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Ten Years of the Office for Democratic Institutions and Human Rights - An Interim Assessment

In the year 1990, the participating States of the Conference on Security and Co-operation in Europe (CSCE) passed the decision, as stated in the Charter of Paris for a New Europe, to establish an Office for Free Elections.¹ When this Office began operations in May 1991, no one expected it to develop into the most important institution of the Organization for Security and Co-operation in Europe (OSCE, as the CSCE has been called since 1995) in the area of human rights. Although it was originally tasked with facilitating the exchange of information on elections between CSCE participating States, its mandate was subsequently extended to other aspects of the human dimension like human rights and democratization. As a logical consequence, it was renamed the Office for Democratic Institutions and Human Rights (ODIHR) in 1992.² Along with the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media, ODIHR is one of the "essential instruments in ensuring respect for human rights, democracy and the rule of law".³

It would be impossible in this short article to give a detailed description of the diversity of ODIHR activities during the ten years of its existence. Instead an interim assessment of this institution will be made in an outline of its institutional development, the substance of its work and its regional priorities. The focus will be on developments during the period since 1997 at which point in time ODIHR, for the most part, had already acquired its current structure.⁴ In addition to summarizing the most important facts and activities,

- 1 "We decide to establish an Office for Free Elections in Warsaw to facilitate contacts and the exchange of information on elections within participating States." Charter of Paris for a New Europe, Paris, 21 November 1990, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 537-566, here: p. 549.
- 2 Cf. Prague Meeting of the CSCE Council, Prague Document on Further Development of CSCE Institutions and Structures, in: Bloed (Ed.), cited above (Note 1), pp. 820-839, pp. 830-838, here: p. 831.
- 3 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 2000, Baden-Baden 2001*, pp. 425-443, here: p. 431.
- 4 For the period before 1997 cf. among others: Heather F. Hurlburt, *The Office for Democratic Institutions and Human Rights: OSCE's Response to the Challenges of Democratization*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1995/1996, Baden-Baden 1997*, pp. 369-375; Hans-Joachim Gießmann, *Democracy as a Creative Task - Challenging or Overburdening the OSCE?*, in: *ibid.*, pp. 187-198; Gerald Mitchell, *Election Observation is More than just a One Day Event*, in: *ibid.*, pp. 199-210; Audrey F. Glover, *The Office for Democratic Institutions and Human Rights 1994-1997*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1997, Baden-Baden 1998*, pp. 327-334.

specific problem areas will be examined and possible solutions developed. In conclusion, certain recommendations for ODIHR's future priorities will be presented that are to strengthen the performance and effectivity of this institution.

ODIHR Structure and Institutional Links

Structure und Budget

The first years of ODIHR's activity from 1992 to around the beginning of 1997 fell during the phase in which the OSCE began - after the process of norm building that was completed for the human dimension in 1990 - to tackle the issue of implementing these norms operationally.⁵ It was very quickly evident that ODIHR at that time had structural limitations: While election monitoring became an appropriate and reliable instrument, other activities in the human dimension area suffered because they were not focused enough, could not be implemented effectively and were too far away from the events on the scene. Furthermore, the Office was suffering from an acute personnel shortage.

The logical conclusion of this was that ODIHR underwent an essential reorganization during the summer of 1997. This led to an increase in the number of personnel (including the necessary financial provisions associated with this) and to a more clear-cut division of its various activities.⁶ The structures introduced then are still valid today in a slightly modified form, although with time new job positions have been added because of new fields of activity (for example, the areas comprising Roma and Sinti, gender issues and trafficking in human beings). By the summer of 2001, ODIHR's staff totalled 80 members from over 30 OSCE participating States. In addition to management, the Office is divided into the following departments/sections: Elections, Democratization, Monitoring (of the commitments of OSCE participating States in the human dimension) and Public Affairs as well as the Contact Point for Roma and Sinti Issues.⁷

5 Cf. Randolph Oberschmidt, 25 Jahre menschliche Dimension der KSZE/OSZE. Von der Schlussakte von Helsinki (1975) zum Istanbul Gipfel (1999) [25 Years of the CSCE/OSCE Human Dimension. From the Helsinki Final Act (1975) to the Istanbul Summit (1999)], in: Vierteljahresschrift für Sicherheit und Frieden (S+F) 4/2000, pp. 319-327, as well as the literature cited therein.

6 Cf. PC.DEC/174, 19 June 1997; PC.DEC/179, 10 July 1997; Office for Democratic Institutions and Human Rights, Annual Report 1997, Warsaw, 1 December 1997, at: <http://www.osce.org/odihr/docs/annual97.pdf>; as well as Paulina Merino, The Office for Democratic Institutions and Human Rights, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 383-391. Among others, the position of First Deputy Director was created as well as a Second Deputy Director for Administration and Heads of Sections for Elections and Democratization.

7 Cf. the current personnel organigram at: <http://www.osce.org/odihr/staff.php3>.

Although ODIHR within the framework of the OSCE has clearly become more efficient and improved its image, several potential problems relating to its structure must be mentioned: One fundamental problem, which incidentally is true of the Organization as a whole, is that the OSCE is a so-called non-career organization where, in comparison to other organizations, personnel only stay in their jobs for short periods of time. This leads to higher fluctuation and thus to a loss of institutional memory. In addition, some of the posts at ODIHR have been filled by personnel seconded from the participating States. On the one hand, in view of the Organization's reluctance in creating new permanent budget items, this kind of voluntary contribution is welcome. On the other, this practice threatens the continuity of its work. Because when a secondment has come to an end, there is no guarantee that another participating State will step in to fill the gap, particularly since establishing a new post leads to more prestige and positive headlines than maintaining an old one. Finally, it must be mentioned that there is a considerable discrepancy in the origin of staff members: There are clearly more from "Western" countries than there are from "Eastern" countries, especially in management functions. It would be wrong to call this "ill-will". This tendency can be explained, among other things, by the fact that the human rights issues in the CSCE/OSCE process have traditionally been dominated by the West and that there is also a lack of adequate management personnel in "Eastern" countries. Moreover, the countries who provide the most funding - which are in fact the "Western" countries - also have an interest in being represented correspondingly in the Organization. Although these arguments are all valid, there is a danger that the (South-) Eastern European states will perceive the human dimension as an extended arm of Western economic and strategic interests. If this imbalance - prevalent throughout the OSCE - is not reduced, ODIHR programmes and activities will be jeopardized with regard to their acceptance and thus to their effectivity in the long term.⁸

ODIHR budget development is a persuasive indicator of the expansion of its activities. If one takes into account that the OSCE made around 250,000 Euros of its total budget available to the Office for Free Elections in 1991 but raised this to 6.5 million Euros to ODIHR in 2001, it is evident that this institution has undergone dynamic development. The increase from around 3.25 (1997) to around 6.5 million Euros (2001) during the reporting period beginning in 1997 is also impressive.⁹ Nevertheless, this sum is only an

8 On this area cf. also Randolph Oberschmidt/Wolfgang Zellner, OSCE at the Crossroads (CORE Working Paper 2), Hamburg 2001.

9 Budget sources: 1991: CSCE/3-CSO/Dec.1, 18 June 1991, 1992: CSCE/4-CSO/Dec.1, 24 October 1991, 1993: CSCE/17-CSO/Dec.1, 6 November 1992, 1994: PC-Journal No. 35, 29 September 1994, 1995: PC-Journal No. 15, Annex 2, 6 April 1995, 1996: PC.DEC/97, Annex 1, 19 December 1995, 1997: PC.DEC/150, Annex 1, 19 December 1996, 1998: PC.DEC/207, Annex 1, 16 December 1997, 1999: PC.DEC/ [without no.], Annex 1, 17 December 1998, 2000: PC.DEC/331, Annex 1, 15 December 1999, 2001: PC.DEC/399/Corr., Annex 1, 14 December 2000. Cf. also, Organization for Security and Co-operation in Europe, OSCE Handbook 1975-2000, 3rd ed., Vienna 2000, as well as Michael Berndt,

insignificantly small percentage (around three per cent) of the total OSCE budget. The lion's share of expenditures goes to mission activities.

ODIHR is forced to rely on additional sources to be able to carry out the large number of its projects and activities. It receives these funds primarily in the form of voluntary contributions from some of the OSCE participating States to support concrete projects or as a share of joint projects like those sponsored by the European Commission. The ratio of OSCE funds to outside funds has up to now not been published. Nevertheless, it is clearly evident that ODIHR would not be able to conduct many if not most of its activities without these additional means. Thus to a certain extent ODIHR acts as a subcontractor and this tendency is increasing. Of course this also creates dependencies, which particularly those participating States, who would like to limit the autonomy of the OSCE and its institutions, accept consciously and affirmatively. At the same time, ODIHR itself is the client of a large number of external experts and non-governmental organizations without which quite a few projects would not be feasible. This is due to the fact that ODIHR staff would be overtaxed if they had to conduct all these activities themselves. This brings up a fundamental question, which requires thorough examination in itself: What percentage of the expenditures is actually beneficial to the country in which the project is being conducted? A high percentage of project funding is used to pay (Western) experts, travel expenses and administrative costs. To increase sustainability in the long term, local actors should be given direct responsibility (also financial) in more projects.

The Position of ODIHR within the OSCE

As has already been mentioned, ODIHR represents the central OSCE institution for the area of the human dimension. However, co-operation with other institutions within the OSCE is just as important as maintaining one's own activities. This ensures that programmes and activities can be implemented effectively and on a sustainable basis.

At a first glance, it is evident that ODIHR with its seat in Warsaw is relatively far removed from the central OSCE decision-making processes. Of course, this has the disadvantage that ODIHR's participation in these processes is not always guaranteed to the extent necessary to introduce its own concepts and interests. On the other hand, ODIHR can conduct its activities relatively unobserved and undisturbed particularly since the OSCE is an organization with rather weak (Secretariat) and discontinuous (Chairman-in-Office changes yearly) management organs. Because the participating States, who "possess" the OSCE, barely take notice of daily institutional business, OSCE sub-institutions and their management personnel have a high degree of autonomy in making decisions. This leads to the fact that opportunities for

OSZE-Budget [OSCE Budget], 24 April 2001, at: <http://www.uni-kassel.de/~archiv05/Studienwerkstatt/Euromil/Papers/OSCE-Budget.html>.

intra-institutional co-operation aimed at synergy effects often remain unused. Thus, co-operation between ODIHR, the HCNM and the Representative on Freedom of the Media, to remain in the area of the human dimension, is also more likely to be sporadic than mutually supportive and reinforcing with regard to integrated programmes.

However, the relationship of ODIHR to OSCE missions and field activities is of central importance. In this regard, there has been very positive development in the last few years. While both institutions worked more or less parallel to one another during the first half of the nineties, even when ODIHR implemented activities in a mission area, in the meantime, the view has become prevalent that independent of size and specific mandate of a particular mission the human dimension is an integral component of every OSCE field activity.¹⁰ Nevertheless, there are certainly differences in each co-operative relationships of ODIHR to the missions and field activities: With regard to the "large" OSCE missions in the Balkans (Kosovo, Bosnia and Herzegovina, Croatia, the OSCE Presence in Albania) ODIHR's role is rather small because these missions have their own sections for human rights and democratization, which in some cases employ more personnel than ODIHR as a whole. The work of ODIHR is limited here fundamentally to support in those areas in which it has special qualifications and expertise, for example, the areas of the ombudspersons or the Roma and Sinti. ODIHR's influence is greater in missions with a smaller staff and it can differ widely depending on the specific mandate of the mission. In those missions that deal mainly with ethnically motivated conflicts within the framework of conflict prevention (e.g. Estonia, Latvia) or conflict management (e.g. Georgia, Moldova), the human dimension is only a sub-area. Because of this, ODIHR's work can only be of a supportive nature. With regard to the Baltic states, alongside the missions, primarily the High Commissioner on National Minorities is active here. In contrast, ODIHR and its programmes are highly influential in those missions whose *raison d'être* lies specifically in the human dimension (democratization, building civil societies, rule of law, human rights). This applies primarily to the OSCE field activities in Central Asia, Azerbaijan and Armenia but also applies to Belarus and the Ukraine. Because they are small missions, they are highly dependent on ODIHR to implement and finance corresponding activities in close co-ordination with them. On the other hand, they have outstanding qualifications through their permanent presence in the field and due to their expertise are in a position to develop targeted programmes with ODIHR. Another instrument, which assists in promoting ODIHR's relationship to the "smaller" missions, are the so-called "Grassroots Democracy Projects". The ODIHR grassroots programme was established in 1999 to "encourage the development and implementation of national and local initiatives

10 Cf. the materials from the seminar organized by ODIHR in April 1999 on the human dimension, "Human Rights: The Role of Field Missions", in: <http://www.osce.org/odihr/docs/m99-04-hds-consum.htm>.

to promote human rights and democracy through low-cost, high-impact micro-projects".¹¹

Co-operation with Organizations outside the OSCE

ODIHR's activities (and those of the OSCE as a whole) do not take place in a "vacuum", but are conceived for states and regions where other organizations are active too. In order to bundle the resources of different organizations who have partially overlapping tasks, the OSCE - through the Platform for Co-operative Security adopted in Istanbul in 1999 - is attempting "to strengthen the mutually reinforcing nature of the relationship between those organizations and institutions concerned with the promotion of comprehensive security within the OSCE area".¹² Already before the Istanbul Summit, the ODIHR had a large number of co-operative relationships with other organizations,

- whose expertise it has used for its own programmes,
- who have had more funding at their disposal or
- who have carried out ODIHR programmes because it does not have the capacity to deal with them itself.

The organization whose profile is perhaps closest to that of ODIHR is the Council of Europe, which, in the area of human rights and democratization, has its main focal points in exactly the same regions as ODIHR with the exception of the Central Asian states. It was precisely the similarity of their respective subjects that was probably also the reason that the relationship between the two institutions had, at the beginning, more of a competitive nature. In the meantime, there is increasing co-operation between both organizations, which also benefits them both: ODIHR profits from the larger staff of experts at the Council of Europe and the Council of Europe benefits from the operational flexibility and larger presence of the OSCE and/or ODIHR in the field. Of the large number of joint projects, the following deserve special mention: co-operation within the framework of the Stability Pact for South Eastern Europe in various task forces, co-operation in the field in Montenegro or Chechnya or the mutually co-ordinated evaluation of legislation on human rights in the Ukraine, just to mention a few examples. Regular bilateral meetings between the OSCE and the Council of Europe where the Director of ODIHR also participates have taken place since 1993 to better coordinate specific activities. Moreover, both organizations have agreed upon a "Common Catalogue of Co-operation Modalities" to further strengthen the organizational basis for co-operation.¹³

11 Office for Democratic Institutions and Human Rights, Annual Report 2000, in: <http://www.osce.org/odihr/documents/reports/annual/annual00.pdf>.

12 Charter for European Security, cited above (Note 3), p. 441.

13 On Co-operation between ODIHR and the Council of Europe cf. Barend ter Haar, An Alliance for Human Rights and Democracy, in: Helsinki Monitor 4/1999, pp. 49-56; Organi-

Another organization, which has increasingly gained importance for ODIHR is the EU, in particular the European Commission.¹⁴ A very good illustration of the interests of each organization can be made on the basis of their most important joint projects in Central Asia and Belarus: ODIHR profits from the financial strength of the Commission, which finances more than half of the projects, and the European Commission profits from the fact that the OSCE contributes to democratization and thus to the desired stabilization of the EU-European "forecourt". In view of the fact that budgetary funds made available by the OSCE are expected to decrease, the role of the European Commission will become more important. Because the Council of Europe is even much more dependent on European Commission funding than the OSCE, it cannot be excluded that there will be disputes between OSCE/ODIHR and the Council of Europe on who receives how much funding.

Other international organizations with whom ODIHR co-operates include for example specialized agencies of the UN like UNHCHR, UNICEF or UNHCR for the areas of human rights, protection of children in armed conflicts and refugee issues, as well as the International Organization for Migration (IOM) in the joint fight against trafficking in human beings.¹⁵

Another group of partners in co-operation with ODIHR, which must be mentioned in this context, are the (international) non-governmental organizations (NGOs/INGOs). In general, it can be ascertained that ODIHR as well as the OSCE in general have less qualms about co-operating with organizations of civil society than other international organizations. What is meant is less their participation (which generally does not have repercussions) in seminars on the human dimension than concrete co-operation on projects and programmes. Local and international NGOs are involved in ODIHR activities in many different ways: as local partners and implementers in the field, as partners in co-operation, as "subcontractors" for ODIHR and partially even as sponsors or co-financers. Despite these positive elements, one cannot speak of a truly equal, let alone trouble-free partnership. This is primarily because the OSCE and therefore also ODIHR are "owned" by the OSCE participating States, i.e. NGOs do not have the right to participate in decision-making. Other problems stem from the fact that projects are sometimes more guided by the interests of sponsors than those of the people affected in the field. However, one should not conceal the fact that many NGOs, when following their specific interests, are not in a position to see the overall political context and the necessary compromises that go along with it. Nevertheless, it should be noted that: To the degree that societies become more civilized - and that is

zation for Security and Co-operation in Europe, The Secretary General, Annual Report 2000 on Interaction between Organizations and Institutions in the OSCE Area (1 November 1999 - 31 October 2000), at: http://www.osce.org/docs/english/misc/anrep00e_org.pdf, pp. 10f.

14 Cf. Annual Report 2000 on Interaction between Organizations and Institutions in the OSCE Area, cited above (Note 13), p. 10.

15 Cf. *ibid.*, pp. 10-13.

one of the specific goals of the OSCE - their participation as well as their opportunity to have a say in the decision-making processes affecting them must increase on the internal as well as the inter-state level.

Substance and Regional Focus of ODIHR Activities

It would be impossible to report in detail on all the aspects of ODIHR work in this article.¹⁶ Thus in the following, a summary as well as critical analysis will be presented on the focus of ODIHR activities. Because these activities can only be understood in a geographical context, the regional orientation of ODIHR work will be dealt with first.

Regional Focus of ODIHR Activities

The whole set of OSCE norms, which are equally valid for all participating States "from Vancouver to Vladivostok", serve as the basis of ODIHR's work. Thus, in principle, all OSCE participating States are possible target areas for ODIHR activities. In practice, however, the situation is completely different: There is a clear focus on Eastern Europe (primarily Central Asia and the Southern Caucasus as well as Belarus and the Ukraine) and - to a much lesser degree - South-eastern Europe.

What are the reasons for focusing on these areas? On the one hand, one can ascertain that the regions mentioned above are going through a difficult transition period from totalitarian to democratic societies under the rule of law and are therefore often still far from fulfilling their commitments in the area of the human dimension. On the other, ODIHR capacities do not allow it to deal with all participating States to the same extent. In contrast, it gives special attention to those states that have the most catching up to do. In addition, it is noticeable that to avoid duplication of labour, ODIHR holds back on programmes and/or it implements programmes only in certain segments where there are already large missions at work. This is true in South-eastern Europe, or in areas where other organizations are already active, like the EU or the Council of Europe in East Central Europe. Nonetheless, the question of political opportunity apparently does play a role - how else could one explain that the OSCE and ODIHR are conspicuously reserved when it comes to Turkey, for example? Also the Russian Federation, which blames the OSCE for its one-sided orientation towards Eastern Europe especially in the area of

16 More detailed information on the individual activities of ODIHR can be found at: ODIHR Annual/Semi Annual Reports (starting in the spring of 1998), at: <http://www.osce.org/odihr/library.php3>; ODIHR Newsletter (starting in December 1999), at: <http://www.osce.org/odihr/newsletter-index.php3>, as well as ODIHR Projects 2001, at: <http://www.osce.org/odihr/cal2000.php3>.

the human dimension,¹⁷ has with the exception of Chechnya remained relatively "undisturbed" by democratization programmes.

It is evident here that the OSCE is a political organization, which is dependent on the consensus of its participating States. This means that the best course for ODIHR would be to implement its activities in co-operation with the participating States affected or at least with their toleration. For this reason, ODIHR concluded so-called Memoranda of Understanding with the Central Asian (with the exception of Turkmenistan) and the Southern Caucasus states. This led to these governments' increasing acceptance of the programmes as well as better project coherence because ideally project packages are co-ordinated. Finally, it must also be mentioned that ODIHR has lately endeavoured to lend its projects a regional dimension (especially within the framework of the Stability Pact for South Eastern Europe as well as in the Southern Caucasus) to be able to increase synergy effects.

Election Monitoring and Technical Election Assistance

The ODIHR department that has the most external influence, and which *nota bene* also utilizes the most funding, is the Election Section. This section implements election monitoring missions and technical assistance projects in Eastern and South-eastern Europe as well as analysing election legislation.¹⁸ ODIHR Election Statements are generally recognized as a "quality mark". However the greatest effect can possibly be achieved by specifically *not* observing an election if it can be expected from the outset that the OSCE criteria for free and democratic elections will not be fulfilled.

Despite the impressive work achieved up to now, there is still much to improve, which, for example, the results and recommendations of a seminar devoted to this topic in May 2001 demonstrated:¹⁹

- Improvements should in particular be made in the follow-ups to election monitoring missions to be able to ensure that the recommendations made following election monitoring are also implemented. The Permanent Council could perhaps guarantee this by dealing with these issues periodically.
- Because elections are generally seen as a gauge for the status of democracy and legal certainty, they are of enormous importance for economic development and the willingness to invest. Therefore the activities of

17 Cf. Oberschmidt/Zellner, cited above (Note 8), p. 4.

18 Reports on elections that have been monitored, analyses of electoral law as well as information on technical assistance projects can be found at: <http://www.osce.org/odihr/elecprep.php3> and/or <http://www.osce.org/odihr/unit-eassistance.php3>.

19 Cf. Office for Democratic Institutions and Human Rights, OSCE Human Dimension Seminar on Election Processes, Consolidated Summary (Revised Version), Warsaw, 29-31 May 2001, at: http://www.osce.org/odihr/info/waw29-31may2001_fr.html.

- the OSCE in this area must be better co-ordinated with the international financial institutions.
- Because elections can only provide political stability if all relevant parts of the population participate, it must be ensured that the interests of national minorities be better integrated in the election monitoring process than before.
 - The representatives of non-governmental organizations, who unlike ODIHR are permanently in the field, play an important role in the elections. Because in many cases they are subject to government restrictions or sanctions, ODIHR has a special responsibility to protect them.
 - Experience has shown that most problems connected with elections do not occur on or around Election Day, but arise much earlier. This is particularly true for freedom of opinion, freedom of assembly and freedom of association, which ODIHR together with the Representative on Freedom of the Media should monitor more carefully than before.
 - Finally, a further desideratum would be updating the commitments made by participating States in the area of the human dimension relevant to elections taking into consideration the standards that have been established since 1990, especially those of the Council of Europe.

Democratization

In contrast to the Election Section, the ODIHR Democratization Section does not have a clearly differentiated field of activity, but combines several subsections (units) including various segments of the human dimension such as rule of law, gender issues, trafficking in human beings, migration and non-governmental organizations as well as regional units on South-eastern Europe, the Caucasus and Central Asia. Each unit has very little staff (about one to three members per unit), which explains why they are not able to deal with the fundamental theoretical/normative issues of the sub-areas of the human dimension in addition to their current projects.

The Rule of Law Unit concentrates primarily on technical assistance projects in the areas of criminal law courts and administration (training programmes on human rights standards for judges, public prosecutors, prison administrations, police), legal reform and analysis with the goal of harmonizing legislation with OSCE commitments, and the promotion of institutions for the protection of human rights, e.g. ombudspersons.

The Gender Unit, in existence since 1999, aims primarily at promoting equal rights and the participation of women in politics and society and ensures that these aspects are included in the activities of other units.

ODIHR has dealt intensively with the problem of trafficking in human beings for (sexual) exploitation also since about 1999. This modern form of slavery, which illustrates the problems and difficulties of the transformation societies in Eastern Europe in a repelling manner, connects "producer" countries with

"transit" and "consumer" countries and therefore in particular requires a regional approach. Thus, it is not without good reason that ODIHR has charge of the corresponding Task Force of the Stability Pact for South Eastern Europe.²⁰

The Migration Unit deals with the introduction of international standards on the right to freedom of movement as well as the concerns of internally displaced persons, of which there are large numbers in Eastern and South-eastern Europe due to numerous armed conflicts there.

Finally, the NGO Unit promotes dialogue between representatives of civil society and state institutions and attempts to strengthen the role of NGOs for the reconciliation process within the framework of post-conflict rehabilitation.

It would be worthwhile to make a detailed analysis of each of these units, however this would not be within the scope of this article. Nevertheless, there are other more basic issues that deserve a comprehensive examination, of which merely a few will be mentioned in the following: How relevant are the democratization projects when considering the political and economic situation as well as the interests of the target groups and organizers of the projects? To what extent are these ventures Western alibi activities to detract from its real responsibility and/or influence in the region affected? How effective are these projects with regard to sustainability and self-responsibility at the local level? It is evident that all one-dimensional answers to these questions would only be of a polemic nature and not a real contribution to a discussion the result of which is not pre-determined. On the other hand, an evaluation of position should not be taboo.

Other Activities

The Contact Point for Roma and Sinti Issues, which was set up after the Budapest OSCE Summit in 1994 and gained its own adviser in 1999, mainly has the task of representing Roma and Sinti concerns before the participating States as well as acting as an information and contact point. In 1999, participants at the Istanbul Summit tasked ODIHR with the elaboration of a concrete action plan including chiefly activities on advising the participating States on legislation relevant for Roma and Sinti as well as co-ordination measures within the framework of the Stability Pact for South Eastern Europe to protect and promote Roma and Sinti political participation. The hope remains that the OSCE here - as in other areas - has the stamina to carry on with this topic and not after a short time switch to a new one that may have just "come into fashion".

The Monitoring Section is tasked among other things with monitoring the status of human rights developments and the OSCE participating States'

20 Cf. also Jyothi Kanics/Gabriele Reiter, 2000: A year of significant achievements in the fight against trafficking in human beings, in: Helsinki Monitor 2/2001, pp. 112-121.

compliance with their commitments in the area of the human dimension. It goes without saying that this small unit is not in a position to cover these requirements sufficiently. The goal is more to bring essential and/or flagrant developments in this area to the attention of the Chairman-in-Office as a kind of early warning instrument. Of course at the end of the day, this is a question of political priorities and therefore subject to interpretation. Other activities that should be mentioned include documenting human rights violations in Kosovo for the period from October 1998 to June 1999,²¹ as well as backing the Russian President's Personal Representative for Human Rights in Chechnya. The latter obviously occurred according to the premise that it is better to have a highly limited opportunity to react to blatant human rights violations by participating in an alibi event than to express fundamental criticism and thus rob oneself of having any influence at all. Both of the latter activities illustrate very graphically the different dilemmas and political implications that ODIHR is confronted with.

In addition to the already mentioned activities, ODIHR can also resort to the support of the Advisory Panel for the Prevention of Torture, which has been in existence since 1998, as well as the Advisory Panel on Freedom of Religion or Belief that began its work in a new form at the beginning of 2000. It would be desirable that the latter deal with the problem of "Islam and the OSCE" on a conceptual level.

In addition to certain services like publications in various sub-areas of the human dimension, or the fact that lately the ODIHR public image has happily become more transparent through the publication at its website of reports and materials on its work, there are also ODIHR seminar activities, which will be discussed in the following concluding remarks: Seminars as forums for an exchange of ideas between formerly antagonistic societies played an important role primarily at the end of the 1980s and the beginning of the 1990s for the then CSCE. As the OSCE and ODIHR activities became increasingly operational, these seminars lost importance. However seminars are productive when they deal with a concrete, limited topic and their goal is the formulation of operational and functional recommendations. The Supplementary Human Dimension Meetings and Human Dimension Seminars organized by ODIHR are definitely this type of event. This differs from the Human Dimension Implementation Meetings,²² which deal over a period of ten days with the

21 Cf. Office for Democratic Institutions and Human Rights: Kosovo/Kosova. As seen, as told. An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999, Warsaw 1999, also at: <http://www.osce.org/kosovo/documents/reports/hr/part1/index.htm>. This volume was published in late autumn of 1999 in Priština simultaneously with a second volume on the situation in Kosovo from 14 June to 31 October 1999 (produced by the OSCE Mission in Kosovo). The first part was started very hastily during the NATO air strikes, which created a great deal of controversy within the OSCE as well as being vehemently rejected especially by Russia, so that this first volume must also be seen as a contribution legitimizing NATO's operation (to make up for the gaps).

22 In the changes in the modalities for OSCE meetings on human dimension issues made in 1998, it is stated: "Every year in which a Review Conference does not take place, the

implementation of *all* commitments in the area of the human dimension in *all* OSCE participating States. This has led to the fact that during these events discussions do not have any real substance but instead, monologues are held incessantly and inconsequential statements made. The restructuring of the format of these events, initiated by a decision of the Permanent Council on 19 July 2001, is urgently required.²³

Prospects: Consolidation or a Partly New Orientation?

If one looks back at the last ten years of ODIHR activity, one has to acknowledge that this OSCE institution has shown impressive results. ODIHR has proved through a large number of most varied activities that it does good work and is actively involved in its endeavours. Nevertheless, the increasing number of projects and events in the last few years has also shown that ODIHR is in danger of stretching its capacities too far. If this process spirals forward at the rate it has been going, the effectivity of ODIHR work would be impaired. Not without good reason, when the list of priorities for 2001 is being discussed, there is often talk of consolidation.

Even if you are fundamentally in agreement with the work of ODIHR and the areas of its activity, there are elements that could be improved: In order to increase the sustainability of projects, it would be desirable that they be integrated into an all-encompassing strategy specifying ultimate goals as well as intermediate goals. In addition, it will also be necessary to intensify co-operation within the OSCE and with other organizations that work in the same fields. Above all, one should be more realistic in setting time guidelines and not expect sustainable results in the short-term. Furthermore, local actors should be included more often and be given more responsibility in ODIHR work wherever possible.

If one takes a look at ODIHR activities within the general context of the OSCE, then the question may be asked whether the Organization really makes optimal use of its own potential in the area of the human dimension, that is, the area that ODIHR is responsible for. One should again recall that the OSCE has taken up the cause, in particular, of questions of comprehensive security made up of a politico-military, an economic and a human di-

ODIHR will organize a meeting (Human Dimension Implementation Meeting) of all participating States at its seat to review implementation of OSCE Human Dimension commitments." OSCE, Permanent Council, Decision No. 241, PC.DEC./241 of 9 July 1998, Annex, Modalities for OSCE Meetings on Human Dimension Issues, p. 1.

23 Cf. OSCE Permanent Council, Decision No. 428, Enhancing the Effectiveness of the Human Dimension Meetings, PC.DEC/428, 19 July 2001; cf. also: Harm J. Hazewinkel, Improving the Human Dimension Implementation Meeting, in: Helsinki Monitor 2/1998, pp. 38-50, as well as Office for Democratic Institutions and Human Rights, Implementation Meeting on Human Dimension Issues, Warsaw, 17-27 October 2000, Consolidated Summary. Concluding Remarks by the Chairmanship. Future Modalities of Human Dimension Implementation Meetings: Food for Thought, at: <http://www.osce.org/odihr/docs/m00-5-summary.htm>.

mension. It cannot be said that the OSCE places too much emphasis on the human dimension. However it does not pay careful enough attention to the politico-military dimension much less the economic area. This in turn has a negative influence on acceptance of ODIHR activities in the human dimension. To illustrate this with an example: One cannot seriously expect that in the longer term Central Asian states will accept (justified) reproaches by the OSCE for misconduct in the area of human rights, if the Organization cannot at the same time offer conclusive ideas or concrete aid for economic development or for the repulsion of terrorist threats.

One last fundamental question should be raised here: How is ODIHR work different from that of other organizations? The projects and other activities of ODIHR could just as well come from the Council of Europe, the various specialized agencies of the UN or NGOs even though of course there are differences in geographical range, approach or project scope. However, is the ODIHR really a development agency? Admittedly, the ODIHR need not fear comparison. Its programmes are highly competitive when it comes to direct targeting, speed and effectivity. On the other hand, realistically it must be recognized that the OSCE cannot in the long run compete with the UN or the EU. OSCE influence will decline at the rate that EU enlargement progresses. If the OSCE - as a whole as well as in particular for the area of the human dimension - does not want to be degraded from a pan-European to a sub-regional organization dealing with the "leftovers", which some participating States would not have anything against, then in addition to its work up to now, it must devote more time and energy than before to those problems that are of central importance to the security and co-operation of the whole region. For the human dimension this means for example that not only the question of freedom of movement in Uzbekistan belongs on the agenda but also the materialization of a new "Wall" along the newly emerging borders of EU Europe.