation of national minorities in public life requires established channels of consultation for the prevention of conflicts and dispute resolution, as well as the possibility of ad hoc or alternative mechanisms when necessary. Such methods include:
  - judicial resolution of conflicts, such as judicial review of legislation or administrative actions, which requires that the State possess an independent, accessible, and impartial judiciary whose decisions are respected; and
  - additional dispute resolution mechanisms, such as negotiation, fact finding, mediation, arbitration, an ombudsman for national minorities, and special commissions, which can serve as focal points and mechanisms for the resolution of grievances about governance issues.

# Explanatory Note to the Lund Recommendations on the Effective Participation of National Minorities in Public Life

## *I. General Principles*

1. Both the Charter of the United Nations (hereafter the "UN Charter") and the foundational documents of the CSCE/OSCE seek to maintain and strengthen international peace and security through the development of friendly and co-operative relations between equally sovereign States respecting human rights, including the rights of persons belonging to minorities. Indeed, history shows that failure to respect human rights, including minority rights, can undermine stability within the State and negatively affect relations between States, thus endangering international peace and security.

Beginning with Principle VII of the decalogue of the 1975 Helsinki Final Act, the OSCE participating States have emphasised the fundamental link between respecting the legitimate interests of persons belonging to national minorities and the maintenance of peace and stability. This link has been reiterated in subsequent basic documents such as the 1983 Concluding Document of Madrid (Principle 15), the 1989 Concluding Document of Vienna (Principles 18 and 19), and the 1990 Charter of Paris for a New Europe, in addition to subsequent Summit Documents, e.g. the 1992 Helsinki Document (Part IV, paragraph 24) and the 1996 Lisbon Document (Part I, Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, paragraph 2). At the level of the United Nations, the link between protection and promotion of minority rights and maintenance of peace and stability is expressed, *inter alia*, in the preamble to the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereafter the "UN Declaration on Minorities"). Moreover, following adoption of the Charter of Paris for a New Europe, all OSCE participating States are committed to democratic governance.

Full opportunities for the equal enjoyment of the human rights of persons belonging to minorities entails their effective participation in decision-making processes, especially with regard to those decisions specially affecting them. While situations vary greatly and ordinary democratic processes may be adequate to respond to the needs and aspirations of minorities, experience also shows that special measures are often required to facilitate the effective participation of minorities in decision-making. The following international standards commit States to take such action in such situations: according to paragraph 35 of the 1990 Document of the Copenhagen Meeting on the Human Dimension (hereafter the "Copenhagen

Document"), OSCE participating States "will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities"; according to Article 2, paragraphs 2 and 3, of the 1992 UN Declaration on Minorities, "[p]ersons belonging to minorities have the right to participate effectively in [...] public life" and "the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live"; and, according to Article 15 of the Council of Europe's 1994 Framework Convention for the Protection of National Minorities (hereafter the "Framework Convention"), States Parties "shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them."

The creation of opportunities for effective participation takes for granted that such participation will be voluntary. Indeed, the underlying notion of social and political integration is distinguished from processes and outcomes which constitute coerced assimilation, as cautioned in Article 5 of the Framework Convention. Only through voluntary processes may the pursuit of the legitimate interests of persons belonging to minorities be a peaceful process which offers the prospect of optimal outcomes in public policy- and law-making. Such inclusive, participatory processes thus serve the objective of good governance by responding to the interests of the whole population - weaving all interests into the fabric of public life and ultimately strengthening the integrity of the State. The international standards referring to effective participation of minorities in public life underscore the fact that they do not imply any right to engage in activities contrary to the purposes and principles of the United Nations, OSCE or Council of Europe, including sovereign equality, territorial integrity and political independence of States (see paragraph 37 of the Copenhagen Document, Article 8(4) of the UN Declaration on Minorities, and the preamble of the Framework Convention).

2. In the spirit of paragraph 25 of Part VI of the 1992 Helsinki Document, these recommendations build upon the relevant commitments insofar as they offer OSCE participating States "further avenues for more effective implementation of their CSCE commitments, including those related to the protection and the creation of conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities".

Article 1(3) of the UN Charter specifies that one of the purposes of the organisation is "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" - which is further specified in Article 55(c) as including "univer-

sal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." The Charter is based upon the intimate relationship between respect for human rights and international peace and security, and the fundamental value of human dignity is further expressed in Article 1 of the 1948 Universal Declaration of Human Rights and the preambles of the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, and the 1965 International Convention on the Elimination of All Forms of Racial Discrimination. Such dignity is equally inherent in all human beings and accompanied by equal and inalienable rights.

Following from the premise of equal dignity and inalienable rights is the principle of non-discrimination as expressed in virtually all international human rights instruments, including notably Article 2 of the Universal Declaration of Human Rights, Articles 2 and 26 of the International Covenant on Civil and Political Rights, and Article 2 of the International Covenant on Economic, Social and Cultural Rights. Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination makes clear that this instrument prohibits discrimination also on the basis of "descent, or national or ethnic origin". Article 14 of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter the "European Convention on Human Rights") also expressly extends the principle of non-discrimination to cover grounds of "national or social origin, [or] association with a national minority", whenever the rights and freedoms guaranteed by the convention are engaged. Indeed, the constitutions of most OSCE participating States incorporate these affirmations and principles.

Insofar as persons belonging to national minorities are entitled to the right to effective participation in public life, they are to enjoy this right without discrimination, as expressed in paragraph 31 of the Copenhagen Document, Article 4 of the Framework Convention, and Article 4(1) of the UN Declaration on Minorities. However, according to Article 4(2) of the Framework Convention, concern for equal dignity extends beyond the principle of non-discrimination towards "full and effective equality between persons belonging to a national minority and those belonging to the majority" for which States should "adopt, where necessary, adequate measures ... in all areas of ... political ... life" in respect of which "they shall take due account of the specific conditions of the persons belonging to national minorities."

The connection made in the recommendation between respect for human rights and the development of civil society reflects the call for an "effective political democracy" which, according to the Preamble of the European Convention on Human Rights, is intimately related to justice and peace in the world. OSCE participating States have further affirmed in the Charter

of Paris for a New Europe that democratic governance, including respect for human rights, is the basis for prosperity.

3. When specific institutions are established to ensure the effective participation of national minorities in public life, this must not be at the expense of others' rights. All human rights must be respected at all times, including by such institutions which may be delegated authority by the State. According to paragraph 33 of the Copenhagen Document, when participating States take measures necessary for the protection of the identity of persons belonging to national minorities, "Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned." The Copenhagen Document further stipulates at paragraph 38 that OSCE "participating States, in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments". The Framework Convention has a similar stipulation in Article 20: "In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities." This addresses in particular the case of "minorities within minorities", especially in the territorial context (see recommendations 16 and 21 below). This would also include respect for the human rights of women, including freedom from discrimination in relation to "the political and public life of the country" as stipulated at Article 7 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women.
4. The principle of self-identification of persons belonging to minorities is based on several fundamental commitments. Paragraph 32 of the Copenhagen Document specifies that "To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice". Article 3(1) of the Framework Convention provides similarly that "Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice." Article 3(2) of the UN Declaration on Minorities includes the same prohibition against any disadvantage resulting "for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration." An individual's freedom to identify oneself as one chooses is necessary to ensure respect for individual autonomy and liberty. An individual may possess several identities that are relevant not only for private life, but also in the sphere of public life. Indeed, in open societies with increasing movements of persons and ideas, many individuals have multiple identities

which are coinciding, coexisting or layered (in an hierarchical or non-hierarchical fashion), reflecting their various associations. Certainly, identities are not based solely on ethnicity, nor are they uniform within the same community; they may be held by different members in varying shades and degrees. Depending upon the specific matters at issue, different identities may be more or less salient. As a consequence, the same person might identify herself or himself in different ways for different purposes, depending upon the salience of the identification and arrangement for her or him. For example, in some States a person may choose a certain language for submission on tax forms, yet identify herself or himself differently in a local community for other purposes.

5. In the framework of democracy, the process of decision-making is as important as the substance of decisions made. Since good governance is not only of the people but also for the people, its processes should always be inclusive of those concerned, transparent for all to see and judge, and accountable to those affected. Only such processes will inspire and maintain public confidence. Inclusive processes may comprise consultation, polling, referenda, negotiation and even the specific consent of those directly affected. Decisions resulting from such processes are likely to inspire voluntary compliance. In situations where the views of the public authorities and the affected community may differ substantially, good governance may suggest using the services of a third party to assist in finding the most satisfactory arrangement.

In relation specifically to national minorities, paragraph 33 of the Copenhagen Document commits OSCE participating States to take measures to "protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity [...] after due consultations, including contacts with organizations or associations of such minorities". In Part VI, paragraph 26, of the Helsinki Document, OSCE participating States further committed themselves to "address national minority issues in a constructive manner, by peaceful means and through dialogue among all parties concerned on the basis of CSCE principles and commitments". In connection with "all parties concerned", paragraph 30 of the Copenhagen Document recognizes "the important role of non-governmental organizations, including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities."

Inclusive processes require conditions of tolerance. A social and political climate of mutual respect and equality needs to be assured by law and also taught as a social ethic shared by the whole population. The media have a special role in this regard. Article 6(1) of the Framework Convention provides that "the Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and under-

standing and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media." In particular, States should act to stop the public use of derogatory or pejorative names and terms and should take steps to counteract negative stereotypes. Ideally, the representatives of the affected community should participate in the choice and design of any steps taken to overcome such problems.

## II. *Participation in Decision-Making*

### (A) *Arrangements at the Level of the Central Government*

6. Building upon paragraph 35 of the Copenhagen Document, paragraph 1 of Part III of the 1991 Report of the CSCE (Geneva) Meeting of Experts on National Minorities underlines that "when issues relating to the situation of national minorities are discussed within their countries, they themselves should have the effective opportunity to be involved ... [and] that [such] democratic participation of persons belonging to national minorities or their representatives in decision-making or consultative bodies constitutes an important element of effective participation in public affairs." Paragraph 24 of Part VI of the Helsinki Document committed OSCE participating States to "intensify in this context their efforts to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully, in accordance with the democratic decision-making procedures of each State, in the political, economic, social, and cultural life of their countries including through democratic participation in decision-making and consultative bodies at the national, regional, and local level, *inter alia*, through political parties and associations."

The essence of participation is involvement, both in terms of the opportunity to make substantive contributions to decision-making processes and in terms of the effect of those contributions. The notion of good governance includes the premise that simple majoritarian decision-making is not always sufficient. In terms of the structure of the State, various forms of decentralization may be appropriate to assure the maximum relevance and accountability of decision-making processes for those affected, both at the level of the State and at sub-State levels. This may be accomplished through various ways in a unitary State or in federal and confederal systems. Minority representation in decision-making bodies may be assured through reserved seats (by way of quotas, promotions or other measures), while other forms of participation include assured membership in relevant committees, with or without voting rights. Representation on executive, judicial, administrative and other bodies may be assured through similar means, whether by formal requirement or by customary practice. Special bodies may also be established to accommodate minority concerns.



Meaningful opportunities to exercise all minority rights require specific steps to be taken in the public service, including ensuring "equal access to public service" as articulated in Article 5(c) of the International Convention on the Elimination of All Forms of Racial Discrimination.

(B) *Elections*

7. Representative government through free, fair and periodic elections is the hallmark of contemporary democracy. The fundamental objective is, in the words of Article 21(3) of the Universal Declaration of Human Rights, that "The will of the people shall be the basis of the authority of government". This basic standard is articulated in universal and European treaties, namely Article 25 of the International Covenant on Civil and Political Rights and Article 3 of Protocol I additional to the European Convention on Human Rights. For OSCE participating States, paragraphs 5 and 6 of the Copenhagen Document specify that, "among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings", "the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government".  
While States have considerable latitude in choosing the specific manner in which to comply with these obligations, they must do so without discrimination and should aim for as much representativeness as possible. Indeed, within the context of the United Nations, the Human Rights Committee has explained in paragraph 12 of its General Comment 25 on Article 25 (57th Session 1996) that "Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected. [...] Information and materials about voting should be available in minority languages." Moreover, paragraph 5 of General Comment 25 clarifies that "The conduct of public affairs [...] is a broad concept which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels."  
Insofar as no electoral system is neutral from the perspective of varying views and interests, States should adopt the system which would result in the most representative government in their specific situation. This is especially important for persons belonging to national minorities who might otherwise not have adequate representation.
8. In principle, democracies should not interfere with the way in which people organize themselves politically - as long as their means are peaceful and respectful of the rights of others. Essentially, this is a matter of freedom of association, as articulated in a wide variety of international instruments including: Article 20 of the Universal Declaration of Human Rights; Article 22 of the International Covenant on Civil and Political Rights; Ar-

ticle 11 of the European Convention on Human Rights; and paragraph 6 of the Copenhagen Document. Freedom of association has also been guaranteed specifically for persons belonging to national minorities under paragraph 32.6 of the Copenhagen Document and Article 7 of the Framework Convention. More specifically, paragraph 24 of Part VI of the Helsinki Document commits OSCE participating States "to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully, [...] in the political [...] life of their countries including [...] through political parties and associations."

While full respect for equal rights and non-discrimination will reduce or eliminate the demand and need for political parties formed on the basis of ethnic ties, in some situations such communal parties may be the only hope for effective representation of specific interests and, thus, for effective participation. Of course, parties may be formed on other bases, e.g. regional interests. Ideally, parties should be open and should cut across narrow ethnic issues; thus, mainstream parties should seek to include members of minorities to reduce the need or desire for ethnic parties. The choice of electoral system may be important in this regard. In any event, no political party or other association may incite racial hatred, which is prohibited by Article 20 of the International Covenant on Civil and Political Rights and Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination.

9. The electoral system may provide for the selection of both the legislature and other bodies and institutions, including individual officials. While single member constituencies may provide sufficient representation for minorities, depending upon how the constituencies are drawn and the concentration of minority communities, proportional representation might help guarantee such minority representation. Various forms of proportional representation are practised in OSCE participating States, including the following: "preference voting", whereby voters rank candidates in order of choice; "open list systems", whereby electors can express a preference for a candidate within a party list, as well as voting for the party; "*panachage*", whereby electors can vote for more than one candidate across different party lines; and "*cumulation*", whereby voters can cast more than one vote for a preferred candidate. Thresholds should not be so high as to hamper minority representation.
10. In drawing the boundaries of electoral districts, the concerns and interests of national minorities should be taken into account with a view to assuring their representation in decision-making bodies. The notion of "equity" means that no one should be prejudiced by the chosen method and that all concerns and interests should be given fair consideration. Ideally, boundaries should be determined by an independent and impartial body to ensure, among other concerns, respect for minority rights. This is often accom-

plished in OSCE participating States by means of standing, professional electoral commissions.

In any event, States should not alter electoral boundaries, or otherwise alter the proportions of the population in a district, for the purpose of diluting or excluding minority representation. This is expressly prohibited by Article 16 of the Framework Convention, while Article 5 of the European Charter of Local Self-Government stipulates that "Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute" (see recommendation 19 regarding territorial arrangements).

*(C) Arrangements at the Regional and Local Levels*

11. This Recommendation applies to all levels of government below the central authorities (e.g. provinces, departments, districts, prefectures, municipalities, cities and towns, whether units within a unitary State or constituent units of a federal State, including autonomous regions and other authorities). The consistent enjoyment of all human rights by everyone equally means that the entitlements enjoyed at the level of the central government should be enjoyed throughout the structures below. However, the criteria used to create structures at the regional and local level may be different from those used at the level of the central government. Structures may also be established asymmetrically, with variation according to differing needs and expressed desires.

*(D) Advisory and Consultative Bodies*

12. Paragraph 24 of Part VI of the Helsinki Document commits OSCE participating States "to ensure the free exercise by persons belonging to national minorities, individually or in community with others, of their human rights and fundamental freedoms, including the right to participate fully [...] in the political [...] life of their countries including through democratic participation in [...] consultative bodies at the national, regional, and local level". Such bodies can be standing or ad hoc, part of or attached to the legislative or executive branch or independent therefrom. Committees attached to parliamentary bodies, such as minority round tables, are known in several OSCE participating States. They can and do function at all levels of government, including self-government arrangements. In order to be effective, these bodies should be composed of minority representatives and others who can offer special expertise, provided with adequate resources, and given serious attention by decisionmakers. Aside from advice and counsel, such bodies can constitute a useful intermediary institution between decisionmakers and minority groups. They can also stimulate action at the level of government and among minority communities. Such bodies may also perform specific tasks related to the implementation of programs,

e.g. in the field of education. In addition, special purpose committees may hold particular significance for certain minorities who should be represented therein.

13. The possibilities for constructive use of such bodies vary with the situations. However, in all cases, good governance requires positive steps on the part of the authorities to engage established advisory and consultative bodies, to refer to them as needs may arise and to invite their input. An open and inclusive approach on the part of the authorities vis-à-vis these bodies and their members will contribute to better decisions and to greater confidence of the wider society.

### *III. Self-Governance*

14. The term "self-governance" implies a measure of control by a community over matters affecting it. The choice of the term "governance" does not necessarily imply exclusive jurisdiction. In addition, it may subsume administrative authority, management, and specified legislative and judicial jurisdiction. The State may achieve this through delegation or devolution, or, in the case of a federation, an initial division of constituent powers. Among OSCE participating States, "self-governance" arrangements are variously referred to as delegations of autonomy, self-government, and home rule. In no case is this to include any ethnic criterion for territorial arrangements.

In paragraph 35 of the Copenhagen Document, OSCE participating States have noted "the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned." Following upon this, the Report of the CSCE (Geneva) Meeting of Experts on National Minorities noted in paragraph 7 of Part IV "that positive results have been obtained by some [participating States] in an appropriate democratic manner by, *inter alia*: [...] local and autonomous administration, as well as autonomy on a territorial basis, including the existence of consultative, legislative and executive bodies chosen through free and periodic elections; self-administration by a national minority of aspects concerning its identity in situations where autonomy on a territorial basis does not apply; decentralized or local forms of government; [...] provision of financial and technical assistance to persons belonging to national minorities who so wish to exercise their right to establish and maintain their own educational, cultural and religious institutions, organizations and associations [...]". Of a more general nature, the Preamble to the European Charter of Local Self-Government stresses "the principles of democracy and the decentralisation

of power" as a contribution to "the safeguarding and reinforcement of local self-government in the different European countries". In this last connection, the European Charter of Local Self-Government provides in Article 9 for the entitlement of adequate financial resources for the exercise of such decentralized authorities.

15. Insofar as the State holds responsibility in certain fields affecting the whole State, it must assure their regulation through the central authorities of the State. These typically include: defense, which is essential to maintain the territorial integrity of the State; macroeconomic policy, which is important insofar as the central government serves as a sort of equalizer between economically disparate regions; and the classical affairs of diplomacy. Insofar as other fields may have important national implications, these too must be regulated at least to some degree by the central authorities. Regulation in these fields may also be shared, including with specially affected territorial units or minority groups (see recommendations 18 and 20). Such sharing of regulatory authority must nevertheless be consistent with human rights standards and be managed in a practical and co-ordinated manner. One field which is well-established as being shared on either a territorial or a non-territorial basis, or both, and holds special importance both for the State as a whole and also for minority groups, is education. Article 5.1 of the UNESCO Convention against Discrimination in Education spells out in some detail how such sharing in this field should be achieved: "The States Parties to this Convention agree that: [...]"
  - (b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction;
  - (c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however: (i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty; (ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and (iii) That attendance at such schools is optional."

16. The principle of democratic governance, as articulated in Article 21 of the Universal Declaration of Human Rights, Article 25 of the International Covenant on Civil and Political Rights, Article 3 of Protocol I to the European Convention on Human Rights and in OSCE standards is applicable at all levels and for all elements of governance. When institutions of self-governance are needed or desirable, the equal enjoyment by everyone of their rights requires application of the principle of democracy within these institutions.

(A) *Non-Territorial Arrangements*

17. This section addresses non-territorial autonomy - often referred to as "personal" or "cultural autonomy" - which is most likely to be useful when a group is geographically dispersed. Such divisions of authority, including control over specific subject-matter, may take place at the level of the State or within territorial arrangements. In all cases, respect for the human rights of others must be assured. Moreover, such arrangements should be assured adequate financial resources to enable performance of their public functions and should result from inclusive processes (see Recommendation 5).
18. This is not an exhaustive list of possible functions. Much will depend upon the situation, including especially the needs and expressed desires of the minority. In different situations, different subjects will be of greater or lesser interest to minorities, and decisions in these fields will affect them to varying degrees. Some fields may be shared. One area of special concern for minorities is control over their own names, both for representative institutions and individual members, as provided in Article 11(1) of the Framework Convention. With regard to religion, the Recommendation does not advocate governmental interference in religious matters other than in relation to those powers (e.g. concerning personal civil status) delegated to religious authorities. This Recommendation also does not intend that minority institutions should control the media - although persons belonging to minorities should have the possibility to create and use their own media, as guaranteed by Article 9(3) of the Framework Convention. Of course, culture has many aspects extending to fields such as welfare, housing and child care; the State should take into account minority interests in governance in these fields.

(B) *Territorial Arrangements*

19. There is a general trend in European States towards devolution of authority and implementation of the principle of subsidiarity, such that decisions are taken as close as possible to, and by, those most directly concerned and affected. Article 4(3) of the European Charter of Local Self-Government expresses this objective as follows: "Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the

extent and nature of the task and requirements of efficiency and economy." Territorial self-government can help preserve the unity of States while increasing the level of participation and involvement of minorities by giving them a greater role in a level of government that reflects their population concentration. Federations may also accomplish this objective, as may particular autonomy arrangements within unitary States or federations. It is also possible to have mixed administrations. As noted in recommendation 15, arrangements need not be uniform across the State, but may vary according to needs and expressed desires.

20. Autonomous authorities must possess real power to make decisions at the legislative, executive or judicial levels. Authority within the State may be divided among central, regional and local authorities and also among functions. Paragraph 35 of the Copenhagen Document notes the alternatives of "appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances". This makes clear that there need not be uniformity within the State. Experience shows that powers can be divided even with respect to fields of public authority traditionally exercised by central government, including devolved powers of justice (both substantive and procedural) and powers over traditional economies. At a minimum, affected populations should be systematically involved in the exercise of such authority. At the same time, the central government must retain powers to ensure justice and equality of opportunities across the State.
21. Where powers may be devolved on a territorial basis to improve the effective participation of minorities, these powers must be exercised with due account for the minorities within these jurisdictions. Administrative and executive authorities must be accountable to the whole population of the territory. This follows from paragraph 5.2 of the Copenhagen Document which commits OSCE participating States to assure at all levels and for all persons "a form of government that is representative in character, in which the executive is accountable to the elected legislature or the electorate".

#### *IV. Guarantees*

##### *(A) Constitutional and Legal Safeguards*

22. This section addresses the issue of "entrenchment", that is, solidifying arrangements in law. Very detailed legal arrangements may be useful in some cases, while frameworks may be sufficient in other cases. In all cases, as noted in recommendation 5, arrangements should result from open processes. However, once concluded, stability is required in order to assure some security for those affected, especially persons belonging to national minorities. Articles 2 and 4 of the European Charter of Local Self-Government express a preference for constitutional arrangements. To achieve the desired balance between stability and flexibility, it may be use-

ful to specify some reconsideration at fixed intervals, thereby depoliticizing the process of change in advance and making the review process less adversarial.

23. This Recommendation differs from Recommendation 22 insofar as it encourages the testing of new and innovative regimes, rather than specifying terms for alteration of existing arrangements. Responsible authorities may wish to follow different approaches in different situations among central authorities and minority representatives. Without compromising final positions, such an approach may yield good experiences, not least through the processes of innovation and implementation.

*(B) Remedies*

24. In paragraph 30 of the Copenhagen Document, OSCE participating States "recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary." The idea of effective remedies is also provided in Article 2(3) of the International Covenant on Civil and Political Rights, while "a judicial remedy" is specified in Article 11 of the European Charter of Local Self-Government. Judicial review can be performed by constitutional courts and, in effect, by relevant international human rights bodies. Non-judicial mechanisms and institutions, such as national commissions, ombudspersons, inter-ethnic or "race" relations boards, etc., may also play critical roles, as envisaged by paragraph 27 of the Copenhagen Document, Article 14(2) of the International Convention on the Elimination of All Forms of Racial Discrimination, and paragraph 36 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993.





## 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 Observer

Partnership for Peace (PfP)

NATO-Russia-Founding Act/NATO-Russia Permanent Joint Council

NATO-Ukraine-Charter/NATO-Ukraine Commission

European Union (EU)<sup>1</sup>

EU Association Agreement

Western European Union (WEU)

Associate Members of the WEU<sup>2</sup>

Associate Partners of the WEU

WEU Observers<sup>3</sup>

Eurocorps

Commonwealth of Independent States (CIS)

Baltic Defence Council

Barents Euro-Arctic Council

Nordic Council

Council of the Baltic Sea States

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)  
Black Sea Economic Cooperation

North American Free Trade Area (NAFTA)

# The 55 OSCE Participating States - Facts and Figures<sup>1</sup>

## 1. Albania

*Date of Accession:* June 1991

*Scale of Distribution:* 0.19 per cent

*Area:* 28,748 km<sup>2</sup> (OSCE Ranking: 45)

*Population:* 3,741,000<sup>2</sup> (OSCE Ranking: 41)

*GNP per Capita in US-\$ according to PPP<sup>3</sup>:* 2,864 (OSCE Ranking: 41)<sup>4</sup>

*GNP growth:* 7.9 per cent<sup>5</sup> (OSCE Ranking: 5)<sup>6</sup>

*Armed Forces (Active):* (approximately 7,000-10,000, no reliable data)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, Stability Pact for South Eastern Europe, CEI, SECI, Black Sea Economic Cooperation

## 2. Andorra

*Date of Accession:* April 1996

*Scale of Distribution:* 0.125 per cent

*Area:* 467.76 km<sup>2</sup> (50)

*Population:* 64,000 (1995) (51)

*GNP per Capita in US-\$ according to PPP:* no data given

*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<sup>2</sup> (44)

*Population:* 3,967,000 (39)

*GNP per Capita in US-\$ according to PPP:* 2,074 (44)

*GNP growth:* 3.4 per cent (22)

*Armed Forces (Active):* approximately 53,400 (19)<sup>7</sup>

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1 Drawn up by Carsten Walter.

2 Data from: <http://www.un.org/Depts/unsd/social/poptn.htm>. The figures refer to 1999 if not mentioned otherwise.

3 PPP: Purchasing Power Parity (figures as of 1998 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 Indicators 2000, Washington, D.C. 2000.

4 Out of 47 registered countries.

5 Changes as regards to 1997.

6 Out of 43 registered countries.

7 Out of 48 registered countries.

*Memberships and Forms of Co-operation:* EAPC, PfP, CIS, Black Sea Economic Cooperation

#### **4. Austria**

*Date of Accession:* November 1972

*Scale of Distribution:* 2.05 per cent

*Area:* 83,858 km<sup>2</sup> (29)

*Population:* 8,107,000 (25)

*GNP per Capita in US-\$ according to PPP:* 23,145 (8)

*GNP growth:* 3.3 per cent (22)

*Armed Forces (Active):* 40,500 (28)

*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<sup>2</sup> (28)

*Population:* 7,284,000 (26)

*GNP per Capita in US-\$ according to PPP:* 2,168 (43)

*GNP growth:* 9.9 per cent (3)

*Armed Forces (Active):* 69,900 (17)

*Memberships and Forms of Co-operation:* EAPC, PfP, CIS, Black Sea Economic Cooperation

#### **6. Belarus**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.7 per cent

*Area:* 207,595 km<sup>2</sup> (19)

*Population:* 10,470,00 (19)

*GNP per Capita in US-\$ according to PPP:* 6,314 (31)

*GNP growth:* 10.5 per cent (2)

*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<sup>2</sup> (43)

*Population:* 10,115,000 (20)

*GNP per Capita in US-\$ according to PPP:* 23,622 (7)

*GNP growth:* 3.0 per cent (27)

*Armed Forces (Active):* 41,750 (27)

*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<sup>2</sup> (36)

*Population:* approximately 4,150,000 (38)

*GNP per Capita in US-\$ according to PPP:* no data given

*GNP growth:* no data given

*Armed Forces (Active):* approximately 40,000 (29)<sup>8</sup>

*Memberships and Forms of Co-operation:* Stability Pact for South Eastern Europe, CEI, SECI

## **9. Bulgaria**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.55 per cent

*Area:* 110,994 km<sup>2</sup> (23)

*Population:* 8,400,000 (24)

*GNP per Capita in US-\$ according to PPP:* 4,683 (36)

*GNP growth:* 4.4 per cent (10)

*Armed Forces (Active):* 80,760 (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, Black Sea Economic Cooperation

## **10. Canada**

*Date of Accession:* November 1972

*Scale of Distribution:* 5.45 per cent

*Area:* 9,970,610 km<sup>2</sup> (2)

*Population:* 29,236,000 (11)

*GNP per Capita in US-\$ according to PPP:* 22,814 (10)

*GNP growth:* 2.9 per cent (28)

*Armed Forces (Active):* 60,600 (20)

*Memberships and Forms of Co-operation:* G-7/G-8, OECD, NATO, EAPC, NAFTA, Stability Pact for South Eastern Europe

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8 The OSCE ranking refers to the Muslim-Croat Federation and the Republika Srpska as a whole.

### **11. Croatia**

*Date of Accession:* March 1992

*Scale of Distribution:* 0.19 per cent

*Area:* 56,538 km<sup>2</sup> (35)

*Population:* approximately 4,794,000 (34)

*GNP per Capita in US-\$ according to PPP:* 6,698 (29)

*GNP growth:* 1.8 per cent (36)

*Armed Forces (Active):* 61,000 (19)

*Memberships and Forms of Co-operation:* Council of Europe, Stability Pact for South Eastern Europe, CEI, SECI, EAPC, PfP

### **12. Cyprus**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.19 per cent

*Area:* 9,251 km<sup>2</sup> (48)

*Population:* 870,000 (47)

*GNP per Capita in US-\$ according to PPP:* 17,599 (19)

*GNP growth:* no data given

*Armed Forces (Active):* 10,000 (38)

*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<sup>2</sup> (30)

*Population:* 10,480,000 (18)

*GNP per Capita in US-\$ according to PPP:* 12,197 (24)

*GNP growth:* -2.2 per cent (39)

*Armed Forces (Active):* 58,200 (20)

*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<sup>2</sup> (39)

*Population:* 5,256,000 (31)

*GNP per Capita in US-\$ according to PPP:* 23,855 (6)

*GNP growth:* 2.7 per cent (31)

*Armed Forces (Active):* 24,300 (33)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU, WEU Observer, Barents Euro-Arctic Council, Nordic Council, Council of the Baltic Sea States, Stability Pact for South Eastern Europe

#### **15. Estonia**

*Date of Accession:* September 1991

*Scale of Distribution:* 0.19 per cent

*Area:* 45,227 km<sup>2</sup> (38)

*Population:* 1,445,000 (46)

*GNP per Capita in US-\$ according to PPP:* 7,563 (27)

*GNP growth:* 5.7 per cent (7)

*Armed Forces (Active):* 4,800 (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, Baltic Defence Council, Council of the Baltic Sea States

#### **16. Finland**

*Date of Accession:* November 1972

*Scale of Distribution:* 2.05 per cent

*Area:* 338,145 km<sup>2</sup> (13)

*Population:* 5,167,000 (32)

*GNP per Capita in US-\$ according to PPP:* 20,641 (14)

*GNP growth:* 6.7 per cent (6)

*Armed Forces (Active):* 31,700 (30)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, EAPC, PfP, EU, WEU Observer, Barents Euro-Arctic Council, Nordic Council, Council of the Baltic Sea States, Stability Pact for South Eastern Europe

#### **17. France**

*Date of Accession:* November 1972

*Scale of Distribution:* 9.0 per cent

*Area:* 551,500 km<sup>2</sup> (7)

*Population:* 59,165,000 (5)

*GNP per Capita in US-\$ according to PPP:* 21,214 (13)

*GNP growth:* 3.2 per cent (25)

*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<sup>2</sup> (32)

*Population:* 5,448,000 (29)

*GNP per Capita in US-\$ according to PPP:* 3,429 (39)

*GNP growth:* 2.7 per cent (31)

*Armed Forces (Active):* 26,300 (32)

*Memberships and Forms of Co-operation:* EAPC, Council of Europe<sup>9</sup>, PfP, CIS, Black Sea Economic Cooperation

## **19. Germany**

*Date of Accession:* November 1972

*Scale of Distribution:* 9.0 per cent

*Area:* 357,022 km<sup>2</sup> (12)

*Population:* 82,057,000 (3)

*GNP per Capita in US-\$ according to PPP:* 22,026 (12)

*GNP growth:* 2.8 per cent (29)

*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, Council of the Baltic Sea States, Stability Pact for South Eastern Europe

## **20. Greece**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.7 per cent

*Area:* 131,957 km<sup>2</sup> (22)

*Population:* 10,645,000 (16)

*GNP per Capita in US-\$ according to PPP:* 13,994 (23)

*GNP growth:* 3.3 per cent (22)

*Armed Forces (Active):* 165,670 (12)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU, WEU, Stability Pact for South Eastern Europe, SECI, Black Sea Economic Cooperation

## **21. The Holy See**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.125 per cent

*Area:* 0.44 km<sup>2</sup> (55)

*Population:* 802 (55)

*GNP per Capita in US-\$ according to PPP:* no data given

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9 Since 27 April 1999.

*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<sup>2</sup> (26)  
*Population*: 10,028,000 (21)  
*GNP per Capita in US-\$ according to PPP*: 9,832 (25)  
*GNP growth*: 4.2 per cent (12)  
*Armed Forces (Active)*: 43,440 (26)  
*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, SECI

## **23. Iceland**

*Date of Accession*: November 1972  
*Scale of Distribution*: 0.19 per cent  
*Area*: 103,000 km<sup>2</sup> (24)  
*Population*: 280,000 (50)  
*GNP per Capita in US-\$ according to PPP*: 24,774 (5)  
*GNP growth*: no data given  
*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, Council of the Baltic Sea States

## **24. Ireland**

*Date of Accession*: November 1972  
*Scale of Distribution*: 0.55 per cent  
*Area*: 70,273 km<sup>2</sup> (31)  
*Population*: 3,698,000 (42)  
*GNP per Capita in US-\$ according to PPP*: 17,991 (18)  
*GNP growth*: 9.2 per cent (4)  
*Armed Forces (Active)*: 11,500 (36)  
*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<sup>2</sup> (16)

*Population:* 57,917,000 (7)

*GNP per Capita in US-\$ according to PPP:* 20,365 (15)

*GNP growth:* 1.4 per cent (38)

*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<sup>2</sup> (4)

*Population:* 14,952,000 (15)

*GNP per Capita in US-\$ according to PPP:* 4,317 (37)

*GNP growth:* -2.2 per cent (39)

*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<sup>2</sup> (20)

*Population:* 4,600,000 (35)

*GNP per Capita in US-\$ according to PPP:* 2,247 (42)

*GNP growth:* 4.2 per cent (12)

*Armed Forces (Active):* 9,200 (40)

*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<sup>2</sup> (34)

*Population:* 2,450,000 (43)

*GNP per Capita in US-\$ according to PPP:* 5,777 (34)

*GNP growth:* 3.4 per cent (20)

*Armed Forces (Active):* 5,730 (42)

*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, Council of the Baltic Sea States

### **29. Liechtenstein**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.125 per cent

*Area:* 160 km<sup>2</sup> (52)

*Population:* 31,000 (52)

*GNP per Capita in US-\$ according to PPP:* no data given

*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<sup>2</sup> (33)

*Population:* 3,700,000 (as of July 1997) (40)

*GNP per Capita in US-\$ according to PPP:* 6,283 (32)

*GNP growth:* 4.8 per cent (9)

*Armed Forces (Active):* 12,130 (35)

*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, Council of the Baltic Sea States

### **31. Luxembourg**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.55 per cent

*Area:* 2,586 km<sup>2</sup> (49)

*Population:* 417,000 (48)

*GNP per Capita in US-\$ according to PPP:* 36,703 (1)

*GNP growth:* no data given

*Armed Forces (Active):* 768 (46)

*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<sup>2</sup> (46)

*Population:* 2,303,000 (44)

*GNP per Capita in US-\$ according to PPP:* 4,224 (38)

*GNP growth:* 3.1 per cent (26)

*Armed Forces (Active):* 16,000 (34)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, Stability Pact for South Eastern Europe, CEI, SECI

### **33. Malta**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.125 per cent

*Area:* 315.6 km<sup>2</sup> (51)

*Population:* 377,000 (49)

*GNP per Capita in US-\$ according to PPP:* 22,901 (9)

*GNP growth:* no data given

*Armed Forces (Active):* 1,900 (45)

*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<sup>2</sup> (42)

*Population:* 4,414,000 (37)

*GNP per Capita in US-\$ according to PPP:* 1,995 (46)

*GNP growth:* -9.5 per cent<sup>10</sup> (44)

*Armed Forces (Active):* 10,650 (37)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, CIS, Stability Pact for South Eastern Europe, CEI, SECI, Black Sea Economic Cooperation

### **35. Monaco**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.125 per cent

*Area:* 1.95 km<sup>2</sup> (54)

*Population:* 30,000 (53)

*GNP per Capita in US-\$ according to PPP:* no data given

*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

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10 Without Trans-Dniestria.

### **36. Netherlands**

*Date of Accession:* November 1972

*Scale of Distribution:* 3.55 per cent

*Area:* 41,526 km<sup>2</sup> (40)

*Population:* 15,724,000 (14)

*GNP per Capita in US-\$ according to PPP:* 22,325 (11)

*GNP growth:* 3.3 per cent (22)

*Armed Forces (Active):* 56,380 (21)

*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<sup>2</sup> (14)

*Population:* 4,425,000 (36)

*GNP per Capita in US-\$ according to PPP:* 26,196 (4)

*GNP growth:* 2.3 per cent (34)

*Armed Forces (Active):* 31,000 (31)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, Associate Member of the WEU, Barents Euro-Arctic Council, Nordic Council, Council of the Baltic Sea States, Stability Pact for South Eastern Europe

### **38. Poland**

*Date of Accession:* November 1972

*Scale of Distribution:* 1.4 per cent

*Area:* 312,685 km<sup>2</sup> (15)

*Population:* 38,854,000 (10)

*GNP per Capita in US-\$ according to PPP:* 7,543 (28)

*GNP growth:* 4.4 per cent (10)

*Armed Forces (Active):* 240,650 (8)

*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, Council of the Baltic Sea States, 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<sup>2</sup> (27)

*Population:* 9,874,000 (22)

*GNP per Capita in US-\$ according to PPP:* 14,569 (21)

*GNP growth:* 3.9 per cent (15)  
*Armed Forces (Active):* 49,700 (24)  
*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU, WEU, Stability Pact for South Eastern Europe

#### **40. Romania**

*Date of Accession:* November 1972  
*Scale of Distribution:* 0.7 per cent  
*Area:* 238,391 km<sup>2</sup> (18)  
*Population:* 22,732,000 (13)  
*GNP per Capita in US-\$ according to PPP:* 5,572 (35)  
*GNP growth:* -8.3 per cent (43)  
*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, Black Sea Economic Cooperation,

#### **41. Russian Federation\***

*Date of Accession:* November 1972  
*Scale of Distribution:* 9.0 per cent  
*Area:* 17,075,400 km<sup>2</sup> (1)  
*Population:* 146,300,000 (2)  
*GNP per Capita in US-\$ according to PPP:* 6,180 (33)  
*GNP growth:* -6.6 per cent (42)  
*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, Council of the Baltic Sea States, Stability Pact for South Eastern Europe, Black Sea Economic Cooperation

\* The Russian Federation is the legal successor of the USSR in the OSCE

#### **42. San Marino**

*Date of Accession:* November 1972  
*Scale of Distribution:* 0.125 per cent  
*Area:* 60.57 km<sup>2</sup> (53)  
*Population:* 25,000 (1995) (54)  
*GNP per Capita in US-\$ according to PPP:* no data given  
*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<sup>2</sup> (36)

*Population:* 5,280,000 (30)

*GNP per Capita in US-\$ according to PPP:* 9,624 (26)

*GNP growth:* 4.2 per cent (12)

*Armed Forces (Active):* 44,880 (25)

*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

#### **44. Slovenia**

*Date of Accession:* March 1992

*Scale of Distribution:* 0.19 per cent

*Area:* 20,256 km<sup>2</sup> (47)

*Population:* 2,017,000 (45)

*GNP per Capita in US-\$ according to PPP:* 14,400 (22)

*GNP growth:* 3.9 per cent (15)

*Armed Forces (Active):* 9,550 (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, 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 km<sup>2</sup> (8)

*Population:* 39,218,000 (9)

*GNP per Capita in US-\$ according to PPP:* 15,960 (20)

*GNP growth:* 3.7 per cent (18)

*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 km<sup>2</sup> (10)

*Population:* 8,915,000 (23)

*GNP per Capita in US-\$ according to PPP:* 19,848 (17)



*GNP growth:* 2.8 per cent (29)  
*Armed Forces (Active):* 53,100 (23)  
*Memberships and Forms of Co-operation:* OECD, Council of Europe, EAPC, PfP, EU, WEU Observer, Barents Euro-Arctic Council, Nordic Council, Council of the Baltic Sea States, Stability Pact for South Eastern Europe

#### **47. Switzerland**

*Date of Accession:* November 1972  
*Scale of Distribution:* 2.3 per cent  
*Area:* 41,285 km<sup>2</sup> (41)  
*Population:* 7,080,000 (27)  
*GNP per Capita in US-\$ according to PPP:* 26,876 (3)  
*GNP growth:* 1.8 per cent (36)  
*Armed Forces (Active):* 3,470 (44)  
*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<sup>2</sup> (21)  
*Population:* 6,620,000 (28)  
*GNP per Capita in US-\$ according to PPP:* 1,041 (47)  
*GNP growth:* 15.2 per cent (1)  
*Armed Forces (Active):* approximately 7,000 - 9,000 (41)  
*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<sup>2</sup> (5)  
*Population:* 65,161,000 (4)  
*GNP per Capita in US-\$ according to PPP:* 6,594 (30)  
*GNP growth:* 3.9 per cent (15)  
*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, Black Sea Economic Cooperation

**50. Turkmenistan**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.185 per cent

*Area:* 488,100 km<sup>2</sup> (9)

*Population:* 5,000,000 (33)

*GNP per Capita in US-\$ according to PPP:* no data given

*GNP growth:* no data given

*Armed Forces (Active):* 17,000 - 19,000 (34)

*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<sup>2</sup> (6)

*Population:* 49,980,000 (8)

*GNP per Capita in US-\$ according to PPP:* 3,130 (40)

*GNP growth:* -2.4 per cent (41)

*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, Black Sea Economic Cooperation

**52. United Kingdom**

*Date of Accession:* November 1972

*Scale of Distribution:* 9.0 per cent

*Area:* 242,900 km<sup>2</sup> (17)

*Population:* 58,763,000 (6)

*GNP per Capita in US-\$ according to PPP:* 20,314 (16)

*GNP growth:* 2.1 per cent (35)

*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<sup>2</sup> (3)

*Population:* 273,133,000 (1)

*GNP per Capita in US-\$ according to PPP:* 29,240 (2)

*GNP growth:* 2.5 per cent (33)

*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<sup>2</sup> (11)

*Population:* 23,500,000 (12)

*GNP per Capita in US-\$ according to PPP:* 2,044 (45)

*GNP growth:* 5.2 per cent (8)

*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<sup>2</sup> (25)

*Population:* 10,600,000 (17)

*GNP per Capita in US-\$ according to PPP:* no data given

*GNP growth:* no data given

*Armed Forces (Active):* 108,700 (13)

*Memberships and Forms of Co-operation:* suspended

*Sources:* International Institute for Strategic Studies (Ed.), *The Military Balance 1999-2000*, London 1999;  
Website of the OSCE: <http://www.osce.org>;  
Website of the United Nations: <http://www.un.org>;  
Website of the World Bank Group: <http://www.worldbank.org>;  
The World Bank, *World Development Indicators 2000*, Washington, D.C. 2000.

## OSCE Conferences, Meetings and Events 1999/2000

### 1999

14-16 July	The OSCE High Commissioner on National Minorities (HCNM), Max van der Stoep, visits the former Yugoslav Republic of Macedonia (FYROM).
18-20 July	The Director of the ODIHR, Gerard Stoudmann, visits Montenegro on the occasion of the re-opening of the ODIHR office in Podgorica.
22 July	Bodo Hombach, Special Co-ordinator of the Stability Pact for South Eastern Europe, addresses the OSCE Permanent Council.
27 July - 6 Aug.	A joint ODIHR and Council of Europe field mission visits Kosovo to assess the situation of the Roma community in Kosovo.
16-17 August	Second working group meeting to combat torture in Kazakhstan, Astana.
20-21 August	OSCE Secretary General Ján Kubiš visits OSCE Mission in Kosovo.
24-25 August	Visit of the HCNM to Latvia.
24-31 August	Seminar on the security and defence doctrine for Bosnia and Herzegovina, Vienna.
26-28 August	Workshop for Abkhazian, Georgian and South-Ossetian journalists, Warsaw.
31 August	In The Hague, Queen Beatrix of the Netherlands awards the HCNM the House Order of the Golden Lion of Nassau.
1-3 September	The Director of the ODIHR, Gerard Stoudmann, visits Azerbaijan.
2-3 September	The HCNM visits Bratislava in the Slovak Republic to evaluate inter-ethnic relations after the adoption of the Minority Language Law in July.
6 September	Under the auspices of the OSCE, the Article V negotiations on creating a regional balance in and around former Yugoslavia are resumed in Vienna. Third Supplementary Human Dimension Meeting on the situation of Roma and Sinti in the OSCE area.
7 September	Opening of the OSCE Police Service School in Kosovo.
8-10 September	The HCNM visits FYROM. A joint delegation of the OSCE and the Council of Europe visits the Ukraine.

10-12 September	Round table on the role of the media in Montenegro, Serbia and Kosovo during the war in Kosovo.
12-16 September	The HCNM visits the Ukraine.
13-17 September	ODIHR and BBC seminar for journalists from Tajikistan.
20 Sept.-1 Oct.	OSCE Review Conference 1999, Vienna.
22 September	Round table held by the OSCE Representative on Freedom of the Media, Freimut Duve, on protecting journalists in conflict areas, London.
23-24 September	The HCNM visits the Slovak Republic.
24-25 September	Training symposium for judges in Kosovo, Priština.
28 Sept.-4 Oct.	The Chairman-in-Office visits Turkmenistan, Tajikistan, Uzbekistan, Kyrgyzstan and Kazakhstan.
29 September	Review Conference side meeting organized by ODIHR on "Combating Trafficking in Women in Post-Conflict Areas", Vienna.
4-5 October	Working visit of the OSCE Secretary General to Moscow.
5-7 October	The Chairman-in-Office visits Kosovo.
6 October	The German Foreign Minister Joschka Fischer gives a speech at the OSCE Permanent Council.
9-12 October	OSCE Mission to Georgia members take part in a round table on "Early Responses to Early Conflict Warnings in the Caucasus", Tbilisi.
10 October	A delegation of OSCE Parliamentarians monitors parliamentary elections in Kazakhstan.
12 October	The OSCE Secretary General visits Paris.
13-15 October	Second Conference of the OSCE Parliamentary Assembly on "Subregional Economic Co-operation Processes in Europe Faced with New Challenges", Nantes.
14-15 October	ODIHR workshop on the registration of permanent residents in Kyrgyzstan, Bishkek.
19-20 October	Seminar held by the Office of the Co-ordinator of OSCE Economic and Environmental Activities on "Economic Rehabilitation and Next Steps in the Transition: Institution-Building, Rule of Law and the Role of Civil Society", Tashkent.
20 October	"2+2" Meeting between the Council of Europe and the OSCE, Berlin.
21 October	Meeting of the OSCE Troika (Norway, Austria, Poland) in Vienna. The Russian Federation hands back authority over the territory of the former radar station in Skrunda, Latvia, to the Republic of Latvia, after work on dismantling the

	radar station has been completed. With this success, the mission of the OSCE Representative to the Joint Committee ends.
24-31 October	The HCNM visits Uzbekistan, Kyrgyzstan, Tajikistan and Kazakhstan.
31 Oct. and 14 Nov.	ODIHR observes parliamentary elections in Georgia.
31 Oct. and 14 Nov.	ODIHR observes presidential elections in FYROM.
31 Oct. and 14 Nov.	ODIHR observes presidential elections in Ukraine.
2-12 November	A series of workshops concludes the "Civic and Legal Education for Women" programme in Uzbekistan.
3-6 November	The OSCE Secretary General and the Co-ordinator of OSCE Economic and Environmental Activities attend the Central European Initiative Summit in Prague.
4-5 November	Workshop on the registration of permanent residents in Azerbaijan, organized by ODIHR.
9-11 November	Seminar on management of trans-boundary water resources in Central Asia, Almaty.
10 November	Third meeting of the ODIHR Advisory Panel for the Prevention of Torture convenes in Istanbul.
10-13 November	The HCNM visits Croatia.
16 November	The OSCE Forum for Security Co-operation adopts the Vienna Document 1999 in Istanbul.
18-19 November	OSCE Summit in Istanbul. Adoption of the Charter for European Security, the Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe and the Istanbul Summit Declaration.
19 November	The OSCE Mission in Kosovo opens its first NGO Centre in Peja/Peć.
22-26 November	The final phase of the ODIHR's "Women in Politics" project takes place in Kyrgyzstan.
23-24 November	The OSCE Mission to Croatia hosts a meeting on organized crime in South-eastern Europe in Zagreb.
	The HCNM visits Hungary.
28 Nov.-1 Dec. November	The HCNM visits Romania.
	ODIHR organizes two meetings in Kazakhstan on the prevention of torture, Almaty.
2 December	The OSCE Representative on Freedom of the Media holds a public round table on "Free Media and Libel Legislation" in Kyiv.
5 December	Limited election assessment of the parliamentary elections in Uzbekistan by ODIHR.
6 December	OSCE Chairman-in-Office addresses UN General Assembly.

6-7 December	Mediterranean seminar held by the OSCE and its partners for co-operation, Egypt, Algeria, Israel, Morocco, Tunisia and Jordan, on "Implementation of Human Dimension Commitments", Amman.
10 December	Meeting of NGO and government representatives on freedom of religion in Kazakhstan, Almaty.
10-11 December	International Human Rights Conference focusing on raising awareness of and promote respect for the fundamental rights and freedoms in Kosovo.
10-13 December	Strategy development workshop on co-operation among NGOs in Uzbekistan, Chimgan.
11-16 December	Workshop held in FYROM for young Roma activists, Kumanovo.
13-14 December	Training course for Kosovo civil administrators.
13-14 December	Seminar on the environmental impact of conflicts and rehabilitation measures, Sarajevo.
14 December	Meeting of NGO and government representatives on law enforcement bodies in Kyrgyzstan, Bishkek.
14-16 December	Workshop on "Project Implementation in Central Asia", Dushanbe.
14-17 December	The HCNM visits FYROM and Kosovo.
16-18 December	Fourth regional civil society development conference on "Local Self-Government, Rule of Law and Regional Economic Development", Brest
16-18 December	Initial training seminar for the newly-appointed regional representatives of the Uzbek Ombudsman Office, Chimgan.
19 December	In co-operation with the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, and the European Parliament, the ODIHR observes the parliamentary election in the Russian Federation.

## 2000

1 January	Austria assumes the OSCE Chairmanship from Norway.
2-3 January	ODIHR and the Parliamentary Assembly monitor parliamentary elections in Croatia.
6 January	The Centre for OSCE Research (CORE) at the Institute for Peace Research and Security Policy at the University of Hamburg is founded. Consultation of the HCNM with the Council of Europe, Strasbourg.

12-15 January	Journalists from Central Asia and Southern Caucasus meet in Vienna.
21 January	Meeting of the OSCE Troika, Vienna.
24 January	Seminar for journalists on media and human rights, Shkodra.
24 Jan. and 7 Feb.	ODIHR and the Parliamentary Assembly monitor the presidential elections in Croatia.
26-27 January	Seminar on approaches to post-conflict rehabilitation, Tbilisi.
27 January	ODIHR and UN set up a joint election observation mission in Tajikistan.
27-28 January	Seminar on strengthening Parliamentary Defence Committees in Bosnia and Herzegovina, Bled.
31 Jan.-4 Feb. January	The HCNM visits Japan. The OSCE Office in Yerevan begins work after ratification of a Memorandum of Understanding.
1-3 February	Conference on Tajik electoral process and media, Dushanbe.
2-4 February	The OSCE Representative on Freedom of the Media visits Kosovo.
3-4 February	The OSCE Secretary General visits Tajikistan and Uzbekistan.
7-9 February	The HCNM visits FYROM.
14-16 February	An ODIHR delegation visits Moscow to discuss the problem of trafficking in the Russian Federation.
15-18 February	Second NGO strategy development meeting for Uzbekistan, near Tashkent.
20 February	ODIHR and the Parliamentary Assembly observe the parliamentary elections in Kyrgyzstan.
21-24 February	The HCNM visits Moscow.
22 February	The OSCE Chairperson-in-Office, Austrian Foreign Minister Benita Ferrero-Waldner, visits the OSCE Mission in Kosovo.
23-24 February	The OSCE Representative on Freedom of the Media visits Ireland.
27 February	Joint UN/OSCE observation of parliamentary elections in Tajikistan.
28 February	Visit of the Secretary General to Turkmenistan.
28-29 February	The HCNM visits FYROM.
2-3 March	The ODIHR Director visits the Ukraine.
1-4 March	The HCNM visits Romania.
8 March	The OSCE Representative on Freedom of the Media visits Albania.
9-10 March	The HCNM visits Latvia.



10 March	Conference on the "Rights and Obligations of Journalists", Priština.
10-11 March	Seminar organized by the OSCE Mission to Latvia on "Regional Integration", Ligatne.
13 March	The Chairperson-in-Office visits FYROM.
13-14 March	NGO-government meeting on freedom of movement and free choice of place of residence, Almaty.
14-15 March	The Secretary General visits Kazakhstan and Kyrgyzstan.
16-17 March	The OSCE Representative on Freedom of the Media visits Montenegro.
20 March	The ODIHR Director visits Chechnya.
20-21 March	The Secretary General visits Georgia.
20-24 March	The OSCE Mission to Moldova and the Ukrainian Ministry of Foreign Affairs organize a "Working Table on a Trans-Dniestrian Settlement" in Kyiv.
24-26 March	Seminar within the framework of projects to encourage the participation of Croatian youth in civil society, Sisak.
27 March	First OSCE Supplementary Human Dimension Meeting on "Human Rights and Inhuman Treatment or Punishment", Vienna.
28 March	The OSCE Representative on Freedom of the Media presents the 1999/2000 Yearbook "Freedom and Responsibility".
30 March	Regional workshop on prevention of trafficking in human beings, Kharkiv.
31 March	OSCE Troika Ministers meet in Vienna.
2-8 April	The HCNM visits Kyrgyzstan and Kazakhstan.
3-5 April	FSC seminar on small arms and light weapons, Vienna.
4 April	The OSCE Representative on Freedom of the Media addresses the US Congress in Washington.
9 April	ODIHR observes the presidential elections in Georgia.
11-12 April	The Special Co-ordinator of the Stability Pact for South Eastern Europe visits the OSCE Mission to Croatia.
11-14 April	Eighth Meeting of the OSCE Economic Forum, Prague.
12 April	Annual "2+2" Meeting of the OSCE and the Council of Europe, Vienna.
12-13 April	Seminar of the OSCE Parliamentary Assembly on "New Risks and Challenges: Minorities in the 21st Century", Antalya.
13-14 April	Conference on national human rights institutions in Montenegro, Podgorica.

13-15 April	The Chairperson-in-Office visits Moscow and Northern Caucasus.
17-20 April	Human rights monitoring and reporting training for NGOs in Uzbekistan, Tashkent. The HCNM visits FYROM.
21-29 April	ODIHR seminar on "Reform and Human Rights" for officials of the Kazakh penitentiary system.
24-28 April	The OSCE Liaison Office in Central Asia conducts a workshop on promoting community-level co-operation on small- and medium-size businesses and environmental concerns in Uzbekistan, Tashkent.
25-26 April	Local seminar on penitentiary reform and human rights in Kazakhstan, Shymkent.
26-27 April	Second regional meeting of the Gender Task Force, Zagreb.
26-28 April	Training workshop held by the ODIHR Gender Unit for women politicians, NGOs and government representatives, Baku. The Secretary General visits Kazakhstan.
27-28 April	Seminar on "Democracy and Religion", Bishkek.
28-29 April	The Secretary General visits Kyrgyzstan.
1-3 May	The Chairperson-in-Office visits Georgia.
3- 4 May	The OSCE Representative on Freedom of the Media takes part in celebrations marking World Press Freedom Day, Geneva.
5 May	Round table on "Drug Addiction among Youth" in Tajikistan.
8-9 May	The OSCE Representative on Freedom of the Media visits Romania.
10-12 May	Regional workshop on internal displacement in the South Caucasus, Tbilisi.
16-18 May	The HCNM visits Moldova and Romania.
17 May	The ODIHR Director visits Romania.
17-18 May	ODIHR conference on "Violence against Women", Baku.
18 May	OSCE Mission to Bosnia and Herzegovina opens the Stability Pact Gender Task Force Clearinghouse Office in Sarajevo.
19-21 May	Seminar on mass media in Kyrgyzstan, Bishkek.
22-23 May	Meeting on the "Strategy for Capacity Building through Training", Vienna.
23-26 May	OSCE Human Dimension Seminar on "Children and Armed Conflict", Warsaw. The HCNM visits Croatia.

25-27 May	Second international forum on the "Role of Women's NGOs in Social, Economic and Political Life", Khujand.
28-30 May	The HCNM visits FYROM.
29 May-2 June	The Chairperson-in-Office and the Secretary General visit each of the five OSCE Central Asian participating States.
12 June	The first OSCE resource centre for NGOs in a Serbian area of Kosovo opens in Strpce/Shterpce.
13 June	The Kosovo Law Centre is opened in Priština.
14-16 June	The ODIHR Director visits Albania.
19 June	The OSCE Presence in Albania opens a new field station in Fier. The OSCE and Azerbaijan sign a Memorandum of Understanding
20-21 June	The OSCE Project Co-ordinator holds a seminar on the future of the military judiciary and law enforcement bodies in Ukraine, Kyiv.
23 June	Initial meeting of the Organization of Women in Local Governance (OWLG), Sarajevo.
29-30 June	Workshop on military budget transparency in Bosnia and Herzegovina, Sarajevo.
3 July	Establishment of the office of an Ombudsperson for Kosovo.
5 July	The OSCE Troika meets in Bucharest.
6-7 July	The Chairperson-in-Office visits Moldova.
6-10 July	Ninth Annual Session of the OSCE Parliamentary Assembly in Bucharest. Adrian Severin of Romania is elected as President of the Parliamentary Assembly to succeed Helle Degn.
14 July	The OSCE Presence in Albania opens a field station in Berat.
17-18 July	The Chairperson-in-Office visits Armenia and Azerbaijan.
18- 20 July	The OSCE Representative on Freedom of the Media visits Albania.

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## Acronyms

ACDA	Arms Control and Disarmament Agency (US)
ARF	ASEAN Regional Forum
ASB	Arbeiter-Samariter-Bund Deutschland e.V. (Association of Good Samaritans Germany)
ASEAN	Association of Southeast Asian Nations
BSEC	Black Sea Economic Cooperation
CARDS	Community Assistance for Reconstruction, Development and Stabilisation Programme (EU)
CBMs	Confidence-Building Measures
CBSS	Council of the Baltic Sea States
CCMS	Committee on the Challenges of Modern Society (NATO)
CDE	Conference on Confidence- and Security-Building Measures and Disarmament in Europe
CEI	Central European Initiative
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
CFSP	Common Foreign and Security Policy (EU)
CiO	Chairman-in-Office
CIS	Commonwealth of Independent States
CMEA	Council for Mutual Economic Assistance
CPC	Conflict Prevention Centre
CPN	Conflict Prevention Network
CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since 1 January 1995: OSCE)
CSDP	(European) Common Security and Defence Policy (EU)
CSO	Committee of Senior Officials (since 1 January 1995: Senior Council)
DED	Deutscher Entwicklungsdienst/German Development Service
DPNM	Department for the Protection of National Minorities of the Romanian Government
DUHR	Democratic Union of Hungarians in Romania
EAPC	Euro-Atlantic Partnership Council
EBRD	European Bank for Reconstruction and Development
ECOWAS	Economic Community of West African States
ECMM	European Community Monitor Mission
EIB	European Investment Bank
ECHR	European Convention for the Protection of Human Rights

EPC	European Political Co-operation (EU)
EU	European Union
EUMC	European Monitoring Centre on Racism and Xenophobia
FES	Friedrich-Ebert-Stiftung (Friedrich Ebert Foundation)
FRY	Federal Republic of Yugoslavia
FSC	Forum for Security Co-operation
FYROM	Former Yugoslav Republic of Macedonia
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German service company in international development co-operation)
G7/G8	Group of Seven (Canada, France, Germany, Italy, Japan, UK, USA)/G7 and Russia
HCNM	High Commissioner on National Minorities
HRMS	(Unified) Human Resources Management System
HRW	Human Rights Watch
IAC	Interim Administration Council (Kosovo)
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFOR	Implementation Force
IMF	International Monetary Fund
INF	Intermediate-Range Nuclear Forces
IOM	International Organisation for Migration
IPTF	International Police Task Force
ISR	Inter-Ministerial Sub-Commission on the Roma (Romania)
ISSP	Information Systems Strategic Plan
IT	Information Technology
JCC	Joint Consultative Commission (Dayton Peace Accords)
KFOR	Kosovo Force
KVM	Kosovo Verification Mission
MBFR	Mutual and Balanced Force Reductions
MSF	Médecins Sans Frontières
NACC	North Atlantic Cooperation Council
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NPT	Non-Proliferation Treaty
OAS	Organization of American States
ODIHR	Office for Democratic Institutions and Human Rights
ODCCP	Office for Drug Control and Crime Prevention
OECD	Organization for Economic Cooperation and Development
OEEC	Organization for European Economic Cooperation
OHCHR	Office of the (UN) High Commissioner for Human Rights
OHR	Office of the High Representative
OMIK	OSCE Mission in Kosovo
OSCE	Organization for Security and Co-operation in Europe

PA	Parliamentary Assembly
PC	Permanent Council
PfP	Partnership for Peace
PHARE	Poland and Hungary Assistance for the Reconstruction of the Economy
PIC	Peace Implementation Conference/Council (Bosnia and Herzegovina)
PIR	Party of Islamic Rebirth (Tajikistan)
REACT	Rapid Expert Assistance and Co-operation Teams
REC	Regional Environmental Centre for Central and Eastern Europe
RERP	Regional Environmental Reconstruction Programme (for South-eastern Europe)
RS	Republika Srpska
SAA	Stabilization and Association Agreements
SC	Senior Council
SCMM	Standing Committee on Military Matters (Bosnia and Herzegovina)
SECI	Southeast European Cooperative Initiative
SEECp	South Eastern European Cooperation Process
SFOR	Stabilization Force
SPECA	Special Programme for the Economies of Central Asia (UNECE)
SRCC	Sub-Regional Consultative Commission (Dayton Peace Accords)
TACIS	Technical Assistance for the CIS
THW	Technisches Hilfswerk (German governmental disaster relief organization)
TLE	Treaty Limited Equipment (CFE I Treaty)
TMK	Trupat E Mbrojtes Se Kosoves (Kosovo Protection Corps)
TRACECA	Transport Corridor Europe Caucasus Central Asia
UCK/KLA	Ushitria Clirimtare E Kosoves/Kosovo Liberation Army
UN/UNO	United Nations/United Nations Organization
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
UNITAR	United Nations Institute for Training and Research
UNMAC	United Nations Mine Action Center
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
UNPROFOR	United Nations Protection Force
USAID	United States Agency for International Development
UTO	United Tajik Opposition
VD 90-99	Vienna Documents on Confidence- and Security-Building Measures (1990, 1992, 1994, 1999)
WCED	World Commission on Environment and Development
WEU	Western European Union
WGRA	Working Group of Roma Associations (Romania)
WTO	World Trade Organization

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- Prof. Dr P. Terrence Hopmann*, Research Director, Program on Global Security, Thomas J. Watson Jr. Institute for International Studies, and Professor of Political Science, Brown University, Providence/Rhode Island
- Wolfgang Ischinger*, State Secretary of the German Foreign Office, Berlin
- Márton Krasznai*, Ambassador, Director of the Conflict Prevention Centre of the OSCE, Chairman of the REACT Task Force, Vienna
- Ján Kubiš*, Ambassador, Secretary General of the OSCE, Vienna
- Prof. Dr Otto Luchterhandt*, Department for Research of Eastern European Law, University of Hamburg, Hamburg
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