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Preface

The Chairmanship of the OSCE is a challenging endeavour. Beyond the operational responsibility of co-ordinating the activities of the OSCE, the Chairmanship is expected to provide political guidance for the work of the OSCE, in consultation with all participating States. This role as political driving force is a demanding task which requires a continuous negotiation process with a view to attaining the consensus of the 55 participating States of the Organization.

Our guiding principle as Chairmanship is the objective of ensuring that the OSCE maintains its important role in the international arena, both in its traditional areas of preventive diplomacy and in new tasks resulting from the changing international security context.

The fight against *terrorism* is a central priority of our tenure. We are convinced that the OSCE is in a position to bring a valuable contribution to the international strategy led by the United Nations. It is in this context that we organized in Lisbon *the first Conference among the Secretaries General and High Representatives* of the main international and regional organizations involved in the fight against terrorism on 12 June 2002. This Conference allowed the identification of concrete ways of enhancing collaboration and optimize synergies.

Our efforts are simultaneously centred on the elaboration of an *OSCE Charter on Preventing and Combating Terrorism*, which we expect to see adopted at December's Ministerial Council. It will be a political document based on the OSCE's norms, commitments and values, thus providing a conceptual framework for the operational documents adopted by the OSCE in December 2001 in Bucharest and Bishkek. The Charter will also provide for the adoption of new measures, particularly with regard to combating the financing of terrorism.

The OSCE has proved itself, over the years, to be a flexible organization which has been able to adapt smoothly and efficiently to the evolving international environment. It continues to do so today and is preparing a strategy to address the threats to security and stability in the 21st century.

We are all aware of the new difficulties and perils facing our individual and collective security and which no organization is capable of tackling on its own. The reinforcement of the co-operation and co-ordination between the OSCE, the European Union, NATO and the Council of Europe is essential to avoid duplication and increase synergy. This is the spirit of the so-called Platform for Co-operative Security which, I am convinced, should be the guiding principle for shaping the future European security architecture.

When speaking about the evolution of the European security architecture, two determining factors appear at the forefront: the European Union and NATO. Their process of enlargement will influence decisively the shaping of the future regional organizations network in the Euro-Atlantic area.

This does not mean, however, that the OSCE will not retain a significant role to play in the foreseeable future, particularly because the evolution of the European Union and NATO is not an over-night or a holistic process; we ought to preserve the arrangements which have contributed so far to consolidating ties of co-operation, not only among Europeans, but also with their neighbouring partners.

The OSCE is and should remain an effective forum, a “common house” for dialogue and co-operation in a Europe without dividing lines. One of the key features and an “added-value” of the OSCE is indeed its broad membership, which makes it a unique regional forum: simultaneously Euro-Atlantic, pan-European and Eurasian. The relevance of the OSCE’s partnership with other regions, namely in Asia and in the Mediterranean area, is clear proof of the vitality of its unique model of security.

Important attributes of the OSCE are its comprehensive approach to security, its proven ability to strengthen democratic institutions in societies undergoing transition and its capacity to respond rapidly to crises. The OSCE also draws its strength on its institutions and on its unique presence in the field through its 18 Missions, present in Eastern and South-eastern Europe, in the Caucasus and in Central Asia.

An organization is only as successful as it is useful for its citizens. Security is not an objective which stands by itself, it should also entail the trust and confidence of our communities. The involvement of citizens is essential for the success of any organization: This is our objective and this is our mandate as OSCE Chairmanship!

Foreword

Two topics have determined OSCE events since 2001. The most important of these were the attacks on New York and Washington, which also placed demands on OSCE bodies and repressed or subordinated other problems. Indeed, terrorism had already been addressed in the 1975 Helsinki Final Act and thereafter was also always cited as a threat to security in CSCE follow-up conferences. However, since the autumn of 2001, it has become the dominating topic of discussion.¹

The Permanent Council, the Warsaw Human Dimension Implementation Meeting, the Bucharest Ministerial Council, the Prague Economic Forum and the Annual Session of the OSCE Parliamentary Assembly in Berlin have dealt resolutely with combating terrorism. The Bucharest Plan of Action for Combating Terrorism has been adopted. There have been a series of special meetings like the Bishkek "International Conference on Enhancing Security and Stability in Central Asia", where participants adopted a separate Programme of Action. Upon the initiative of the OSCE Chairman-in-Office, a meeting of the Secretaries General of the most important international organizations took place in Lisbon to co-ordinate the strategies of anti-terrorism programmes. The OSCE created the post of the Personal Representative of the OSCE Chairman-in-Office for Preventing and Combating Terrorism as well as an Anti-Terrorism Unit in the Secretariat.

In particular, it was the representatives of the United States who demanded vehemently that the OSCE participating States take measures against suspected terrorists or suspicious groups and structures. Now and again, e.g. in the Economic Forum, these demands and the expectations linked with them assumed such magnitude that those responsible have felt obliged on other occasions to recall that the OSCE unites security indivisibly with the protection of human rights, democracy and the rule law.² The Director of ODIHR, Gérard Stoudmann, and the UN High Commissioner for Human Rights, Mary Robinson, stated before OSCE bodies that they had already observed tendencies and phenomena to neglect or even abrogate acknowledged human rights principles under reference to anti-terrorist campaigns.³

1 Cf. also the articles of Kirsten Biering and Ekaterina Stepanova in this volume, pp. 31-38 and pp. 59-71.

2 Cf. Stepanova, cited above (Note 1), pp. 60.

3 Cf. Gérard Stoudmann, *Striking a fair balance: protecting human rights in the fight against terrorism*, in: OSCE Newsletter 4/2002, pp. 1-2; Update from the Office of Democratic Institutions and Human Rights, *Annual OSCE human rights conference held in Warsaw*, in: OSCE Newsletter 9/2001, pp. 16-17; Mary Robinson: "War on terror is rolling back human rights", in: OSCE Newsletter 7-8/2002, pp. 5-6.

Whether, and should the occasion arise, how, the new US security policy strategy will affect the OSCE, is even less foreseeable than its repercussions on NATO. The declared subordination of multilateralism to American national interests could further relativize a United States OSCE policy which has already been reduced to the human dimension anyway. This would be the case, for example, if participating States - and not only the Central Asian ones - were repaid for accommodating US geostrategic requirements with a generous evaluation of the way they combat terrorism or of casual compliance with OSCE principles.

The desire for a strong anti-terrorism policy has - and this is the second outstanding development of the past twelve months - newly revived the latent, up to now slumbering or occasionally one-sided debate on OSCE reform and has already had visible effects. It is ascertained that the topic of terrorism has initially "proven an integrating factor for the OSCE as an organization".⁴ Apparently, the Organization then endeavoured successfully, a fact that OSCE officials confirm, to engage in the by then dramatic problematic of terrorism as its own area of expertise. In addition, this was again a matter of maintaining and developing a comparative advantage in relation to other European institutions. Such an aspiration has its limits, however, in particular in view of the specific difficulties and needs of some OSCE participating States and the competence and legitimation of certain organizations.⁵

The traditional understanding of the OSCE has become questionable, as is true of the other large European organizations, especially NATO and the European Union. The latter, due ostensibly to their future enlargement, is being faced with identity problems, which the OSCE, in its own way, is also being confronted with. In Brussels, the denouncing phrase that NATO is being "OSCE-ized" is making the rounds. In Vienna, it is no less than a matter of "revitalizing the OSCE", of a new "political foundation" or the "OSCE of the 21st century", which are examined explicitly in another article in this volume.⁶ Its author, *Reinhard Bettzuege*, who was the German Ambassador to the OSCE until mid-2002, already sees the mandate issued by the Bucharest Ministerial to develop a "strategy (...) to counter these (terrorist, K.T.) threats (...) as a new road map, a new positioning", yes, as "a course (that) has been set which could change the face and the future of the OSCE fundamentally". He bases his interpretation on the assumption of previous agreement between the Russian and the American Presidents on this mandate. With this, the author doubtlessly does not want to conjure up a distant echo of the CSCE when Eastern European dissidents also saw the CSCE as American-Russian double hegemony over the continent. On the contrary, he sees the convergence of interests as a chance for the creation of a "European Security Forum", which under the auspices of the OSCE and including NATO and the EU would meet yearly in Brussels.

4 Biering, cited above (Note 1), p. 37.

5 Cf. *ibid.*

6 See the article by Reinhard Bettzuege in this volume, pp. 39-45, here: pp. 41.

Such macro-political plans could bring movement to the entire European institutional framework as well as to the multiple interests rooted there. However, alone any micro-political and internal organizational reform could shift the weight in the formation of political intentions and decision-making between the “cornerstones” of further strengthening the Permanent Council, which requires a consensus, at the cost of the Chairman-in-Office, on the one hand, and the flexibility of leading functionaries to react, on the other, in such a way that some participating States already see their concept of the OSCE as being violated. Victor-Yves Ghebali and Jutta Stefan-Bastl point out such effects in their articles on newly emerged and neglected changes in the structures and policies of OSCE bodies,⁷ among others of the Permanent Council, the Ministerial Council, the Chairman-in-Office, the Secretariat and the missions.

All in all, anti-terrorism measures and OSCE reform were very high on the agenda and influenced the treatment of other issues, which nevertheless could not be suppressed completely and in and of themselves demanded attention, as is documented in this volume of the OSCE Yearbook. Some of the situations considered are marked by the dilemma between brutal or blunt challenge, on the one hand, and neglecting OSCE principles for tactical or interest-led reasons on the other. This can be recognized in the articles by Anara Tabishalieva, Irina Zviagelskaya, Ravshan M. Alimov and Hans-Georg Wieck, which deal with the impact of the “Islamic factor” in Russia, political Islam and the problematic of transition in Central Asia and/or the deficits in democracy and the rule of law in Belarus.

South-eastern Europe was repeatedly brought to the attention of the general public, primarily through new crises and efforts to achieve political and economic stability by means of various elections and the large-scale Stability Pact. A series of articles are devoted to the specific issues related to this, *inter alia* in Kosovo, Macedonia and Bosnia and Herzegovina, as well as to the results and prospects to date of the Stability Pact for the Balkans.

Reform efforts either emerge due to outside impetus, as is presently apparent in the case of the OSCE, or they materialize internally as a result of impatient uneasiness about inactivity, which cannot be satisfied by simply managing what has been achieved. It can thus be interpreted as an echo to a lamented inactivity in politico-military co-operative security policy that the Yearbook editing staff invited two authors to assess the developments and the results of the “first dimension”, OSCE security policy. Ernst-Otto Czempel and Pál Dunay reach different assessments for the fields of verification of the CFE Treaty and the confidence- and security-building measures and/or the Open Skies Treaty.

The OSCE sphere of activity is most often emphatically paraphrased as the West-East stretch from Vancouver to Vladivostok. What is not mentioned is that its southern area also borders on Iraq, which the most powerful OSCE participating State has in recent days threatened with war. It is never superfluous to

7 See the articles by Jutta Stefan-Bastl and Victor-Yves Ghebali in this volume, pp. 337-346 and pp. 329-336.

recall the “Decalogue” of the 1975 Helsinki Final Act. In the second principle, “refraining from the threat or use of force”, the participating States even declared that “no consideration may be invoked” which serves to justify a violation of this principle. That was the day before yesterday, in the days of the “old CSCE”; yesterday, i.e. in the past decade, the “new OSCE” emerged, equipped with many tools for conflict prevention and crisis management. What the “future OSCE” could become is reflected in the observations of authors well-informed about the processes in Vienna and at the seats of government. Indisputably, the relevance of that newest OSCE will also depend on the events and their after-effects occurring on the above-mentioned southern border of the OSCE region. On behalf of the editorial staff, I would like to give many thanks to all authors for their contributions to this Yearbook.

I.

The Situation

OSCE: Developments and Prospects

The OSCE under the Romanian Chairmanship - A Retrospective View

Responsibilities and Goals

Following the decision of the OSCE Istanbul Summit, Romania took over the Chairmanship-in-Office of the OSCE on 1 January 2001. The difficulty of fulfilling this complex mandate was threefold: avoiding an internal crisis in the OSCE, foreshadowed by the result of the 2000 Vienna Ministerial; managing the intricate issues on the OSCE agenda, such as stabilizing the situation in the former Yugoslav Republic of Macedonia; and adapting the OSCE to the new security framework which emerged after the terrorist attacks against the United States.

For a country whose diplomacy was not very well known, the complex situation in Europe, the explosive changes on the international level and, last but not least, the internal difficulties of the Organization represented a test the passing of which not only its credibility as a relevant actor of the Euro-Atlantic community, but also the actual future of the Organization depended upon. We were fully aware of this double responsibility and did our utmost to discharge all our obligations and cope with the complex and changing security environment. In 2001, all international organizations involved in the security of the Euro-Atlantic area carried out a tremendous amount of activity in searching for solutions to existing crises through participation in meetings in which the shape and future of Europe were discussed and in consultations aimed at better co-ordination among the various structures with a view to strengthening Europe-wide security and stability.

Among our priorities and objectives were the observance of OSCE norms, principles and commitments; the strengthening of the OSCE as an active instrument for conflict prevention, early warning, crisis management and post-conflict rehabilitation; promoting the rule of law and human rights; strengthening the OSCE's activity in the economic and environmental dimension; enabling it to cope with new security challenges such as international terrorism and extremism, organized crime and corruption; institutional consolidation of the OSCE; and strengthening co-operation with other international organizations acting in areas relevant to the OSCE. Our ultimate goal was to contribute to the improvement of the political, economic and environmental security of the citizens of the OSCE participating States, based on the respect of human rights.

After the 2000 Vienna Ministerial, it became visible that the OSCE was heading for an internal crisis. Under these circumstances, our responsibility was all the greater and we acted from the very outset towards rebuilding con-

fidence in the capacity of the OSCE. As a result, we launched a process of informal consultations on strengthening the OSCE's role. Open-ended meetings were held, emphasizing our readiness to reflect on the Organization's political role, its broad objectives, priorities and working methods. Concrete suggestions were made. We created a Working Group on OSCE Reform that considered ways of strengthening the OSCE's role in the European and international security framework and on improving the coherence of action of the OSCE's institutions and field operations.

Co-operation and Synergy Effects

We understood that, in order to be instrumental in solving all these problems, the OSCE had to work in close synergy with other international organizations, notably the United Nations, NATO, the European Union and the Council of Europe, as well as other more specialized agencies such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). Consequently, I met with the heads of these international organizations to discuss concrete measures for enhancing co-operation, i.e. setting up compatible structures, developing common recruitment and training standards, enhancing co-operation between headquarters and the field, and identifying new areas of co-operation and establishing mechanisms for efficient interaction.

On 29 January 2001, when I addressed the United Nations Security Council in New York, it was the first time an OSCE Chairman-in-Office had been invited to meet the Security Council as a whole and discuss the comprehensive area of co-operation between the two organizations. On that occasion, I met with the United Nations Secretary-General Kofi Annan and reiterated our determination to strengthen co-operation between the OSCE and the UN, based on the principles of complementarity and a clear division of labour.

During 2001, I had several talks with the European Union Presidency Foreign Ministers (Sweden and Belgium) and discussed areas of common action aimed at enhancing co-operation between our organizations, including co-operation in the field. The same spirit of co-operation and mutual reinforcement prevailed in contacts and visits with EU Commissioner Christopher Patten and High Representative Javier Solana.

We took vigorous action to strengthen the ties of co-operation between NATO and the OSCE, being aware that the two organizations need each other, their advantages are complementary and together they are in a position to manage the different crisis situations they are confronted with more easily. To this end, during my meetings with the Secretary General of the North Atlantic Treaty Organization, Lord Robertson, I stressed the need for increasing co-operation at both the political and expert level. In particular, I addressed the Foreign Ministers' Session of the Euro-Atlantic Partnership Council

(EAPC) in Budapest on 30 May and the NATO/EAPC meeting in Brussels on 27 November.

We also aimed at co-operating more closely with the Parliamentary Assembly of the OSCE, an institution tightly connected with the governmental level, with the same geographical representation and similar concerns. By all means, the fact that it was headed by Adrian Severin, a Romanian national, benefited the rapprochement between our institutions. Alongside informal permanent consultations and contacts with the OSCE Parliamentary Assembly, I attended the Standing Committee meeting in Vienna and the Tenth Annual Session of the OSCE Parliamentary Assembly in Paris.

Responding to the crisis in the former Yugoslav Republic of Macedonia and to the September 11 terrorist attacks on the United States of America were high priorities on our agenda. In both situations, the Organization, under the Romanian leadership, reacted quickly and effectively.

Combating Terrorism and Organized Crime

A sensitive area of regional and interregional co-operation where co-ordinated actions can bring added value is the fight against terrorism and organized crime.

More than any other single act, the September 11 attacks against the United States brought home the dangers of international terrorism to freedom, humanity and the security of the individual, values that the OSCE is committed to defending and upholding. We have condemned these attacks vigorously and fully supported the creation of a broad international coalition against terrorism. Alongside other international organizations, we have begun to consider the specific contribution the OSCE can make to the international fight against terrorism. When I addressed the Permanent Council in a special session on 21 September 2001, I identified three areas where the OSCE can bring added value:

- making use of political will and solidarity in committing to joint action, with an action-oriented decision on and a Plan of Action for combating terrorism to be adopted at the Bucharest Ministerial Council;
- focusing attention on addressing root causes, such as economic and social isolation, which can be fertile ground for extremist ideologies, and fighting the “grey zones” of organized crime, including trafficking in human beings and arms;
- acting as a bridge between regional initiatives in order to set common priorities.

In addition to the Plan of Action adopted by the Ministerial Council in December 2001, an international conference on “Enhancing Security and Sta-

bility in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism” was convened in Bishkek on 13 and 14 December. Participating States discussed and shared experiences regarding the prevention and combating of terrorism and related crimes throughout the OSCE area. The Conference took place only ten days after the Ministerial Council and thus also provided the opportunity to begin implementation of the decisions and the contents of the documents adopted in Bucharest as well as other relevant international instruments. The Conference responded to the concerns of participating States in Central Asia about international terrorism and offered the opportunity to adopt a concrete Programme of Action as a first follow-up to the Bucharest Plan of Action. The Programme encompasses specific challenges and needs in Central Asia in particular and initiates a long-term action-oriented process, assisting Central Asian states to combat the threat of terrorism.

As a Troika member, also in 2002 we remain engaged in the fight against terrorism. Consequently, we support the Portuguese Chairmanship’s initiatives, including the actions of the Personal Representative for Preventing and Combating Terrorism. At present, it is important to keep our promises, to fulfil our obligations, to apply the measures included in the Bucharest Plan of Action, a comprehensive and particularly valuable document. We have to envision the OSCE’s involvement in combating terrorism within the general framework of the efforts made by the main international actors. No international organization will be successful acting on its own without co-ordinating its actions with the other institutions. Terrorism is a phenomenon with multiple implications, which must be tackled on several levels, namely the military, economic, political, and legal. The OSCE can make a specific contribution, taking into account the arrangements made by others. A first step was the international conference in Lisbon in June 2002, when the Secretaries General and/or Chairmen of the key organizations involved in the fight against terrorism analysed the modalities of enhancing co-ordination and co-operation amongst the various international agencies.

In the process of combating organized crime, we gave special attention to the illegal trafficking in human beings. We organized, in co-operation with the Southeast European Co-operative Initiative (SECI) Regional Centre, a regional conference on “Combating Trafficking in Human Beings and Illegal Immigration” in Bucharest on 21 May 2001, which was attended by senior government and law enforcement representatives. The agreed conclusions of that meeting set out priorities for national, regional and internationally co-ordinated actions to eliminate trafficking in human beings, in which the Stability Pact Task Force on Trafficking in Human Beings is to play a crucial role.

Regional issues represented a major focus in the activities of the Chairmanship-in-Office and the OSCE as a whole. In 2001, there were some positive developments in many OSCE participating States, notably in the Federal Republic of Yugoslavia. Yet, there are still far too many places with conflicts, economic and social inequalities, lack of political freedom and intolerance. There are new threats that menace the societies of OSCE participating States, such as terrorism, organized crime, trafficking in human beings and drugs, as well as pervasive corruption.

“Frozen conflicts” became a matter of increased concern. There is a real danger they could develop their own dynamism. Regarding the withdrawal of foreign troops, military equipment and ammunition, progress was made in implementing the Istanbul commitments, which should continue. Renewed efforts and approaches should relaunch the political settlement process in these areas.

I visited almost all areas of tension and met with representatives of participating States and of international organizations and institutions. These meetings provided opportunities to discuss matters of interest to the OSCE.

Naturally, South-eastern Europe was a priority for us. The OSCE is pursuing its own programmes in the countries of South-eastern Europe, such as good governance and anti-corruption projects, development of non-governmental organizations (NGOs) and independent media, and promotion of multi-ethnicity in education and the public sector, including police forces.

I visited all the OSCE’s field presences in South-eastern Europe several times. I inaugurated the OSCE Mission in Belgrade; attended the Heads of Mission meeting in Belgrade; appointed a Personal Representative for the Stability Pact; encouraged dialogue, consolidation of democratic institutions, rule of law and respect for human rights, and regional co-operation; supported the preparation and scrutiny of electoral processes in the region - Kosovo being the most important case; addressed pressing issues such as the situation in the former Yugoslav Republic of Macedonia; and maintained awareness of region-wide problems.

We paid special attention to developments in *Kosovo*. The 17 November 2001 elections, organized by the OSCE, were the most important event in the province that year, crucial to the building of a multi-ethnic society and to the functioning of the Provisional Institutions of Self-Government in accordance with United Nations Security Council Resolution 1244. Kosovo is one example of the co-operation between the OSCE and the United Nations in the preparation of elections, but also in other areas, such as training of the Kosovo Police Service (KPS) and the judiciary, and the protection of human rights.

The crisis in *the former Yugoslav Republic of Macedonia* was a huge challenge for us and for the OSCE. In co-operation with NATO and the European

Union, we strived to bring about an enduring peace agreement. The OSCE's efforts were directed towards the peaceful stabilization of the situation. After the signing of the Framework Agreement on 13 August 2001, we have been focusing on implementing all its provisions.

We devoted our greatest attention to the situation in *Chechnya*. The Assistance Group's return was one of the major successes of the OSCE in 2001. The measures taken by the Russian authorities to make possible its return are commendable. On 15 June 2001, I inaugurated the office in Znamenskoye in the northern part of Chechnya, and since then all sides have been working to ensure the necessary security conditions for the Assistance Group's staff. This has been a long and difficult process and has opened the way to greater and effective co-operation between the Russian government and the OSCE.

Bringing the *Moldova* file to a conclusion rests upon the shoulders of the Portuguese Chairmanship, nevertheless the Romanian Chairmanship kept continuous track of the developments in this country. The OSCE's priority was to encourage fulfilment of the Istanbul commitments regarding the withdrawal of foreign troops, ammunition and military equipment and to facilitate the negotiation process for a political settlement of the crisis.

In *Estonia and Latvia*, the OSCE Missions provided assistance to the governments in fulfilling the tasks identified in the Chairmanship's Guidelines issued in 2000. During 2001, the two countries made considerable progress towards democratization and naturalization of non-citizens and integration and mutual understanding between ethnic communities. Following the presentation on 13 and 18 December in the Permanent Council of the last activity reports by the two Heads of Mission, recommending the closure of both Missions due to the fulfilment of the Guidelines set by the Austrian Chairmanship, we did not submit a decision to extend their mandates for approval. The technical closure of the two Missions remained the task of the OSCE Secretariat.

We endeavoured to increase international focus on *Central Asia*. Consequently, we emphasized the necessity to reinforce and redirect ongoing OSCE activities while pragmatically taking into consideration the needs and priorities of the countries in the region. At the same time, we encouraged the OSCE Centres in Central Asia to become more active, provide better territorial "coverage" and develop new concrete projects together with the relevant partners in their countries. The goal was to ensure consistency with OSCE objectives in the fields of election legislation, respect for human rights, freedom of expression and belief in parallel with the implementation of new initiatives.

Economic and Environmental Issues

We regarded economic and environmental issues as part of the OSCE's comprehensive approach, as relevant to security, and therefore the strengthening of the economic and environmental dimension of the OSCE was one of our priorities. We continued to promote co-ordination between the participating States, OSCE institutions and missions, and between the OSCE and other partner organizations. The general objective was to identify the most appropriate ways and means of rendering the OSCE's economic and environmental activities more effective, both at headquarters and in the field. As a Troika member, we are determined to maintain our involvement in strengthening the economic dimension, including the organization in Bucharest of a follow-up seminar to last year's Economic Forum.

The Human Dimension

In 2001, we paid increased attention to issues relating to human security, particularly to the security of the individual. This concept covers democracy, respect for human rights and cultural diversity, the fight against violence and organized crime as well as the promotion of the democratic activities of civil society.

The three OSCE Supplementary Human Dimension Meetings organized in co-operation with ODIHR were devoted to "Freedom of Expression", "Promoting Tolerance and Non-Discrimination" as well as "Human Rights: Advocacy and Defenders".

At the instigation of the Romanian Chairmanship, the OSCE Informal Group on Equal Opportunities for Women and Men organized a meeting on "Violence against Women" on 8 June.

Likewise, we tried to identify an adequate approach to the issue of the protection of national minorities. Empowering local administrations, involving ethnic minorities in, and giving them free access to, the decision-making process, respecting the fundamental rights of the individual and making citizens' prosperity the central objective of public policy are concrete steps towards an integrated society.

We believe Romania can be considered a model as far as managing the issue of national minorities is concerned, which was given our full attention. My team in Bucharest, in co-operation with ODIHR and the delegation of the European Commission in Romania, organized the "Conference on Roma and Sinti Issues" from 10 to 13 September in Bucharest. Over 300 people attended, including Roma community representatives from all over Europe. The goal of the conference was to draw up recommendations that could form the basis of an OSCE action plan on Roma issues. OSCE-specific recommendations included supporting meetings with governments and NGO part-

ners from outside the OSCE region, including more Romani officers in OSCE missions and strengthening the role of the ODIHR Contact Point for Roma and Sinti Issues in helping governments and NGOs to monitor anti-discrimination measures.

The annual Human Dimension Implementation Meeting offered an opportunity to analyse and assess implementation by the OSCE participating States of the OSCE commitments in the fields of the rule of law, democratic institutions, tolerance and non-discrimination, refugees and internally displaced persons as well as respect for fundamental human rights and freedoms. In the interest of enhancing the effectiveness of the 2001 Implementation Meeting, the modalities for making recommendations were revised. The meeting was regarded as a cornerstone for building confidence and a substantial link to the relevant political agenda of the OSCE.

Conclusion

The result of all our efforts is reflected by the documents of the 3 and 4 December 2001 Bucharest Ministerial Council. That meeting took place in a new climate, in the aftermath of the 11 September 2001 events, characterized by solidarity of action in combating new risks and challenges, by an open relationship between the Russian Federation and the United States, by developments in NATO and EU relations with Russia as well as by a consciousness-raising process with regard to the necessity to approach more directly the security concerns of the countries in Central Asia.

The Bucharest Ministerial enjoyed the presence of 64 national delegations, among which were 57 Foreign Ministers from the participating States, the Mediterranean partners and partners for co-operation (including US Secretary of State Colin Powell, Russian Foreign Minister Igor Ivanov and Israeli Foreign Minister Shimon Peres), high representatives of the OSCE Parliamentary Assembly, OSCE institutions and missions as well as a large number (29) of international organizations and institutions. This active participation was a reflection of their interest for the debates and documents adopted by the Ministerial Council and the recognition of the results obtained by the Romanian Chairmanship. To date, it was the largest Ministerial Council ever organized.

The meeting was an excellent opportunity to take stock of the OSCE's achievements, as well as its difficulties and shortcomings in 2001. The debate was constructive, both in substance and in spirit. There were no major controversies, only differences of position and approach. The discussions were comprehensive and stimulating, contributing to charting the future course of the OSCE.

Combating terrorism was the main topic of discussion, reflecting the solidarity of all participating States and granting prestige to the Organization. Fur-

thermore, new political objectives were set for the future and specific measures were adopted to strengthen the capacity of the Organization.

Several very important documents were adopted, among which in particular, the Bucharest Ministerial Declaration, the Decision on Combating Terrorism and the Bucharest Plan of Action for Combating Terrorism stand out in bold relief. Likewise, there were several statements on regional issues and a Decision on fostering the role of the OSCE as a forum for political dialogue.

All documents were adopted by consensus, setting out agreed tasks for the future. The democracy and transparency of the OSCE were enhanced, both of which are great assets of the Organization. The documents recognized and endorsed the increased role of the OSCE in early warning, conflict prevention and crisis management. The general opinion was that they were on the level of the existing challenges.

The adopted documents reflect the future courses of action of the Organization. From our point of view, we must maintain the OSCE's involvement in combating terrorism, in ending the "frozen conflicts", we must continue the processes of fostering the role of the OSCE as a forum for political dialogue, of strengthening the economic dimension and enhancing the effectiveness of the Human Dimension Meetings.

The Ministerial Council reflected and took advantage of the new spirit of cooperation that emerged from the events of 11 September 2001. At the centre of the discussions were the solidarity of action in combating terrorism and in combining efforts to face up to new risks and challenges.

In view of the substance and importance of its documents and of the constructive spirit of approaching the role of the Organization in the Euro-Atlantic area, which also opened prospects for strengthening its role on the political stage, the Bucharest Ministerial has been one of the most important meetings in the life of the Organization and thus a point of reference. At the same time, the meeting contributed to reinforcing the international partnership created after the terrible events in the United States. It showed clearly that the OSCE was able and ready to listen to and address the concerns of all participating States, with the desire to understand and assist.

Efforts and Possibilities of the OSCE in Combating Terrorism

Pointing out that the preoccupations of the international security community changed after the terrorist attacks in the US on 11 September 2001 will get you no points for analytical skills. Thus, although the OSCE had for years hesitated to carry out a thorough analysis of its capabilities in addressing terrorism, it is not surprising that all the participating States showed full and unanimous willingness to contemplate this question after the horrible events. Following the swift adoption by the Permanent Council of a decision condemning the attacks, stating the determination of the states “to unite and put an end to terrorism” and underlining that this should be done “acting together with the entire international community”¹, an OSCE informal open-ended Working Group on Combating Terrorism was established on 28 September 2001. The then Romanian Chairmanship-in-Office gave the Group the mandate to prepare a draft text on combating terrorism to be adopted by the Ministerial Council in December 2001 and to make recommendations for a plan of action for the OSCE. In this article, the primary focus will be placed on the results of this work and on how they may be implemented by the various components of the OSCE. By contrast, the activities to be taken on by individual participating States will not be a main point of interest, since we are dealing here with the possibilities and limitations of the OSCE as an organization.

In accomplishing its task, the Group had, simultaneously, both a little and a lot to go by: *little* in the way of available texts, documents and agreed OSCE language, but *a lot* in terms of useful and relevant activities already carried out by the OSCE and particularly in terms of the willingness of delegations to work constructively on establishing a new text.

Some formulations on this did, of course, exist. Already in the 1975 Helsinki Final Act, participating States committed themselves to refraining “from direct or indirect assistance to terrorist activities”. Throughout the 1980s, more extensive wording on the condemnation and combating of terrorism was agreed, often on the initiative of states directly affected. In the 1999 Charter for European Security, participating States pledged to enhance their “efforts to prevent the preparation and financing of any act of terrorism (...) and deny terrorists safe havens”. It was clear, however, that a wider range of activities and commitments was called for, if a true profile for the OSCE in preventing and combating terrorism was to be defined. There was a need to consider

1 OSCE, Permanent Council, Decision No. 438, Decision by the Permanent Council on the Acts of Terrorism in New York City and Washington, D.C., PC.DEC/438, 13 September 2001.

how the OSCE could contribute comprehensively to international efforts in this regard, how it could support the United Nations as the framework for international endeavours, and how it could add value to actual or planned activities in other international forums, all at that time actively considering their own possible contributions and roles. It became necessary to pose the question: Does the OSCE possess the characteristics and tools enabling it to take on tasks in the struggle against terrorism? Although the OSCE has neither military nor economic might, the answer was “yes” and a yes, indeed, for a number of very specific reasons.

In the Plan of Action adopted at the Ministerial Council held in Bucharest on 3-4 December 2001, the strengths and comparative advantages of the OSCE were identified as being the Organization’s “comprehensive security concept linking the politico-military, human and economic dimensions; its broad membership; its experience in the field; and its expertise in early warning, conflict prevention, crisis management, post-conflict rehabilitation and building democratic institutions”.² It was also recognized that “many effective counter-terrorism measures fall into areas in which the OSCE is already active and proficient, such as police training and monitoring, legislative and judicial reform, and border monitoring”.³

Indeed, the very basis of the Organization made it particularly relevant in a context of new threats and challenges to security and the global efforts to counteract them. Compared to other more “hard-nosed” international actors, the OSCE’s soft profile proved to be its competitive edge. A good deal of the existing activities and tools of the OSCE could be viewed in the context of combating terrorism. That is to say, the challenge for the Working Group was not so much to come up with a long list of new jobs for the OSCE to take on but rather to consider and evaluate existing tools and mechanisms in the light of this new challenge and to regroup and develop them from this perspective. One major advantage of this approach was that it allowed the OSCE to reach consensus about a relatively concise, yet comprehensive Plan of Action at a time when other international organizations - and for that matter national agencies - were still in the phase of developing their views on their function in combating terrorism within their own area of operation. Perhaps more importantly, at least in the longer term, this approach necessitates increased co-operation and co-ordination between the OSCE’s different institutions and structures, all called upon to accomplish tasks in similar fields and with the same objective.

It follows from this approach that central elements of the Plan of Action are focused on combating social, economic, political and other factors that engender conditions in which terrorist organizations are able to recruit and win

2 Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, reprinted in this volume, pp. 391-417, here: p. 395.

3 Ibid.

support. It should be noted that taking on commitments and providing assistance to participating States in such areas has important interlinkages with advances in the more general OSCE objectives of furthering democratization and stability in the entire region. The OSCE can and does contribute to *institution building and strengthening the rule of law*, for example, through assistance to developing an independent judiciary and better administrative capacity, strengthening national human rights or ombudsman institutions and promoting good governance, as rendered by the Office for Democratic Institutions and Human Rights (ODIHR) and by the missions. These efforts, if successful and long-lasting, will open peaceful channels for addressing grievances and improving the quality of life available to citizens.

Further, the OSCE can and does contribute to *promoting tolerance and multiculturalism*, primarily, of course, through the work of the High Commissioner on National Minorities, but also through the monitoring, early warning activities and projects of the Representative on Freedom of the Media, ODIHR and the field missions. Preventing and combating violence, intolerance, extremism and discrimination against people belonging to ethnic minorities and at the same time working to promote respect for the rule of law, democratic values and individual freedoms among these persons can contribute towards removing violence and terrorism from the toolkit of accepted forms of behaviour between ethnic groups even in times of conflict between them and can also serve to reduce the frequency and intensity of such conflict.

The OSCE has become increasingly aware that it can and must take part in the efforts of the international community to *address negative socio-economic factors*. According to the OSCE Secretariat, four areas have been identified as being primarily relevant for developing social prospects and prevention of terrorism: good governance, support to educational systems, small and medium-size enterprise development and international trade relations.⁴ While, as is often stated, the OSCE is not a donor organization, it does have the capacity to take on a catalytic role in formulating projects, promoting co-operation between relevant agencies and organizations, and mobilizing support, primarily through the Office of the Co-ordinator of OSCE Economic and Environmental Activities, and through the field missions. Contributing to improved socio-economic prospects for individuals and groups as well as countering poverty and large economic disparities may make resorting to violence and extremism less likely options.

In this regard, it should also be recognized that the *environmental* part of the mandate of the Co-ordinator and of some missions could also come into play. An interesting perspective in this context is offered by the project envisaged by the OSCE Mission to Georgia - in co-operation with the International Atomic Energy Agency (IAEA) - to salvage and safely store radioactive materials which could otherwise fall into misuse for terrorist purposes.

4 Cf. OSCE Secretariat's Road Map on Terrorism, SEC.GAL/35/2/Rev.1, p. 6

It is clear that these and related efforts are all long-term and do not in themselves suffice to eradicate terrorism. Therefore, agreement was also reached that the OSCE could offer assistance in processes more immediately and directly connected to terrorism: Remaining within the purview of the Office of the Economic Co-ordinator, *suppressing money laundering and the financing of terrorism* is of utmost importance in the efforts to root out terrorism. In this area, assistance may be offered to the relevant authorities and agencies in participating States on implementing recommendations such as those of the Financial Action Task Force (FATF) and on administrative technologies and instruments available to prevent financial flows to terrorists. It may also foster co-operation between institutions within countries and across borders. In this connection, also the Decision of the Permanent Council of 11 July 2002 should be noted in which the participating States committed themselves to completing the FATF questionnaire on meeting the eight special FATF recommendations by 1 September 2002.⁵ By the beginning of September, more than ten states had given notice that they had submitted their questionnaires. A number of commitments were agreed with a view to *supporting law enforcement and fighting organized crime*. There are clearly interlinkages between terrorism and transnational organized crime, such as trafficking in human beings, arms or drugs. For instance, the channels used for trafficking may well also be used by terrorists when crossing borders, and also funds raised by illegal means can go towards financing terrorism. Recognizing this, participating States commit themselves in the Bucharest Plan of Action to preventing such activities on their own territories and to offering each other assistance in exchanging information on criminal proceedings in this regard. A role for the OSCE as such is envisaged in a number of ways. These include assistance to increased border monitoring, capacity-building vis-à-vis police structures, as well as exchange of information and best practices among practitioners in the field. Police training is, indeed, one of the central areas of OSCE expertise, particularly in the Balkans. With the establishment at the 2001 OSCE Ministerial Meeting in Bucharest of a strengthened policing capacity in the Secretariat, ways of applying this experience in other regions may be found. Border monitoring is also already being carried out in Georgia and is recognized to have contributed generally to confidence building in the region. Plans already exist for ODIHR - and the International Organization for Migration (IOM) - to conduct training for border guards at the Regional Training Centre for Border Guards being set up in Almaty, Kazakhstan. Furthermore, assistance can be offered to legislatures in drawing up appropriate legislation and in establishing and strengthening legal institutions that uphold the rule of law. One very interesting and future-oriented aspect under the above area is the agreement that the OSCE Representative on Freedom of the Media should support the elaboration of legislation on preventing the abuse

5 Cf. OSCE, Permanent Council, Decision No. 487, Financial Action Task Force (FATF) Self Assessments on Terrorist Financing, PC.DEC/487, 11 July 2002.

of information technology for terrorist purposes. This commitment should be viewed in connection with the ongoing work on cybercrime in the Council of Europe, which has culminated in the Convention on Cybercrime, opened for signature in November 2001.

Connected with both the suppression of financing of terrorism and with the strengthening of the rule of law are efforts to *prevent movement of terrorists*. In addition to the already mentioned activities in the areas of policing and border control, there is an opportunity to provide assistance to efforts to hinder counterfeiting, forgery and fraudulent use of identity papers and travel documents. This is an area in which the OSCE has already provided its expertise, for example, in some missions in the field.

While terrorism is indeed a problem affecting the entire OSCE region, as was clearly demonstrated by the September 11 events, some regions within the OSCE region may have unique security challenges to deal with because of their geographical location, their specific history or for other reasons. Within the OSCE, special emphasis has been placed on the countries of Central Asia not least because of the laudable initiative of the Kyrgyz government to host, on 13-14 December 2001, the “Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism”, an initiative that was launched by President Askar Akaev, it should be noted, already in June 2001.⁶ Indeed, the Conference was then seen as an opportunity to begin a discussion on providing practical support to Central Asian participating States in applying the Bucharest Plan of Action and to conduct a more general exchange of views on best practices and experiences in the fields where commitments were adopted in this Plan. The Conference, widely regarded as a success, adopted a Programme of Action on combating terrorism, based partly on the Bucharest Plan of Action.⁷ The Programme details a number of measures to combat and prevent terrorism and recommends they be implemented by the OSCE, the United Nations Office for Drug Control and Crime Prevention (UNODCCP) and participating States as well as by both (potential) donors and the Central Asian states. The Programme basically operates with the same categories of areas for activities as the Bucharest Plan of Action: human rights, democratization, civil society participation, rule of law, peaceful conflict resolution, tolerance, free media, economic and social problems, rapid ratification and implementation of relevant international instruments (in this case including the FATF’s 40 Recommendations on Money Laundering and eight Special Recommendations on Terrorist Financing), and furthering regional and inter-

6 Cf. UNODCCP/OSCE, Summary Report, Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism, 13/14 December 2001, Bishkek, Kyrgyz Republic, Vienna/Bishkek 2002, SEC.GAL/32/02.

7 In addition to a Declaration agreed upon by the participants of the Conference, the Summary Report also contains this Programme of Action.; cf. Summary Report, cited above (Note 6).

national co-operation. It furthermore identifies additional needs in Central Asia resulting from the region's vicinity to Afghanistan. It pleads for special efforts to be made by the international community to provide technical and financial assistance to Central Asia, and the participating States agree to consider granting financial and other aid to the region to strengthen the fight against terrorism. Strengthened capacity for border control, sustainable economic development and joint training activities and capacity-building are the main areas recognized in this regard.

In order to facilitate implementation of the Bucharest Plan of Action and the Bishkek Programme of Action, the Portuguese Chairman-in-Office has appointed a Personal Representative for Preventing and Combating Terrorism. The former Danish Minister of Defence, Jan Trøjborg, who has been given this position, has been mandated to act on behalf of the Chairman-in-Office to mobilize and articulate OSCE activities in implementation of the two documents and to undertake efforts to co-ordinate with other international organizations. The implementation efforts will also be supported by a new Anti-Terrorism Unit in the OSCE Secretariat.

Over and above the concrete steps to be taken, a relevant role of the OSCE must also be seen in the fact that it constitutes a permanent forum for deepening political discussion, debate and negotiation. This means that through the OSCE, participating States - and, to some extent, the various partners for co-operation - can be mobilized to do their own, national part in a battle that concerns all of us. The swift agreement of participating States to take a united stand against terrorism must be viewed in the context of the increasing importance attributed to addressing issues affecting the entire OSCE region. The work on terrorism can be seen very much as a common endeavour, and the active and constructive approach taken by all participating States contributed immensely to demonstrating the ability of the OSCE to rapidly come to an understanding and concretization on the work to be done and to proving the usefulness of the Organization to all its participants.

All parts of the OSCE have become engaged in the struggle against terrorism. The OSCE Parliamentary Assembly has made "Confronting Terrorism - a Global Challenge in the 21st Century" the theme of its Annual Session in July 2002 and adopted a comprehensive resolution on this issue. The Assembly has also developed its own road map of activities to help implement the Bucharest Plan of Action. The special role of Parliamentarians in contributing to achieving the goals of the OSCE must be recognized, particularly vis-à-vis conducting a dialogue among Parliamentarians with a view to further developing legislation needed to combat terrorism, as well as in the area of strengthening democratic structures across the OSCE region.

While the Bishkek Conference, being co-organized by the OSCE and the UNODCCP, is an excellent example of co-operation between international organizations and thus of the practical implementation of the Platform for Co-operative Security, the need remains for continuous co-ordination be-

tween various actors in the field. This was registered also in the OSCE Bucharest Plan of Action. The OSCE has constantly defined its role in the fight against terrorism as being auxiliary to that of the UN, and a lot of effort in the Plan of Action goes towards ensuring compliance with UN conventions and protocols on anti-terrorism issues and Security Council resolutions, which are regarded as constituting the overall, global legal framework for combating terrorism. Participating States have pledged to apply efforts to become parties to all the twelve relevant UN conventions and protocols by the end of 2002, and several states have informed the Permanent Council of their subsequent ratification of these documents. This is *one* way of creating synergies between the activities of states and organizations, but most likely others exist. On 12 June 2002, the Portuguese Chairman-in-Office convened a meeting between the Secretaries General of the relevant international organizations to co-ordinate strategies regarding counter-terrorism programmes. This successful meeting was followed by a meeting on 6 September 2002 with sub-regional organizations and initiatives in the OSCE region where likewise questions on a joint approach to combating terrorism were discussed. Only through such concerted efforts will the fight against terrorism be successful. Not least there seems to be a role for the OSCE to play as a regional platform for the implementation of UN decisions, after all, the OSCE is a regional arrangement under Chapter VIII of the UN Charter.

All actors have the common end goal of eradicating terrorism, but their strategies, means, and intermediate objectives do vary a great deal. While some originally thought that the scope would be considerable for broadening initiatives taken by other organizations, institutions and fora, such as the EU or the G8, to the bigger circle of OSCE participating States, it then however became evident that - at least to a large extent - these other groups carry out very specific activities not necessarily suited to or possible in the more multifaceted framework of the OSCE participating States. The European Arrest Warrant provides an example in this regard. This is not to say, however, that all groups would not benefit from an exchange of views and information on work in progress or planned. Ambitions for co-operation do have to be focused very much on complementary activities, though, and cannot strive to copy each other. Here interaction with the EU on well-defined questions relevant to the fight against terrorism, such as policing, border monitoring, anti-trafficking and combating the financing of terrorism, may be more relevant, also keeping in mind the presence of the OSCE in areas of relevance such as Central Asia.

Working to combat terrorism has proven an integrating factor for the OSCE as an organization. The capacity of the Organization to react rapidly to a new situation after September 11 was demonstrated and the ability to develop relevant responses to emerging security challenges confirmed. Implementation of the tasks we have set ourselves is underway and the readiness to co-ordinate with other organizations as they develop their responses will con-

continue to be a main characteristic of our activities. Further, internal co-ordination between various institutions and between, to mention one example, the Permanent Council and the Forum for Security Co-operation, is likely to improve, perhaps also more generally. The strengths of the OSCE lie in tools and tasks that take effect over time and need sustained effort. While we should not, perhaps, expect the OSCE's activities to lead to massive improvements in the very short term, they provide a distinct perspective for change over time.

The OSCE of the 21st Century - A Departure for New Horizons?

Where Does the OSCE Stand?

On the surface, the OSCE has been doing well at the beginning of this new century: It functions within the framework of the options open to it; in the last few years, it has to a great extent been able to broaden its task area regionally and thematically; it has around 20 efficient missions with around 4,000 mission members in the field; it has successfully mastered the new field of border monitoring; and it is preparing to establish a new pillar in its work by carrying out police-related activities. In the OSCE area of the 55 OSCE participating States, there is adequate reason to take action in all three "baskets" of the Helsinki Final Act. Conducting elections in the Balkans alone has become a permanent challenge. The implementation of military confidence- and security-building measures (CSBMs) functions extraordinarily well. At the Istanbul Summit shortly before the turn of the century, the adoption of the Charter for European Security marked a last highlight, for the present, in the history of the OSCE as a norm-setting security policy organization.

In the Istanbul Summit Declaration, the Heads of State or Government of the participating States stated: "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 need the contribution of a strengthened OSCE to meet the risks and challenges facing the OSCE area (...) 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."¹

There has not really been much progress made with this concept, namely the sustainable strengthening of the OSCE, since Istanbul: During the Austrian Chairmanship in 2000, the OSCE was caught up in a crisis that was no fault of its own, which started with differences of opinion on the manner, extent and speed at which the Istanbul commitments were to be fulfilled and which Russia used to call for a comprehensive reform of the Organization in the framework of the European security architecture. Objections were made, in particular, to the geographical imbalance, the unequal treatment of East and West; it was said the OSCE has kept a continually critical eye only on post-

1 Organization for Security and Co-operation in Europe, Istanbul Summit Declaration, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 413-424, here: p. 413.

Soviet space, but not on the other security-relevant phenomena in the Western part of the area covered by the Helsinki Final Act such as the conflict in Northern Ireland, Basque terror, xenophobia in Western Europe, the problem of Western countries being the destination countries for trafficking in human beings, extremism and separatism, the situation of minorities, migration problems or the big issue of terrorism.

When the two Missions to the Baltic states, the Missions to Riga and Tallinn, were shut down in January 2002 - against the will of the Russian Federation - this displeasure became particularly apparent because in the eyes of Moscow, of all missions those two were closed that had been established to deal specifically with Russian concerns, namely the rights of Russian minorities in Latvia and Estonia. A long debate on the disequilibrium in the budget followed and paralysed the OSCE into the spring of 2002.

Finally, the thoughts and actions within the circle of the 55 Permanent Representatives in the OSCE Permanent Council, were moulded by other considerations that all involved the repercussions of September 11: The willingness grew on all sides to use the advantages of the OSCE to combat terrorism to the full extent and not refuse to face the challenges of this phenomenon but rather to recognize that Europe and North America would have to move closer together to be able to maintain their own civilization. While at the beginning of the year, one was still hearing ironic questions from the Russians about the OSCE's death day, now things have a different tune: In a speech in Almaty, President Putin praised the OSCE as a strategically important organization in Europe.

The Bucharest Ministerial Declaration of 3/4 December 2001 had already implied this development; parallel to this the Decision on Combating Terrorism and the Bucharest Plan of Action for Combating Terrorism were adopted. In paragraph 8 of the Bucharest Ministerial Declaration, a course has been set which could change the face and the future of the OSCE fundamentally provided that all participating States have the political will to achieve this. It states: "We affirm our determination to address the threats to security and stability in the 21st century. We request that the Permanent Council develop a strategy for the OSCE to do its part to counter these threats. We request the Forum for Security Co-operation to make its own contribution, within its competencies and mandate."² Apparently, this phrasing, which was accepted equally by both the US and Russia, goes back to the conversations between President Putin and President Bush in Crawford, Virginia that had taken place a few days before the Bucharest Ministerial Meeting. This paragraph represents not more and not less than the directive to find a new road map, a new positioning for the Organization, which makes it fit and functional for the 21st century. In the summer of 2002, the Portuguese Chairmanship, per-

2 Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, reprinted in this volume, pp. 391-417, here: p. 393.

haps predominantly due to the prior conversations between the two presidents, tasked the Permanent Representatives of Russia and the US in Vienna with presenting a first draft of a paper on how this perspective could be realized. All other states have been called on to contribute their deliberations on this so that a first orientation and/or concrete task directives can be given in the form of Ministerial Decisions, perhaps even by the Ministerial Meeting in Porto in December 2002. However, this task will not be fulfilled by merely looking for new diplomatic formulas that veil the problem but do not lead to a solution. It cannot mean fixing one's gaze on new expectations without making commitments, but that these expectations be given a concrete definition. This is the point in time to have the courage to dare to take a quantum leap ahead, which would not only revitalize the OSCE, but would give it the political foundation that befits it as the only comprehensive European security organization. No other organization in Europe has the advantage of linking both North American democracies with all European states as far away as the participating States in Central Asia, which guarantee that the OSCE today has a common border with China. If one adds the enormous interest of the OSCE partners for co-operation Japan, South Korea and Thailand to this, suddenly the old dream of a security zone in the northern hemisphere that reaches from Vancouver to Vladivostok is near enough to grasp. This is not a farfetched idea as the OSCE with its normative acquis and well-developed operational capabilities is recognized as an indispensable instrument of civilian crisis prevention. It does not remain static in the security policy environment, but must be ready to be anchored in a new environment at any given moment. The view to its potential and comparative advantage over other international organizations, also the EU, NATO and the Council of Europe, should not be obscured: Its flexible and rapid procedures, the equal integration of its participating States, its regional and operational capability to take action especially where other security policy actors have not shown these capabilities or do not want to become actively engaged politically and its extensive effect within civil societies, all speak convincingly for the OSCE. One cannot reproach the OSCE of having a negative balance: Instead, for the year 2001, it produced on the whole very respectable results. It has proved its worth as one of the most important if not the most important organization for civilian crisis prevention: Its 20 field missions have performed efficient work and no one who takes civilian crisis prevention seriously would question the work of these missions. The OSCE also reacted quickly to the events of September 11 by adopting an action plan for combating terrorism as early as December 2001. It is the only organization represented in all five Central Asian states and contributes through its presence and its comprehensive political approach to the fact that particularly in this region the process of democratization and the development of the rule of law are not disregarded in the fight against terrorism. Through its Representative on Freedom of the Media Freiheit Duve, it is taking care to see that the freedom of the media is preserved

in the entire OSCE area, in East and West, during this critical period. The Office for Democratic Institutions and Human Rights (ODIHR) has worldwide been given the highest praise for its project work and its work in conducting elections. The same is true for the work of the High Commissioner on National Minorities, Max van der Stoep until June 2001 and now Rolf Ekéus, who have worked discreetly in the background to prevent conflict. The OSCE has had many success stories it could boast, like coping with the crisis in Macedonia and in the Preševo Valley between Serbia and Kosovo. Its multi-ethnic police work, particularly in Kosovo and southern Serbia, is widely recognized; no one else can accomplish this work. Finally, it has an active Parliamentary Assembly, which in particular during the past few months above all has voiced the ambition that it would like to contribute politically to the work of the Organization and that it would give the impulses required to do this.

To a large extent, the OSCE was and still is also the anchor of conventional and military transparency in Europe: It offers the basis for an extensive dialogue on military doctrines and defence policy. Within the framework of the Vienna Document and the OSCE-supported CFE Treaty, it guarantees the core contribution to conventional stability, disarmament and arms control throughout Europe and Central Asia by implementing and evaluating military information exchanges, evaluation visits and inspections. It contributes substantially to the stabilization of the Balkans by implementing and monitoring the arms control regulations of the Dayton Accords. With the adoption of its Document on Small Arms and Light Weapons, it made a most decisive and successful contribution to the development of the United Nations Action Plan on Small Arms. Finally, at the end of 2001, Russia was the last state to ratify the Open Skies Treaty, which is under the OSCE umbrella; this Treaty is the most far-reaching confidence- and security-building agreement covering Europe and beyond.

On the whole, the OSCE has been consolidated institutionally, its reforms have to a large extent been completed, its comparatively low budget of less than 200 million euro per year is astonishing: Germany contributes around 25 million euro per year; this is less than our contribution to the UN Sierra Leone mission alone. In view of the facts that the deficits in human rights, democracy and the rule of law continue to exist and that there is a necessity for military stability, transparency and confidence building in the entire OSCE area, this is not much. If the "Charter for European Security" adopted at the Istanbul Summit in 1999 were implemented, it would provide an extensive foundation for a pan-European security policy.

What Is to Be Done with the OSCE?

A look at the end of the year 2002 offers a view to new perspectives. In November at the NATO summit to be held in Prague, in all probability, the deci-

sion will be passed for large-scale NATO enlargement with up to seven new NATO member countries. In December at the Copenhagen European Council, it will become clear which countries will soon become members of the European Union. Neither will this be a small number. Will this lead to the European Union becoming an even more ambitious actor on the European stage? One who is by nature highly attractive to its member countries and who will develop new fields of activity? The job of taking over the tasks of the IPTF in Bosnia would actually have fit the OSCE like a glove, but because of European policy considerations it went instead to the European Union, namely as evidence that the European Security and Defence Identity was already capable of functioning. Thus it follows that it will be increasingly less compelling that only the OSCE be able to assume certain tasks which were assigned to it in the past. The more European countries orient themselves towards Brussels due to the political gravitation pulling them there, the wider the cleft will become. Thus it follows that the OSCE and the European Union must adapt to one another and both must do their part to implement the Istanbul Platform: It is co-operation that is necessary, not competition. As far as the human dimension is concerned, most non-EU countries in Europe pay closer attention to the Council of Europe in Strasbourg or to the Copenhagen Criteria, which seem to motivate them more strongly than an appeal to fulfil their OSCE commitments. The role of the EU progress reports in the debate on closing the OSCE Missions to the Baltic states is clear evidence of this. Even in places where admission to the EU is still a distant prospect, it provides motivation through the Stabilization and Association Agreements, which seems greater than that of the OSCE. Perhaps, because in contrast to the European Union, the OSCE cannot wield "sticks and carrots" - due to the consensus principle, it is left with little but appealing to the willingness and political will of its participating States.

Also the perspective of NATO membership and the confidence-building co-operation within the framework of the "Partnership for Peace" programme and in the "Euro-Atlantic Partnership Council" have weakened the interest in the OSCE as a framework for arms control transparency and confidence building, although the higher added value of substantial decisions in this area has been reserved for the OSCE. However, if for example Russia comes closer to its goal in the arms control policy area of becoming involved in NATO decisions, even this function will increasingly be passed on from Vienna to Brussels.

However, there is new interest in a security policy dialogue also in the OSCE. At a colloquium in June 2002 in Baden near Vienna, the US presented a proposal which was received with interest by Russian representatives: the establishment of a security forum that would meet at least once a year in Vienna at which high-ranking representatives from European capitals would gather to discuss and analyse the European security situation within the framework of the OSCE.

This proposal does indeed go back to Russian impulses. During the discussion on reform in the last two years, Russia has continually criticized the fact that the OSCE no longer assumes the original function given it by the Helsinki Final Act, namely to conduct a political dialogue. According to many observers, the debates in the Permanent Council have been reduced to mere pre-formulated statements. It is said that only in the Preparatory Committee, which always convenes prior to the Permanent Council, do such debates still to a certain extent take place - however, this is not considered enough. One remembers that years ago Russia had totally different plans for the OSCE: As the organization with the most members, it was to be placed at the head of all other European organizations, even NATO; decisions were to be taken jointly, also on enlarging the European Union and NATO.

The idea of this type of forum is irresistible, but it should be expressed more boldly: A European Security Forum should be created that deserves this name and that would place the OSCE in a position to associate with the other European institutions on the same political level. I am not talking about a European security council; this would neither be feasible nor desirable. However, if it is true that in the past ten years, in particular in the Balkans, the European institutions have daily proved that they can only cope with a large task by co-operating and not competing with one another, then also the OSCE must have a seat at the table in Brussels and not at the side table in Vienna. What speaks against a European Security Forum convening regularly in Brussels with an agenda that also affects all other institutions in which political strategies are discussed, tasks distributed, synergies produced and frictional losses avoided? If the NATO Secretary General, the OSCE Chairman-in-Office, the Secretary General of the Council of Europe and the EU High Representative for Common Foreign and Security Policy all met to co-ordinate for example the activities in crisis regions like Central Asia, Moldova, the Caucasus and the Balkans without political detours, this would have a decisive advantage: The countries that belong neither to the European Union nor to NATO - and this would still be a good half of all OSCE participating States - would also be involved in these European decisions - an immeasurable advantage.

If the political will for this kind of an institution existed throughout Europe, one would not need to waste a lot of time, energy or money to be able to produce this kind of political added value. What would make more sense than for the foreign ministers to tackle this issue at the OSCE Ministerial Council Meeting in Porto at the beginning of December and to give the Council the corresponding directives on this? There is already an OSCE Summit at the level of the Heads of State or Government planned for the year 2003. If it is to have meaning, then the role of the OSCE in the 21st century must be given a concrete definition. If after NATO and EU enlargement a new course has been set in any case, a political perspective must be defined for the approximately 30 states that do not belong to any other alliance than the OSCE. No

more but no less is asked, if the OSCE is to make progress in fulfilling paragraph 8 of the Bucharest Declaration.

The Interests and the Commitment
of the OSCE States

The United States, Russia and the OSCE in 21st Century European Security

Where Does the OSCE Stand Today?

It has been over a decade since the OSCE held its second Summit Meeting of Heads of State or Government of all OSCE participating States. In signing the "Charter of Paris for a New Europe" in November of 1990, OSCE members reaffirmed their commitments to OSCE principles and began the on-going process of the institutionalization of the OSCE. The past decade witnessed the full transformation of the Conference on Security and Co-operation in Europe (CSCE) to what is now by any account a true international organization.

The debates over the shape and role of the OSCE in the 1990s are, in some senses a thing of the past. This is not at all to say that all 55 members of the OSCE are in full agreement as to the nature of the OSCE and its role in European security. Major differences exist between participating States. However, the nature of these debates has clearly changed. The United States has always insisted on the primacy of NATO in the European security landscape. Similarly, the Russian Federation had, during the 1990s, attempted to halt the enlargement of NATO and continually proposed, with very little support from other nations, that the OSCE become the overarching security organization for Europe. Others who envisioned the OSCE as the core for a pan-European security system joined the Russians. And though there have been some compromises along the way, for example, the renaming of the CSCE to the OSCE at the 1994 Budapest Summit, in part as a nod to Russian desire to have the OSCE play a more central role in European security, the United States has won the battle for NATO primacy and for keeping the OSCE in what may best be termed a supporting role.

It is probably also fair to say that, up to this point, the US position has held its ground without any of the negative security consequences that OSCE advocates and opponents of NATO enlargement feared. For example, despite fears that the first round of NATO enlargement to Hungary, Poland and the Czech Republic would isolate Russia and strain her relations with the Western Alliance, recent events seem to suggest that these worst fears will not be realized, at least in the short to medium term. This is not to say that NATO enlargement was and is a good thing, though this is not the place for such a debate.

Today, debates are not and should not be about how the OSCE fits into the broader European security architecture. Instead, it is now time to more appropriately ask what is the OSCE? Though some OSCE advocates continue

to be disappointed by the supporting role that the OSCE plays, others are now coming to appreciate the wide variety of innovative instruments that the OSCE has developed in the fields of democratization, conflict prevention and post-conflict rehabilitation. Through trial and error, fits and starts and good healthy inclusive debates along the way, the OSCE, with a budget of almost 200 million US dollars, now has a rich repertoire of tools at its disposal. The wide variety and geographic scope of its activities are impressive. Not developed with any single vision in mind, the OSCE has sometimes led, sometimes responded, but has always been involved, to one degree or another, in the central security issues of post-Cold War Europe.

Of course, having numerous tools is not the same as effectiveness, and many critics of the OSCE point to an unwieldy decision-making process, inadequate organizational accountability, poorly trained field missions and the lack of a military capacity as evidence of the Organization's lack of meaningful impact on the ground. Observers note that one can hardly look at Kosovo and Chechnya, two areas very much within the OSCE security space, and point to them as models for conflict prevention and ethnic reconciliation. Measuring the effectiveness of the OSCE is important but extremely difficult. International research in places such as the United States Institute of Peace (USIP) in Washington D.C. and the Centre for OSCE Research (CORE) in Hamburg has an important role to play in telling the story of the OSCE and aiding in its assessment. Such evaluations are essential for a full assessment of the OSCE. Suffice it to say, for our purposes here, that increased international attention to the Organization can only help its prospects for continuing to play a vital role in Eurasia, as more scholars and practitioners study and evaluate the Organization. This is particularly important in the United States where there is minimal knowledge of the OSCE and little attention is paid to the OSCE.

The OSCE in the Context of US-Russian Relations

The OSCE did not become what it is by any grand design, and this is what makes it so interesting. From 1975-1990, it was a response to the Cold War, an awkward instrument for dialogue and negotiation during even the darkest days of the East-West divide. From 1990 to the present, it has for the most part developed as a response to the *end of the Cold War* and *the Balkan wars*. For the former, it filled a vacuum in a variety of issues all relating to the human dimension of security including freedom of the media, free and fair elections, and language rights, to name just a few. The OSCE has in this case facilitated the transition of the former Soviet Union. With regard to the Balkan wars, the OSCE has specialized in certain aspects of post-conflict rehabilitation, including the complicated and thorny issues of resettlement of refugees, the establishment of electoral systems and training of local police. It should also be noted that the OSCE's supporting role status prevented it from

becoming the lead international organization in post-conflict Kosovo. Though it was the most important international presence in Kosovo before the NATO bombing, the sheer magnitude of the rebuilding required that the United Nations oversee the international community's efforts in Kosovo. The emergence of the United Nations as the lead organization in post-war Kosovo underscored the limited role that the OSCE could play.

Though grave warnings were often voiced regarding NATO enlargement and the Russian's expressed hopes that the OSCE would somehow serve as *the* true comprehensive security organization for Europe, these dreams of OSCE advocates will surely not be realized soon. And the Russians, despite some protests about NATO and the role of the OSCE in Russia and its sphere of influence, seem to have accepted this reality. Russian assertions that the OSCE is the only possible organization that could support and maintain a Europe whole and free are less frequent. Nonetheless, tensions exist and some Russian cries of foul still creep into the debate. The following quote is a good example of this: "Today, the OSCE is neither involved in co-operation (there is blatant dictate instead) nor, even less, in security since the very presence of the OSCE has become a warning for any country of the imminent loss of its sovereignty, whether in full or in part. There is already even a kind of popular saying: first the OSCE, and then NATO (or more precisely the USA)."¹

Four points serve to illustrate the new Russian pragmatism in its relations with the United States. *First*, US-Russian co-operation after September 11 has been extensive. Current US Ambassador to the OSCE Stephan Minikes and US Ambassador to the Russian Federation Alexander Vershbow wrote that "(w)hile the NATO Alliance evoked its self defense clause for the first time in its history in the aftermath of September 11, it is no less true that the Russian Federation responded to these events as we would expect an Ally to do".² From meaningful logistical support through such actions as allowing the US to station US troops in Central Asia and the Caucasus, to general rhetorical and moral support, September 11 well illustrated that the United States still needs Russian co-operation to address some of the world's most dangerous security problems. This recognition was good for the United States and Russia and has helped to solidify this still important bilateral relationship.

Second, though the Russians are still not pleased with the US decision on 13 December 2001 to withdraw from the ABM Treaty in order to pursue National Missile Defense (NMD), the most recent Russian reaction has been quite muted. Ten years ago, few would have predicted such a response to what was then perceived as an action that would cause irreparable harm to

1 Nezavisimaya Gazeta of 15 February 2002, cited in: OSCE Newsletter 3/2002, p. 16.

2 Alexander Vershbow/Stephan Minikes, Russia and OSCE: Enhancing Security Cooperation to Russia's South, in: Kommersant of 3 April 2002, from the web site of the United States Mission to the OSCE, <http://www.usosce.rpo.at/archive/2002/04/3op-ed.htm>.

US-Russian relations. President Vladimir Putin had earlier threatened that Russia would pull out of some existing arms control treaties with the United States; but the recent signing of a new strategic arms control treaty is strong evidence that the US withdrawal will not provoke a serious backlash in Russia. Celeste Wallander sums this up well when she writes: "The Russian government has bet it will not lose as much from a world without the Anti-Ballistic Missile Treaty as it will gain from a United States willing to cooperate."³

Third, the US and Russia agreed on 24 May 2002 to reduce the deployed nuclear arsenals on both sides by nearly two thirds - this despite long-held Russian objections to the US insistence that only deployed warheads be counted towards the total. But as in many negotiations between the countries, the US position prevailed. This agreement clearly indicated that disagreements over strategic arms would no longer impede progress in US-Russian relations. Though nuclear reduction advocates have been critical of this treaty because it does not require the dismantling of retired warheads and moreover envisages a ten-year time period for full treaty implementation, it is probably better than the absence of an agreement. The bilateral nuclear relationship between the two nations is taking a backseat to more pressing issues. This was perhaps best summarized by US Secretary of State Colin Powell who - alluding to a dispute, which had recently been reconciled, over a Russian import ban on American poultry - said: "I am more worried about chickens going back and forth than missiles going back and forth. This is good."

Fourth, on 14 May 2002 NATO further elaborated on previous attempts to engage Russia with the announcement of the NATO-Russia Council, a new measure to enhance co-operation on terrorism, arms control and international crisis management. Over the last decade, we have witnessed the creation of numerous NATO mechanisms (Partnership for Peace, the North Atlantic Co-operation Council, the Joint Permanent Council, the Euro-Atlantic Partnership Council) that all have fallen short in their efforts to satisfy Russian desires to be considered an equal power in Europe. Whether this recent effort will actually amount to more than previous half-hearted attempts to assuage Russia by creating special mechanisms for Russian input into NATO still remains to be seen. But the new agreement, heralded by British Foreign Secretary Jack Straw as "the funeral of the Cold War," appears to offer Russia an equal role in discussions and actions on certain, limited issues with the 19 NATO member countries. NATO members will still maintain control over decisions regarding the use of force or membership in the Alliance. At best, Russia will still be a junior partner in the increasingly important Alliance. To underlie the shift in Russian thinking and their more pragmatic approach on NATO, Russian objections to NATO enlargement, even to the Baltic states, has been more muted than one would have predicted just a few years ago.

3 Celeste Wallander, Russia's Strategic Priorities, in: Arms Control Today, January/February 2002, p. 4.

There is an obvious pattern here. On each security issue, where there has been a disagreement between the United States and Russia, Russia has yielded to the United States on important points of international security. The evolution of the OSCE is a very powerful example of this. The Organization is much more a reflection of the US vision than it is of the Russian vision. This is true not only in terms of the overall role that the OSCE has in the European security architecture but also in the nature and shape of the Organization.

Though I refer to a new Russian pragmatism above, Russian acquiescence must also be seen as the reflection of a great power differential between the US and Russia. This pragmatism combined with Russian weakness has made for at least the appearance of more co-operative relations between the two former adversaries. One can indeed imagine an alternative scenario where Russian weakness, coupled with a non-pragmatic foreign policy, created intransigence in the Russian foreign policy elite that prevented the important agreements outlined above. Though there is some fear and evidence that the Russian foreign policy elite is out ahead of the public on this rapprochement with the United States, it is also true that foreign policy is not a particularly salient issue amongst the Russian masses today.

Of course, despite what I have described as a new Russian pragmatism, numerous points of contention do remain between the United States and Russia. And many of these are areas where the OSCE has a unique role. President Putin's support of the autocratic President of Belarus Alexander Lukashenko has not gone over well with many in the West. And the Russians continually isolate themselves with defences of Lukashenko within the OSCE, where they successfully handcuffed the OSCE Mission to Belarus. The Russians have continued to fail to live up to its OSCE obligations to withdraw its 2,600 troops from Moldova. And in Georgia, Russia maintains thousands of troops and has failed to close the Russian military base Gudauta, located in Abkhaz territory. Here, the Russians have concerns about incursions by Chechen rebels.

The Example of Chechnya

It is in Chechnya that that the US and Russia have had major disagreements. Chechnya serves as an important example of the kinds of conflicts that have existed within the OSCE and continue to exist today. These disagreements have dissipated a bit in the wake of the terrorist attacks on the United States. Russian co-operation has given rise to the view that the United States might become less critical of the on-going conflict in Chechnya, closing a blind eye to Russian violations of OSCE norms and principles, perhaps recognizing that the Russian national interests justified its operations against "Chechen terrorists".

The OSCE role in Chechnya has been long and torturous. The OSCE Permanent Council agreed to the establishment of the OSCE Assistance Group to Chechnya in April of 1995. The OSCE played an important role in issues of traditional concern to the OSCE. It helped to broker ceasefires between the warring sides and helped to organize the presidential elections in Chechnya in 1997. As the only international organization present in Chechnya at the time, the OSCE took on tasks where it had considerable expertise and experience, particularly in the fields of human rights, post-conflict rehabilitation and reconstruction of the Chechen economy. However, the security situation on the ground forced the OSCE Assistance Group to withdraw from Chechnya to Moscow in December 1998. And Russia always had a contentious relationship with the Assistance Group, expressing serious disagreement in September of 1999 when the Assistance Group documented human rights violations against the Chechens and sent these to all OSCE delegations in Vienna.⁴

The OSCE Istanbul Summit in November of 1999 was dominated by the Russian military campaign in Chechnya. At the Summit, the then Russian President Boris Yeltsin argued: "You have no right to criticize Russia over Chechnya. We are standing up to a wave of terrorist acts which have swept through Moscow and other cities and villages of our country. 1,580 people - peaceful citizens - have suffered." Though the mandate of the Assistance Group was reaffirmed in Istanbul, the Russians were also insistent that the OSCE reaffirm Russian territorial integrity and condemn terrorism.

Further tensions within the OSCE over Chechnya were apparent at the end of 2000 when Russian Foreign Minister Igor Ivanov resisted OSCE pressures. Ivanov vetoed a draft statement at the Vienna Ministerial Meeting that called for investigations into alleged crimes against Chechen civilians, the first time the Russians had vetoed an OSCE statement since the collapse of Communism. Further serious tensions arose when then OSCE Chairperson-in-Office Austrian Foreign Minister Benita Ferrero-Waldner criticized Russian actions in Chechnya in an official statement. The Russian delegation to the OSCE strongly condemned this action saying that it violated OSCE consensus rules. This prompted the delegation to urge the OSCE to reconsider the very way that the OSCE operated and the Chairman's right and ability to make statements in the name of the entire Organization. The US supported the Chairperson-in-Office. Much of the rhetoric surrounding this conflict echoed Soviet statements at the CSCE in the 1970s and 1980s when they complained that the Conference had a human rights double standard, only criticizing alleged human rights violations in the Soviet sphere of influence while ignoring alleged violations in the West. In addition, OSCE criticisms of Russian actions in Chechnya prompted the Russians to raise the issues of Northern Ireland, Corsica and Cyprus within the OSCE's Permanent Council.

4 Cf. Diederik Lohman, The international community fails to monitor Chechnya abuses, in: Helsinki Monitor 3/2000 pp. 73-82.

The logjam was broken as part of the new spirit of co-operation between the United States and Russia when the OSCE Chairman in Office in 2001, Romanian Foreign Minister Mircea Geoană, announced the official opening of the OSCE Assistance Group office in Znamenskoye (northern Chechnya) under the leadership of Romanian Ambassador Alexandru Cornea (followed by Finnish Ambassador Jorma Inki in February 2002). But even this breakthrough was not without controversy, as some Western nations complained that the agreement called for the funding of a 25-man Russian Justice Ministry protection force. This led some to question the freedom and of the Assistance Group to fulfil its OSCE mandate.

Of course, after September 11 the OSCE's reach into Central Asia became more salient than it had previously been. The Central Asian states have had a long held concern with Islamic terrorism and the Taliban. But there is a broader issue at hand here as well. September 11 made it clear that stability in the Central Asian states was of paramount importance to the United States, and a renewed US commitment to the region is evident. However, there are those who feel that this new commitment will cause the United States to ignore the region's lack of compliance with important OSCE human rights principles. Some fear that September 11 may result in the weakening of international support for human rights, democracy, freedom of the media and other important OSCE principles.⁵ In this context, the Russians have also expressed concern over the closing of the OSCE Missions to Latvia and Estonia, urging that other OSCE mechanisms such as the OSCE High Commissioner on National Minorities remain engaged in minority rights issues in these Baltic states. This led to Russian reluctance to approve the OSCE's 2002 budget.

Discrepancies between Resources and Reality

While the OSCE has grown in profile and its mission has grown increasingly challenging and complex, the Organization frequently lacks the resources it needs to fulfil its growing role in conflict prevention. The United States, partially because of its obsession with NATO and its enlargement, and partially because OSCE is the forum favoured by Russia to deal with European problems, often resisted strengthening the OSCE. It is thus particularly ironic that Richard Holbrooke, former US Assistant Secretary of State, who had resisted attempts to strengthen the OSCE, designed agreements in both Bosnia and Kosovo that greatly expanded the OSCE's roles and responsibilities. The United States has always insisted on keeping the OSCE's Vienna Secretariat as small as possible, favouring instead the establishment of long-term missions. Some have suggested that this is the best way for the US to control the

5 This view is expressed, for example, by Arie Bloed, *The OSCE and the war against terror*, in: *Helsinki Monitor* 4/2001, p. 315.

OSCE, since a 55 member international organization operating on the principle of unanimity is hard to control, even for a superpower like the United States. Instead, it often had former US foreign service officers appointed as head of the most important OSCE missions in the field as a way of controlling important OSCE missions.

The OSCE is still a small organization by the standards of the United Nations and NATO, and has sometimes had to struggle to keep up with the increased role it has been asked to play in Europe. An example of this came when the world breathed a collective sigh of relief in the autumn of 1998 when it was announced that US envoy Richard Holbrooke forced an agreement with the then Yugoslavian President Slobodan Milosevic that might end the on-going violence in Kosovo. The agreement appeared to have come about from a combination of the threat of military action by NATO and the use of the OSCE to monitor the agreement. Clearly NATO, as the world's most powerful military alliance, had the means and know-how to inflict significant damage on the Serbs. What remained to be seen was whether the OSCE could really monitor the agreement - that is, deploy a 2,000-person monitoring mission in a timely and effective fashion. According to the then OSCE Chairman-in-Office, Polish Foreign Minister Bronislaw Geremek, it was the most challenging mission in the Organization's 23-year history. When Holbrooke was asked in an interview where the 2,000 people would come from, he said: "Anyone who wants to sign up should send their application to Vienna." In fact, the OSCE never reached full strength in Kosovo.

It was indeed the OSCE's struggle to fulfil this mandate that led the Organization to begin to think about how it could more rapidly mobilize to fulfil assigned tasks. A US initiative was accepted at the Istanbul Summit to set up Rapid Expert Assistance and Co-operation Teams (REACT). REACT is a database that lists experts who would theoretically be prepared to be deployed in field missions on short notice. It is hoped that the new Operation Centre will also help in the deployment and training of personnel for OSCE field activities. This will probably still not leave the OSCE as prepared to wage peace as NATO is to persecute a war, and thus it is still worth asking why the great powers are so much better prepared to wage war rather than enforce peace.

The Future

Many questions remain as the OSCE continues to grow and examine itself as it evolves. Questions concerning the role of the Secretary General vis-à-vis the Chairman-in-Office, how to improve the accountability of OSCE field operations (which account for nearly 85 per cent of the OSCE budget) to the Secretariat, and how to make more efficient the decision-making procedures of the OSCE continue to be explored. But I think, as mentioned earlier in this

essay, the more holistic questions of the role of the OSCE in the overall European security architecture are no longer as relevant as they were a decade ago, or perhaps even five years ago. The enlargement of NATO and the EU go forward, providing the institutional framework for pan-European security that some thought should have been reserved for the OSCE. Realists and most idealists no longer argue about this today.

Few would have predicted in 1975, or 1990, what the OSCE would look like in the spring of 2002. Many difficult tasks no doubt lie ahead. For example, on 16 March 2001 the OSCE opened a new Mission to the Federal Republic of Yugoslavia. It is probably fair to say that few can predict what the OSCE will look like ten years from now. It is this flexibility that has been its biggest strength, and will continue to be so as future security issues in Europe emerge. The OSCE will, in all likelihood, remain what it is, an important, diverse and comprehensive security organization with an all-European membership and a close connection to issues of democratization, human rights and military security. And the United States will remain the ultimate guarantor of peace in Europe, with continued reliance on the expanding and broadening NATO Alliance.

The OSCE and US-Russian Co-operation in the Fight against Terrorism

As a primary tool for early warning and conflict prevention and in view of its important contribution to crisis management and post-conflict peace-building in the Euro-Atlantic region, the OSCE is perhaps the most flexible and responsive regional security and policy instrument for non-military activities, offering a number of strong advantages in addressing transnational threats to security and stability. The tragic events of 11 September 2001 in the United States have demonstrated that international terrorism poses one of the most critical transnational threats facing the OSCE States in the 21st century.

OSCE Anti-Terrorist Policies and Actions

The problem of international terrorism was not entirely new for the OSCE at the time of the 2001 terrorist attacks against the US. As early as 1975, the CSCE participating States had agreed in the Helsinki Final Act to refrain from direct or indirect assistance to terrorism, reaffirming this commitment in the following years. The OSCE further strengthened its condemnation of all forms of terrorism after the end of the Cold War, when the participating States agreed at the Budapest Summit in 1994 that terrorism could not be justified under any circumstances. This statement was reconfirmed at the 1999 Istanbul Summit, where the OSCE States promised to enhance their “efforts to prevent the preparation and financing of any act of terrorism on our territories and deny terrorists safe havens”.¹

The OSCE participating States, both individually and collectively, have been deeply affected by the events of September 11. Two days after the attacks, the OSCE Permanent Council expressed the determination of the participating States to unite to put an end to terrorism, stating: “Those responsible for sponsoring, organizing, harboring and supporting in any way the execution of these criminal acts must be brought to justice.”² On 21 September, the OSCE Chairman-in-Office, Romanian Foreign Minister Mircea Geoană, called on the participating States to work together to develop an OSCE plan of action for the fight against terrorism and urged them to intensify inter-agency co-

1 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. 427.

2 OSCE, Permanent Council, Decision No. 438, Decision by the Permanent Council on the Acts of Terrorism in New York City and Washington, D.C., PC.DEC/438, 13 September 2001.

operation at national, sub-regional, and regional levels, to strengthen their legislation, including provisions for a European-wide mandate for the detention and extradition of suspects, and to identify and clamp down on the financing of terrorism. He also requested that the OSCE field missions take on or intensify a number of activities, such as increased border monitoring, policing activities and multi-ethnic police training in vulnerable regions as well as the channelling of assistance on standardizing counter-terrorism legislation and training. On 28 September 2001, the Chairman-in-Office established the OSCE informal open-ended Working Group on Terrorism which was mandated with preparing a draft text on combating terrorism for the Bucharest Ministerial Council. On 11 October, the OSCE Permanent Council adopted a statement in support of the US-led actions to counter terrorism as well as the international anti-terrorist coalition and emphasized the duty of the OSCE States to fully implement relevant UN Security Council resolutions.

At the same time, even at the earliest stage of the anti-terrorist campaign, the OSCE has proved to be one of the most consistent “human rights” watchdogs. The Chairman-in-Office Geoană called on the OSCE States to firmly hold on to the Organization’s values, norms and rules to prevent any damage being done to the democratic achievements in any of the former crisis areas of OSCE space and “not use the fight against terrorism as an excuse for human rights abuses”.³ In a joint statement with UN and Council of Europe representatives, the Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Gérard Stoudmann, urged governments to ensure that measures to eradicate terrorism strike a fair balance between legitimate security concerns and fundamental freedoms and are fully consistent with their human rights commitments. The statement stressed that “the right to life, freedom of thought, conscience and religion, freedom from torture or cruel, inhuman or degrading treatment, and the principles of precision and not-retroactivity of criminal law”⁴ may not be derogated from under any circumstances. At the OSCE conference on Media Freedom held in Almaty in December 2001, particularly the Central Asian governments were advised not to take the new climate of heightened security as a justification for repressive steps against opposition media.

In the meantime, the OSCE Working Group on Terrorism developed an anti-terrorism action plan, agreed upon by the foreign ministers from the 55 participating States at the Ninth OSCE Ministerial Council in Bucharest on 4 December 2001. The *Bucharest Plan of Action for Combating Terrorism* outlined a general approach to the fight against international terrorism, including a mutual early warning system for any threats that may arise and measures

3 Romanian Foreign Minister and Chairman-in-Office of the OSCE, Mircea Dan Geoană, in his address to the Permanent Council, CIO.GAL/45/01, 21 September 2001, p. 2.

4 Human Rights and Terrorism, Joint Statement by the UN High Commissioner for Human Rights, Mary Robinson, Secretary-General of the Council of Europe, Walter Schwimmer, and Director of the OSCE Office for Democratic Institutions and Human Rights, Ambassador Gérard Stoudmann, Geneva/Strasbourg/Warsaw, 29 November 2002, p. 1.

for the eradication of the sources of financing and the means of support for terrorism across the OSCE region. With the assistance of the participating States and through the OSCE structures (Secretariat, Permanent Council, Parliamentary Assembly, ODIHR, High Commissioner on National Minorities, Representative on Freedom of the Media), the OSCE could take a variety of measures, *inter alia*, in the following fields:

- institution building, strengthening the rule of law and state authorities;
- promoting human rights, tolerance and multi-culturalism;
- addressing negative socio-economic factors;
- preventing violent conflict and promoting peaceful settlement of disputes;
- addressing the issue of protracted displacement;
- supporting law enforcement and fighting organized crime;
- suppressing the financing of terrorism.

Specific measures to be taken by the OSCE institutions include providing technical assistance on draft legislation, advice on the suppression of terrorist financing, border administration and visa controls, and projects to prevent hate speech in the media. Participating States committed themselves to work more effectively to prevent terrorist movements from coming into being, to take joint action against terrorist networks, to encourage regional initiatives for preventing terrorism, to control money-laundering and close money-transfer businesses suspected of aiding targeted groups; furthermore they promised to address the problem of eliminating the sources of terrorism. Efforts to have all OSCE States become parties to the twelve UN conventions and protocols related to terrorism by 31 December 2002 were also pledged, and a finalization of negotiations for a Comprehensive UN Convention on International Terrorism was called for.

The final major OSCE activity undertaken under the Romanian Chairmanship was the “Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism”, which took place in December 2001 under the co-sponsorship of the OSCE and the UN. The *Bishkek Programme of Action*, adopted on 14 December as a further development of the Bucharest Plan of Action, committed convening states “to prevent and to combat terrorism by increasing co-operation in the fields of human rights and fundamental freedoms and by strengthening the rule of law and the building of democratic institutions, based in part on the funding of relevant programmes of the UN as well as the OSCE”. In Bishkek, first recommendations were made specific to the region. However, while growing new risks and security threats to Central Asia, “stemming from areas outside of the OSCE region”,⁵ i.e. from Afghanistan,

5 Welcoming Statement by OSCE Secretary General Ján Kubiš, in: Summary Report, Bishkek International Conference on Enhancing Security and Stability in Central Asia:

were pointed out, minimal attention was paid to the internal sources of terrorist activities in Central Asian states.

In the changed security climate, the fight against terrorism was bound to be declared one of OSCE priorities during the Portuguese Chairmanship in 2002, whose initiatives included *inter alia*:

- appointing the former Danish Minister of Defence, Jan Trøjborg, as the Chairman-in-Office's Personal Representative on Preventing and Combating Terrorism to co-ordinate OSCE anti-terrorist policy and activities;
- contemplating the elaboration of a draft proposal for a possible OSCE Charter to Prevent Terrorism;
- proposing to organize a high-profile meeting on the issue with the participation of international organizations in Lisbon in June 2002.

Moreover, in implementing the tasks outlined in the Bucharest Plan of Action and Bishkek Programme of Action, the OSCE Secretariat as well as other OSCE structures had presented detailed Road Maps on Combating Terrorism by April 2002 specifying timetables on concrete actions to be taken and resource implications.

Against this impressive background, the first immediate challenge to be mentioned is related to the financial backing of the OSCE counter-terrorism agenda. While recommendations for resources necessary to address the administrative and financial implications for the Bucharest Plan of Action were made by the Secretariat in the draft Unified 2002 Budget of 7 December 2001, the subsequent reductions made in the Revised Unified 2002 Budget Proposal of 25 January 2002 significantly diminished the resources available for these purposes. The temporary delay in the approval of the 2002 budget also slowed down the establishment of the Anti-Terrorism Unit within the Secretariat.

As virtually all international organizations and other multilateral institutions and fora have undertaken or declared some kind of support for counter-terrorist efforts, another main challenge for the OSCE is to find its specific role in the world-wide fight against terrorism by trying to build on its specific strengths and comparative advantages as an organization. These strengths include having the largest circle of members in Euro-Atlantic space, a comprehensive security concept that links the politico-military, economic and human dimensions as well as solid expertise and field experience in early warning, conflict prevention, crisis management, post-conflict rehabilitation and building democratic institutions. The OSCE, for instance, can successfully build on its vast experience in police training and rule of law by co-operating with national authorities in preventing the so-called "grey zones" of organized

Strengthening Comprehensive Efforts to Counter Terrorism, Bishkek, 13-14 December 2001, p. 37.

crime activity from being transformed into safe havens for terrorists as well as intensifying efforts to rid vulnerable states and regions of illegal paramilitary forces, e.g. through programmes to support the reintegration of former combatants.

While the US-led anti-terrorist campaign has so far, perhaps inevitably, concentrated on “search and destroy” measures, more fundamental social, economic, political and other factors engendering conditions in which terrorist organizations have been able to recruit and win support have often been overlooked, particularly by individual governments overburdened with the immediate tasks of directly responding to terrorist threats. In other words, while surgical treatment for the disease is provided, its causes remain largely unaddressed. In this context, one of the OSCE’s most challenging tasks will be to explore and, to the best of its capacities, at the same time recognizing its limits, try to address socio-political conditions and root causes that provide a fertile breeding ground for extremist ideologies and make people more vulnerable to manipulation by extremist and terrorist groups. Thus, while it might not be the Organization’s direct task to literally suppress terrorist activities (this is primarily taken on by national security structures and more specialized international agencies), a long-term emphasis on OSCE anti-terrorist policy and activities could and should be on preventive action.

United States OSCE Policy after September 11

While until recently, it was the states of the former Yugoslavia and the former Soviet Union that had experienced the most outrageous acts of politically, socially, ethnically and religiously motivated violence in the OSCE area, the events of 11 September 2001 have demonstrated that even the US as the global leader is not immune to large-scale terrorist attacks against its people and territory. Moreover, the attacks of September 11 were unprecedented in scale and lethality and, in contrast to earlier terrorist acts in this and other regions of the world, are often described as acts of “mega-” or “super-terrorism”.

Since 11 September 2001, the US has increasingly shifted its focus within multilateral security institutions inevitably to coping with international terrorist networks. A week after the attacks, speaking at the OSCE Human Dimension Implementation Meeting in Warsaw, US Ambassador Chris Hill called for “all international organizations to join us in a great coalition to conduct a campaign against terrorists who wage war against our civiliza-

tion”.⁶ In this context, the US representatives called it an “immediate challenge (...) to enlist OSCE in the fight against terrorism”.⁷

On the one hand, the US officials cited a common value-based approach as a basis for the OSCE engagement in countering “an attack against all the universal values that we have all embraced as States participating in this proud organization” and “a threat to our way of life”.⁸ On the other hand, the US was guided by more pragmatic interests and considerations - geopolitical, strategic and financial. While international terrorist networks frequently operate within the OSCE area and, as demonstrated by the attacks of September 11, managed to penetrate throughout much of Western Europe and North America, US experts continue to view states of the former Soviet Union, including Russia (Chechnya), as the most deeply affected, and to stress the need for the OSCE to “strengthen its work to prevent terrorism from gaining a significant foothold in Central Asia and the Caucasus”.⁹ The US strategic interest in getting the support of Central Asian states and Russia for the military operation in Afghanistan should not be underestimated (and the OSCE is the only European security organization where the post-Soviet states enjoy full membership alongside Western countries). Also, in advancing US national interests, the OSCE not only has proven to be one of the most cost-effective institutions, but also brings significant dividends by sparing the US expenditures for costly military engagement, post-conflict rehabilitation and democracy-building. Cost-effectiveness has become especially important as the US has recognized that because it will be unable to “solve the problem in one drastic action”,¹⁰ its anti-terrorist effort is going to be a long-term “sustained campaign”.¹¹

After September 11, the US, within the framework of the OSCE and in accordance with the above mentioned values and interests, suggested a number of possible anti-terrorist measures that included urging members to sign relevant international conventions regarding terrorism, reviewing compliance with relevant OSCE commitments, assisting with drafting new legislation that meets international norms and exploring ways to increase police involvement in the fight against terrorism.¹² More generally, the US placed

6 Opening Plenary Statement by US Delegation to the OSCE Human Dimension Implementation Meeting, delivered by Ambassador Chris Hill, Warsaw, 18 September 2001.

7 As stated, for example, in: Prepared Statement of Hon. A. Elizabeth Jones, Assistant Secretary for European Affairs, U.S. Department of State, in: U.S. Policy Toward the OSCE. Hearing before the Commission on Security and Co-operation in Europe. One Hundred and Seventh Congress, First Session, 3 October 2001, pp. 32-39, here: p. 39, at: <http://www.csce.gov>.

8 Opening Plenary Statement by US Delegation to the OSCE Human Dimension Implementation Meeting, cited above (Note 6).

9 See, for instance, P. Terrence Hopmann, Brown University, Testimony before the Commission on Security and Co-operation in Europe/Supplemental Helsinki Testimony, Helsinki Commission Hearing, Washington, D.C., on 3 October 2001.

10 Opening Plenary Statement by US Delegation to the OSCE Human Dimension Implementation Meeting, cited above (Note 6).

11 Prepared Statement of Hon. A. Elizabeth Jones, cited above (Note 7), p. 39.

12 Cf. *ibid.*, p. 33.

strong emphasis on the character and capacities specific to the OSCE, stressing that the Organization can “play a valuable role in combating terrorism by exploiting its wide membership, traditional strengths in democratization and rule of law, and valuable operational capabilities”.¹³

The US emphasis on the OSCE “traditional strengths”, however, tends to be somewhat one-sided. The Organization’s counter-terrorism potential is viewed by the US largely in the context of activities performed by ODIHR, the High Commissioner on National Minorities and the Conflict Prevention Centre in the fields of democratization, human and minority rights, and to some extent, conflict management, primarily in post-Soviet space, seen as functions “even more central to the OSCE today than they were before September 11”.¹⁴ US experts repeatedly stress the need for the OSCE to improve its capability to perform these functions “before too many additional tasks are given to it that could eventually undermine its lean and flexible organizational structure that has been the cornerstone of its success to date”.¹⁵

In sum, while, on the one hand, the US is interested in getting the strategic support of the OSCE participating States and institutions in its anti-terrorist campaign, on the other, Washington tends to focus primarily on the role of the OSCE as of a democracy-builder and human rights watchdog in the Eurasian and some other Eastern and South-eastern European countries and seems less willing to allow the Organization to assume a higher profile in confronting the transnational security threats faced by all OSCE States including the Western ones.

Russia’s OSCE Policy

The OSCE is the only Euro-Atlantic organization that includes Russia as a full member and allows Moscow to put forward and defend its position on regional security issues and voice its wider security concerns. In the course of the 1990s, with the enlargement of NATO and strengthening of the EU, Russia’s initial post-Cold War hopes to transform the OSCE into the leading security institution in Europe have gradually waned. Moreover, in Russia’s view, by the end of the first post-Cold War decade, the OSCE had moved away from addressing more critical politico-military security issues, leaving them to other European security organizations where Russia was not represented and concentrated mainly on human rights and democratization issues in post-Soviet space and in the Balkans.

Against this background, the political climate within the OSCE, as well as Russia’s attitude towards the Organization, had the potential to change sig-

13 Ibid.

14 Statement on Follow-Up Measures to the Human Dimension Implementation Meeting, delivered by Ambassador David T. Johnson to the Special Meeting of the Permanent Council, US Mission to the OSCE, Vienna, 9 November 2001.

15 Hopmann, cited above (Note 9).

nificantly in the aftermath of the events of September 11. Previously, Russia's concerns about terrorist activities were viewed by most of its OSCE partners mainly as a pretext for Moscow's policy on Chechnya. Russia's attempts to include several anti-terrorist provisions, most of which were based on previous OSCE commitments, in the text of the final declaration of the November 2000 Vienna Ministerial, were heavily criticized by some OSCE participating States who voiced concerns over the potential threat to democracy. In contrast, the 2001 Bucharest Ministerial was expected to produce a broad consensus in support of a general plan to fight international terrorism.

Russia tried to make the most of this opportunity to breathe new life into OSCE activities and help the Organization raise its profile in the Euro-Atlantic security architecture as declared by Russian Foreign Minister Igor Ivanov at the OSCE Ministerial Council in December 2001. In response, Chairman-in-Office Geoană called Russia's contribution to the Organization's activities "decisive" and stated that under the new conditions that have shaped the world after September 11, Russia would probably be able "to find its place in the architecture of Euro-Atlantic security".

In Bucharest, Russian diplomats stressed the growing importance of the OSCE and of its 1999 Platform for Co-operative Security in a changing international climate and tried to link the goals of the global campaign to combat terrorism to the OSCE's own agenda and priorities. In particular, according to Ivanov, a practical role that the OSCE "as Europe's most universal and representative regional structure" is to play in the international struggle against terrorism "highlights the need to reform our Organization". Noting that Russia has long been in favour of a comprehensive reform of all aspects of OSCE activities, "so that it could take a worthy place in the international architecture of co-operation and security", Ivanov expressed hope that the Bucharest Ministerial Decisions would help remedy the current state of the Organization, which he described as one that "has not inspired optimism in recent years". As seen from Russia, one of the ways to improve the current situation is to "remove functional and geographic disbalances in the activities of the OSCE and restore its natural role as a forum of political consultations and decisions on key issues of European security (...)".¹⁶ To put it bluntly, in Bucharest, the Russian delegation once again questioned the admissibility of double standards that make it possible to portray extremists engaged in terrorist activities in places like Kosovo, Macedonia and Chechnya as "freedom-fighters".

In Bishkek, the Russian delegation went further than the US in stressing the importance of anti-terrorist activities on the OSCE agenda. While according to Russian representatives, the OSCE, as a "unique all-European structure", has already proved its utility in strengthening the international anti-terrorist coalition, "the Organization must prepare itself for a long-term effort, pri-

16 Address by Foreign Minister of the Russian Federation, Igor Ivanov, before the OSCE Ministerial, Bucharest, 4 December 2001.

marily aimed at revealing and confronting fundamental sources of terrorism” and start formulating its strategy on fighting terrorism, referred to by the Russians as “a new security dimension for the OSCE”.¹⁷ More specifically, Russia - like the US¹⁸ -, stressed the need to clamp down on the financing of terrorism and to help improve national anti-terrorism legislation (up to preparing an OSCE “model anti-terrorism law”) as immediate priorities for OSCE anti-terrorist activities. But while the US approach to the OSCE anti-terrorist programme tends to prioritize selected human dimension activities (particularly democratic institution building and human rights monitoring) by OSCE missions and institutions (such as ODIHR) in states East of Vienna, Russia’s emphasis is on the *politico-military dimension*. This has been reflected, for instance, in Russia’s proposal to create an *OSCE mechanism for monitoring the participating States’ compliance with fundamental anti-terrorist conventions* that “could make recommendations for fighting terrorism, such as outlawing terrorist organizations and various structures that support them (...)”.¹⁹ Well in advance of the Bucharest and Bishkek meetings, Russia suggested utilizing the Forum for Security Co-operation to undertake a review of commitments in this area and the status of compliance with them today.

In sum, the need to address transnational security threats, such as international terrorism, should, in Russia’s view, give the OSCE States a new sense of unity - something that seemed to be almost mired in the bog of past controversies over individual problems. While Russia no longer has its earlier illusions that the OSCE could be elevated to the over-arching Euro-Atlantic security body, for Moscow, a campaign to fight terrorism throughout the OSCE space, alongside its primary goal of combating a common evil, is also an attempt to bring the OSCE back from its current focus on human rights and democratization in post-communist states, often seen as excessive and driven by the policy of double standards, to the sphere of “high politics”.

OSCE and US-Russian Co-operation on Combating Terrorism

Following a distinct cooling in the relations between the US and Russia in 1999 and 2000, they have been on the upswing in the aftermath of the attacks on September 11. In particular, US-Russian bilateral co-operation in the fight against terrorism has been unprecedented and, compared to most multilateral initiatives the two states have been involved in, almost unmatched.

17 Statement by Anatoly Safonov, Deputy Foreign Minister of the Russian Federation, in: Summary Report, cited above (Note 5), p. 157 (original in Russian, author’s translation).

18 See, for instance, interjection by Ambassador Stephan Minikes, Chief of the US Mission to the OSCE, during Session 5, in: *ibid.*, p. 138.

19 As was, for example, expressed by Safonov, cited above (Note 17), p. 157 (author’s translation).

Russia played a key role in resupplying the Northern Alliance at the most critical stage of the US anti-terrorist campaign in Afghanistan. US-Russian intelligence sharing was also exemplary and even, according to some assessments, unprecedented.²⁰ Overall, it would not be an exaggeration to say that Moscow turned out to be more important for the US in its anti-terrorist operation in Afghanistan, particularly at its earlier stages, than most of its NATO allies. In February 2002, at the sixth session of the US-Russia Working Group on Afghanistan, US and Russia “agreed to support expansion of anti-terrorist co-operation within the framework of the United Nations, OSCE, NATO and other international structures, as well as bilaterally”.²¹ Apart from those in Afghanistan, other important bilateral anti-terrorist measures were taken such as issuing a Joint Statement on Combating Bioterrorism in November 2001 following an outbreak of anthrax in the US as well as bringing into force the US-Russia Mutual Legal Assistance Treaty that provided a “legal basis for co-operation in identifying and seizing or freezing criminal or terrorist assets” in January 2002.

The US interest in getting the support of Russia for the anti-terrorist campaign in Afghanistan and access to the territory of the Central Asian states might partly explain the US stated interest in more active co-operation with Russia within the OSCE. Although priority was still given to “addressing these issues (...) through bilateral consultations with the Russians”,²² at the Bucharest Ministerial, Chairman-in-Office Geoană noted that “a new mood between Russia and the West”, emerging in the aftermath of the attacks of September 11, has certainly improved relations within the OSCE “where Russia was at odds with the West over contentious issues such as Chechnya”.²³

A set of US decisions to increase its security presence in Russia’s immediate neighbourhood under the pretext of implementing an anti-terrorist campaign, however, led to first tensions in US-Russian co-operation on combating terrorism. Although Moscow did not officially object to US troops being based in Central Asian states to support the US campaign in Afghanistan or help hunt militants with suspected links to Al-Qaida in Georgia, the principal obstacles to US-Russian co-operation in this field were not removed. These obstacles have included significant differences in the geo-strategic interests of the two countries especially with respect to the situation in Georgia, and to a lesser extent, in the Central Asian states as well as a divergence in the lists of states sponsoring terrorism (particularly a controversy over Iraq).

20 See online interview with US Ambassador to Russia, Alexander Vershbow, 26 October 2001.

21 Joint Statement of the US-Russia Working Group on Afghanistan, US Department of State, Washington, D.C., 8 February 2002.

22 As stated, for example, in: Prepared Statement of Hon. A. Elizabeth Jones, cited above (Note 7), p. 34.

23 Quoted from: “US Joins Talks to Combat Terrorism”, Associated Press, 3 December 2001.

Another long-time divide in U.S-Russian relations proved less significant after 11 September, i.e. the strongly diverging perspectives between the US and Russia on Chechnya. On the one hand, while conducting anti-terrorist military operations in Afghanistan, the US softened its criticism somewhat of the methods used by the Russian troops and security structures in Chechnya and urged Moscow to step up efforts for a peaceful solution “to deny political cover to terrorists in Chechnya”.²⁴ On the other hand, the Bush administration did not have to make major concessions on this issue, as in contrast to the Clinton team, it has never viewed Chechnya as one of its foreign policy priorities.

Russian officials have also hinted at the more theoretical nuances of the Russian and/or CIS approach to combating international terrorism. These nuances have been most evident at the level of official political rhetoric. For instance, Russian officials have publicly criticized an interpretation of terrorism as a “super-crime” impossible to counter by regular methods and acting laws. Criticism has also been voiced in regard to the interpretation of terrorism as “a form of war waged by clandestine groups and individuals” according to which war and terrorism have the same causes and leading to the conclusion the latter should be countered primarily by military means and by the military.²⁵ It has to be noted that both interpretations have been actively used by the United States in its anti-terrorist policy and campaign.

Apart from these declaratory nuances, more real differences between US and Russian interpretations of the threat posed by international terrorism are observable. While the US administration’s emphasis has been on the “rogue states” (particularly on the authoritarian regimes of Iran, Iraq and North Korea) as primary “sponsors of terrorism”, Russia, like many other European countries, focuses most of its attention on the so-called “failed states”, or areas, as major actual or potential breeding grounds for terrorists. For many of the Russian political elite, the September 11 events demonstrated that a qualitative change in international terrorism had occurred. International terrorism “appears as a self-sufficient organization not connected with any particular state” and, as such, can no longer be exposed by traditional means such as “convincing or pressuring one or the other state to stop supporting terrorism”.²⁶ Also, while the Bush administration resorted to its “axis of evil” rhetoric, Moscow rejected this vision both verbally and by openly co-operating with all the three “members” of the “axis” (among other things, by repeatedly hosting the North Korean leader, preparing to sign new major economic agreements with Iraq and helping develop the civil nuclear energy

24 US Secretary of State Colin Powell in his statement at the OSCE Ministerial in Bucharest on 4 December 2001.

25 Cf. Expanding Bilateral and Regional Efforts in the Fight against Terrorism, theses presented by Boris Mylnikov, Director of the CIS Anti-Terrorism Centre, in: Summary Report, cited above (Note 5), pp. 76-77 (original in Russian, author’s translation).

26 Interview with Yevgeni Primakov, in: M. Rostovski., *Prognoz tyazhelovesa*, Moskovski Komsomolets, 17 May 2002, p. 2 (author’s translation).

sector in Iran). In contrast to the Bush administration, Russian top officials have not publicized a black list of states supporting terrorism. Instead, they have used the more flexible term “arcs of instability”. At the same time, they have expressed general concern about the growing number of states and areas where the existing power vacuum had been or could be filled by terrorist groups and forces. As specified by Russian Defence Minister Sergei Ivanov, the regions of concern include “the Middle East, the Balkans, Somalia as well as a number of states in Asia and the Caucasus”.²⁷

Sceptical about certain aspects of the Bush administration’s anti-terrorist policy and of the US approach to fighting terrorism, Russian officials seemed to imply that the Russian approach was somehow different in that it interpreted terrorism as a “complex social and political phenomenon, based on a spectrum of social contradictions, embracing extremist terrorist ideology and structures to conduct terrorist activities, and as a form of political extremism”. This approach is publicized as “more serious and fundamental” and as “providing for comprehensive methods to fight terrorism”.²⁸

It should be noted, however, that despite alleged theoretical nuances as well as numerous strategic differences between the US and Russia, in practice, Washington and Moscow seem to have a lot in common in their anti-terrorism tactics. Both states tend to over-emphasize the role of military force in fighting terrorism and stress the immediate need to “cripple the ability of terrorists to operate”²⁹ while paying much less attention to the need to address the social, economic and political conditions for extremism and terrorism. It is in monitoring and calling both US and Russia’s attention to these fundamental issues that the OSCE as a Euro-Atlantic collective security forum has an important role to play. In particular, due to its broad multi-cultural and multi-religious membership, unparalleled institutional and political flexibility and comprehensive approach to security as well as its co-operation with its Mediterranean and Asian partners, the OSCE has a specific role to play in addressing the socio-economic aspects related to the prevention of terrorism (within its economic and environmental dimension) and with such human dimension activities as promoting political, ethnic and religious tolerance, contributing to multi-cultural and inter-religious dialogue, supporting sustainable return policies etc.

This does not mean, however, that the OSCE should primarily limit itself to “expanding existing activities” as suggested by the US. The OSCE could significantly contribute to the fight against terrorism, which will ultimately be led by the UN, not only by building on its traditional strengths, but also by

27 Cited in: Nezavisimoe Voennoe Obozrenie [Independent Military Review], 8-14 February 2002, p. 1 (author’s translation).

28 Expanding Bilateral and Regional Efforts in the Fight against Terrorism, cited above (Note 25), p. 77.

29 U.S. Department of State, U.S. Statement to OSCE on Addressing Causes of Terrorism, delivered by Ambassador David T. Johnson to the Permanent Council, Vienna, 1 November 2001, at: <http://usinfo.state.gov/topical/pol/terror/01110107.htm>.

trying “to identify, where appropriate, new instruments of action” as suggested by the Organization’s Secretary General Ján Kubiš in Bishkek.³⁰ In this context, the unprecedented experience of Russia and its eleven CIS partners in establishing the CIS Anti-Terrorism Centre in Bishkek, well in advance of the attacks of September 11, could be valuable for the OSCE in developing its own Anti-Terrorist Unit.

30 Welcoming Statement by Ján Kubiš, cited above (Note 5).

Spain and the OSCE

Spain's development in the international arena during the last 25 years is a result of its domestic stability. Without this domestic stability, a good foreign policy would not have been achievable. Before this, the fact that Spain did not take part in the two world wars of the past century and its forty-year dictatorship (1936-1975) had led to its quasi-isolation: Spain did not belong to either of the two major alliances - NATO and the Warsaw Pact -, the Western bloc condemned the regime and did not give Spain the chance to appear on the international stage.

During the 40 years of the Franco dictatorship, Spanish foreign policy had been concentrated on four areas: relations with Latin America, the Arab states and, through the Iberian Pact, with Portugal as well as relations with the US through the Partnership and Co-operation Agreement concluded in 1953 and renewed every ten years.

In the transition phase to the restoration of democracy in Spain, the newly established Spanish parties endeavoured to find a consensus on foreign policy. This was, on the one hand, due to the "inexperience" of the government in foreign policy affairs, and on the other, to Spain's desire to approach the Western bloc. Spain only joined the Western bloc when it had already been in existence for several years (accession to NATO in 1982 and to the EU in 1985). This is also the reason why Spain had to wait until 1990 - the fall of the Berlin Wall and the beginning of the new world order - before, due to its geostrategic importance and its capacity as a privileged dialogue partner in the Arab world, it could take on a major role.

The Helsinki Final Act (1975)

In 1969, Spain was invited to participate in the Conference on Security and Co-operation in Europe. This occurred in the form of a verbal note from the Hungarian Embassy sent to the Spanish Embassy in Paris on 13 September. The then Spanish Foreign Minister Gregorio López Bravo evaluated this positively in the following words: "Although we did not take part in the war, we have been invited to build peace." Spain was the first country that reacted enthusiastically to this invitation. Participation in the Conference meant a lot to Spain who had set escaping isolation, creating contacts at all levels and

¹ I would like to thank my collaborator Marta Salvat without whose assistance during the first half of the Spanish EU Presidency year, it would have been impossible to contribute this article to the OSCE Yearbook 2002. She has permitted me access to an extensive number of materials from her thesis on Spain and the OSCE.

establishing relations with the communist countries of Eastern Europe as its goal.

In the second Budapest Memorandum of 28 September 1970, Spain accepted the West-East subject matter of the Conference and defined its own position as neutral. This meant that Spain would treat proposals which came from the Western side in the same manner as those that were made by the Eastern side. Because Spain did not belong to either bloc, but also because of its special situation, Spain counted as one of the “others” in the framework of the Conference.

Spain had been invited to the Conference, because as a European country, it was thought it should not be excluded. However, one expected Spain to limit itself to the observer role, as the topics dealt with did not affect it. However, Spain had from the very start strived to overcome its image as a small country and its isolation, which was not only due to the fact that Spain, which had been severed from European history, was not affected by the world wars and their territorial and humanitarian repercussions, but also to its own domestic policy. This was the reason that Spain, although it was a neutral and non-aligned country but nevertheless on an equal basis with other states, already co-operated in the preparations to the Conference extremely actively, imaginatively, openly and with a willingness for dialogue as well as often mediating between West and East. It is said that the expression “basket” for the three classic dimensions of the CSCE comes from a Spanish diplomat.

In the meetings to prepare the Helsinki Final Act, Spain suggested that the focus should clearly be on security in Europe, but that one should not lose sight of the conflict in the Middle East. In addition, Spain made proposals on the following areas: the importance of economic co-operation, above all with the Mediterranean countries, the intensification of cultural exchange, the emphasis on state sovereignty and non-intervention in internal affairs as well as peaceful settlement of disputes. In the text on “Co-operation in Humanitarian and Other Fields”, at Spain’s suggestion separate individual sections were included on co-operation in the areas of culture and education, and in addition to this, the creation of a database for cultural affairs, the facilitation of book trade, support for emigrants as well as promoting tourism were incorporated; the introduction of the term “regional cultures” in conjunction with national minorities also occurred at Spain’s suggestion. Spain’s interests also became clear with its proposal to link European security with the Mediterranean region as well as including the non-European Mediterranean countries in the Conference. The Spanish delegation pointed out the status quo in Gibraltar, but continually endeavoured to avoid a confrontation with Great Britain.

Furthermore, Spain was successful in having Spanish recognized as an official CSCE language. Initially, the Spanish delegation had accepted French, English and Russian as working languages. However, because Bonn stipulated that German become a working language too, Spain demanded the same right for the Spanish language and substantiated its argument by the fact that

although it is not very widespread in Europe, Spanish is one of the most common languages in the world and is also one of the official languages of the United Nations. In this manner, Spanish became one of the six official languages of the CSCE (the sixth official language is Italian).

The Belgrade Follow-up Meeting (1977-1978)

One should not forget that Spain's position at the follow-up meetings was initially determined by its domestic situation and only later by its new role within the international system. Despite everything, Spain continually spoke out as a middle power and attempted not to bring its domestic problems into foreign policy.

At the time of the Belgrade Meeting, at which I had the honour to participate, Spain was occupied with its own problems and the re-establishment of democracy: the legalization of the political parties, the development of the 1978 Constitution, at that time one of the most modern in Europe, above all with regard to fundamental and civil rights, as well as preparing the first democratic elections that took place for the first time in 1978 after 40 years of dictatorship.

The eyes of the world were focused on Spain: those of the West to see whether democratic principles would be observed and those of the Soviets, who had an interest that the Communist Party would be given legal authorization and that Spain remain a non-aligned country. However, this did not stop Spain from taking an active role in the conference as a mediator.

While Helsinki was a synonym for détente, Belgrade marked the beginning of a new phase of tensions between East and West, in which each bloc was specifically interested in certain topics and was not prepared to accept the interests of the other side. In the middle of this confrontation, the non-aligned states acted as mediators (with the exception of Malta who was trying to play off the consensus rule against the other participating States to force them to include the Arab states in security policy issues and thus instead was causing further tensions). Spain, together with the other participating Mediterranean countries, took on a reconciliatory position towards Malta's stance and proposed a meeting in Valletta at which the Mediterranean issue was to be treated in detail so that the Belgrade Meeting could concentrate exclusively on the East-West problem and was not burdened with other issues. The Valletta Meeting of Experts took place in March 1979 and was, within the framework of the Mediterranean Chapter of the Final Act, to consider the possibilities and means of promoting mutually beneficial co-operation in the areas of economics, science and culture with the Mediterranean states not participating in the CSCE. Spain was very active at this meeting.

The Madrid Follow-up Meeting (1980-1983)

The Madrid Meeting was important for Spain, above all because Madrid for the first time hosted an international event of this kind. Furthermore, this offered the opportunity to discuss the security concept and to sensitize the Spanish public to this issue which was important inasmuch as at that time there was an intense and controversial discussion in Spain on whether it should join NATO or not.

The Helsinki process was going through hard times. There were fears that the Soviet violations of CSCE principles - the invasion of Afghanistan in 1979, the involvement in the civil war in Angola (through Cuba) as well as the violation of human rights in the communist bloc - would limit the effectivity of the process.

The preparations for the Madrid Meeting lasted, with interruptions and crises, a total of three years, and one often had the impression that the Helsinki process was coming to an end. Within the framework of the neutral and non-aligned states, Spain again acted as a mediator to prevent this. In doing so, it no longer even demanded that Mediterranean issues be dealt with and took on a very moderate position, which was even against its own interests.

During the Madrid Meeting in February 1981, there was an attempted coup in Spain, which put the young Spanish democracy in danger. However, this crisis was surmounted; the Spanish democracy proved that it was already adequately consolidated. In 1982, elections took place that led to the victory of the Socialist Party (PSOE) and to the formation of the first leftist government since the Civil War. This outcome has been regarded as the most important chapter in the democratic development of Spain.

In his concluding speech, the new Spanish Foreign Minister Fernando Morán set forth Spain's position: Spain offered its assistance in promoting the further easing of tensions between East and West. He expressed the hope that - starting from Madrid - a new direction in the East-West dialogue would be taken. He foresaw difficulties in the détente process in connection with the violations of human rights in the East and the breaches of the Helsinki Final Act. Spain laid its stakes on the work of the neutral and non-aligned states, which have continually acted as mediators between East and West, as well as progress in the military area. Regarding human rights, the Foreign Minister in his speech emphasized, in particular, the danger of terrorism and the necessity for co-operation between the states in combating it. He underlined that human rights were an essential instrument to achieving collective security. With respect to the Mediterranean region, peace, security and stability in the region were to be further promoted based on comprehensive co-operation between the Mediterranean countries. At the Madrid Meeting, the mandate for the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe (CDE, 1984-1986) was passed. This conference was so important because for the first time confidence-building meas-

ures were to cover the entire European territory, namely from the Atlantic to the Urals and from the North Sea to the Mediterranean. In addition, it was decided that two expert meetings be held on promoting human rights: the first in Ottawa in 1985 on human rights and fundamental freedoms and the second in Bern in 1986 on human contacts. Spain recommended a seminar on co-operation in the Mediterranean region, which took place in Venice in 1984.

The Vienna Follow-up Meeting (1986-1989)

At this follow-up meeting, Spain enjoyed a new position in the international system. Up to then, it had always played an active and independent role. Now, on the one hand, Spain's accession to NATO and the EU would enable political co-operation with Europe and adaptation to the principles of both organizations. On the other hand, Spain's options to introduce its own initiatives and its liberty of action now became much more limited. At the same time, however, two avenues were opened for Spain to represent its interests. Due to the Soviet Union's change in stance, attributable to Mikhail Gorbachev's policy, the Vienna Follow-up Meeting marked a new phase in the easing of tensions in East-West relations.

Spain followed a moderate policy during the entire meeting. Its goals were to condemn terrorism and to promote international co-operation to combat it as well as maintaining the Spanish role as a privileged dialogue partner in relations with the Arabian states. Spain suggested that a meeting on co-operation in the Mediterranean region be held in Palma de Mallorca that explicitly would not address any military questions at all but concentrate on the following topics: protection of Mediterranean ecosystems, new forms of economic co-operation with the non-participating Mediterranean States, freedom of the press and better working conditions for journalists.

Palma de Mallorca (1990)

At the Meeting on the Mediterranean in Palma de Mallorca in October 1990, Spain intended to further promote co-operation with Algeria, Egypt, Morocco and Tunisia through an opinion and information exchange in which Spain was to place special emphasis on human rights and support the political dialogue related to this.

At the meeting in Mallorca an ambitious Spanish-Italian project was created: the Conference on Security and Co-operation in the Mediterranean (CSCM), which was aimed at applying the concepts of the CSCE throughout the entire Mediterranean region. This proposal was an expression of Spain's will to find new forms of co-operation with the non-European Mediterranean countries with which Spain showed complete solidarity.

The Charter of Paris (1990)

The Charter of Paris of November 1990 symbolized the end of the Cold War and ideological confrontation. It contains a code of conduct for all states that places the principles of democracy, freedom, the rule of law and respect for human rights at the centre of attention.

With the dissolution of the Warsaw Pact, the collapse of the USSR, the fall of the Berlin Wall and the Gulf War, the Mediterranean region gained importance. The indivisibility of European security from that of the Mediterranean, its strategic importance and the prevailing instability as a direct threat to European security came more prominently to the fore. With the end of the East-West conflict, the North-South problem became apparent, and with it, economic stability and cultural co-operation as aspects of security and as essential instruments to ensure security.

The Parliamentary Assembly in Madrid (1991)

Upon the invitation of the Spanish Parliament, the founding session of the CSCE Parliamentary Assembly took place in Madrid in 1991 where delegates of all participating States met to promote inter-parliamentary dialogue and democracy in the entire CSCE area. The outcome of this was the Madrid Document, which defined the rules of procedure, the working methods, the responsibilities, the distribution of seats and the voting modalities of the Parliamentary Assembly that in the future was to meet once a year.

The Helsinki Summit Meeting (1992)

The Helsinki Summit Meeting was characterized by the emergence of local intra-state conflicts in Europe, which had emerged through extreme nationalism. These conflicts presented the new challenge to international law to create a balance between the right to self-determination of peoples, on the one hand, and the territorial integrity of states, on the other, so that ethnic conflict that could escalate into war would be prevented. The map of Europe changed fundamentally with the formation of 18 new and independent states. The wars in Yugoslavia were haunting examples that extreme nationalism cannot be brought into harmony with fundamental rights. Due to these conflicts, all international organizations recognized the necessity for more intensive co-operation.

In their verbal contribution, the Spanish Delegation emphasized the need for closer co-operation between the CSCE and other international organizations so that common goals could be better implemented. With this, primarily security and human rights issues were underlined as the supporting pillars of

common interests. For Spain, it was a special concern that the Mediterranean region be given specific attention. This region as a southern border is important inasmuch as it is a region that can only be stabilized through closer co-operation and solidarity with neighbouring countries.

The Budapest Summit Meeting (1994)

At the Budapest Summit Meeting, the then Spanish Prime Minister Felipe González emphasized common values as the most important guideline for relations between states. As common values he described primarily democracy and respect for human rights as well as protecting minorities and minority rights. The OSCE was to be transformed into a system of co-operative security. This was to be achieved through close co-operation with other international organizations and through applying an all-encompassing security concept. Crisis management and conflict prevention were of special importance here.

With respect to the Mediterranean, González emphasized the necessity of strengthening dialogue, co-operation in general as well as developmental co-operation with the Mediterranean countries. He said this was an essential element for security and for good relations between states. He mentioned the Euro-Mediterranean Conference as a positive example for this, where the EU member states and the Mediterranean countries participated and which took place in 1995 in Barcelona. Here, Spain committed itself to monitoring the activities of and taking action against extremist Islamic groups in Europe.

The Spanish EU Presidency (1995)

During the Spanish EU Presidency in the year 1995, an OSCE Ministerial Council Meeting took place on 7 and 8 December in Budapest. There, Spain played an important role in co-ordinating EU positions. The Spanish Presidency welcomed the Dayton Accords and the participation of the OSCE in the peace process in Bosnia and Herzegovina. The OSCE committed itself to contributing to the respect of human rights and building democratic societies, also and in particular in the areas of freedom of opinion, confidence-building measures and arms control. The new states of ex-Yugoslavia were acknowledged and in Croatia a mission of long duration was set up.

The Lisbon Summit Meeting (1996)

After the Spanish parliamentary elections of March 1996, a conservative government under Prime Minister José María Aznar was formed, which, how-

ever, maintained the foreign policy line pursued up to that point in time. Essentially, this meant taking over responsibility on the basis of common principles and values with the goal of creating a common space of military, economic and social security.

In his speech at the Lisbon Summit Meeting, Aznar emphasized that the OSCE was an essential instrument for conflict resolution, indeed above all through its mechanisms for crisis management, conflict prevention and peace support.

The participants at the Meeting again condemned terrorism and underscored the reconstruction of Bosnia and Herzegovina and building democracy through elections. With its military presence there, Spain took and still takes part actively in the peace process in Bosnia.

The Copenhagen Ministerial Council (1997)

At the Ministerial Council Meeting held in Copenhagen on 18 and 19 December 1997, emphasis was placed on the importance of the OSCE in building a democratic and secure Europe, and at the same time, above all, the role of field missions was underlined. The United Nations Security Council had already pointed out Spain's good work in Albania earlier. The elections in Bosnia and Herzegovina were acknowledged as an important step towards the reconstruction of the country.

The Ministers praised the contributions of the OSCE Parliamentary Assembly during the elections in Bosnia and Herzegovina and underlined in particular the role of the President of the Parliamentary Assembly, the Spanish Parliamentarian Javier Rupérez.

Contact with the Mediterranean partners for co-operation was maintained through the "5+5" Contact Group. Spain considered the integration of the Mediterranean partners in OSCE institutions as particularly important. Furthermore, it was a significant matter to Spain that OSCE principles would enter into the future Charter for European Security. The OSCE was to become especially engaged as a regional arrangement under Chapter VIII of the Charter of the United Nations and as an instrument for conflict prevention.

The Oslo Ministerial Council (1998)

At the Oslo Ministerial Council, important decisions were passed on crisis management in Croatia. Furthermore, measures on building a democratic and multi-ethnic society in Bosnia and Herzegovina were agreed. Spain is involved in all the missions mentioned above.

The Istanbul Summit Meeting (1999)

The Spanish Prime Minister again condemned terrorism in his speech. He underlined Russia's territorial integrity and declared Spain's willingness to contribute to solving the Chechnya problem. He emphasized respect for human rights and democracy as fundamental principles of states under the rule of law. He said the goal was to create open and democratic societies in which human rights are respected independent of nationality, ethnic affiliation and religion.

He stated that in Kosovo, it was the task of the OSCE to establish multi-ethnic and democratic institutions. The Platform for Co-operative Security and the CFE Treaty were given special emphasis as fundamental instruments for European security. Spain again stressed that European security was inseparable from that of the Mediterranean.

The Vienna Ministerial Council (2000)

Spanish Foreign Minister Josep Piqué took part in this Ministerial Council Meeting. Spain was particularly active and contributed decisively to the establishment of the REACT mechanism. The Spanish Delegation welcomed the adoption of the Document on Small Arms and Light Weapons as an important step towards preventing the use of these weapons by terrorists.

The Bucharest Ministerial Council (2001)

Piqué also took part at the Bucharest Ministerial Council Meeting. In the wake of the tragedy of September 11, the participating States strengthened their willingness to combat terrorism by all necessary means. Terrorism was condemned most resolutely in all its forms and manifestations as it is a massive threat to security, stability and human rights. A Plan of Action for Combating Terrorism was adopted. A few weeks later, under the Portuguese Chairmanship, a road map was drafted on preventing and combating terrorism.

In Bucharest, the Spanish Delegation again emphasized the importance of the mechanisms of conflict prevention and the necessity to co-operate with other institutions in the spirit of the Platform for Co-operative Security.

As it is decisive that the OSCE receive adequate funding for this, Spain has increased its contribution by five per cent. This increase is to be seen as a sign of Spain's interest in and high regard of the OSCE.

Spain and the OSCE in the Year 2002

During the Spanish EU Presidency in the first half of 2002, Spain for the first time organized a meeting between the EU Troika, the OSCE Chairman-in-Office and the OSCE Secretary General in Brussels. This initiative not only shows Spain's good will in taking responsibility as a member state of the EU and NATO but also shows that Spain views the OSCE as a cornerstone of the new security architecture. Spain, in particular, values OSCE endeavours with respect to small arms and light weapons as well as the entry into force of the Open Skies Treaty.

Spain contributes regularly to the work of the Prague Economic Forum and hosted a preparatory seminar that took place in Zamora in February 2002.

Political Islam in Kyrgyzstan

The situation in Kyrgyzstan has changed considerably as a result of the events of 11 September 2001. Due to these, a tiny landlocked country became involved in the international fight against religious terrorism in Afghanistan. At the Manas airport located near the capital and serving as a base for the coalition, there are American and French military cargo aircraft as well as soldiers and officers from eleven countries stationed.

This following article offers a brief examination of the current religious situation and the challenges of political Islam in Kyrgyzstan.

Background

The post-Soviet Central Asian countries are facing a crisis of religious co-existence which they are not well equipped to deal with. During the Soviet era, Islam was deintellectualized and survived mainly in its ritual and traditional forms. The Soviet system prevented Islam from being modernized, as most of the progressive Islamic leaders were silenced or annihilated. The region was isolated from the rest of the Muslim world and remained behind in progressive Islamic thought. Although Central Asian Muslims are far from being politicized and are not struggling for a theocratic state, there is nevertheless an obvious need to modernize Islam if it is to be feasible in the post-Soviet republics. Under the Soviets, the military and centrally controlled administrative machinery enforced mass atheism, thus helping to suppress religious conflicts. However, with the disintegration of the Soviet Union, these forces vanished, and for the first time, Central Asia became an arena for competition among dozens of religious groups. Whereas during the Soviet state, Muslims were always a minority in a huge empire, since the end of the "Russian period" in Central Asia, they have become a majority.¹

At present, over 85 per cent of the five million inhabitants of Kyrgyzstan are Muslims: the Kyrgyz, the Uzbeks, the Tatars, the Tajiks, the Kazakhs, the Uigurs, the Dungans (Chinese Muslims) and others. Due to the emigration of many Russians and the immigration of refugees from Tajikistan, as well as the high birth rate of the Muslim population, the ratio of Muslims will continue to grow gradually. Re-Islamization in Kyrgyzstan has become particularly noticeable through the rapid increase in the number of its mosques. According to official data from the governmental Commission on Religious Affairs at the beginning of January 2002, there are now 1,388 Muslim mosques,

1 Cf. Anara Tabyshalieva. Central Asia: Polarization of Religious Communities. The Center for Political and Strategic Studies, at: <http://www.cpss.org/casianw/perca0697.txt>.

22 madrasas (religious schools and institutions of higher learning), and eight Islam institutes in Kyrgyzstan. Hundreds of young Kyrgyz citizens study Islam in foreign institutes and universities. The changes in rural areas have been particularly impressive: Every settlement wants to have its own mosque, former party activists have given up their positions in favour of mullahs and those who demonstrated their religiousness and returned from *hajj* (pilgrimage to Mecca). Since the collapse of militant atheism, Muslims visit the holy places, keep the fast, openly observe Islamic rituals and get married in civil registry offices as well as in *nikah* religious ceremonies - all these trends appear to be a return to normalcy.

The religiosity of Muslims in Kyrgyzstan is often intentionally or unintentionally exaggerated by certain local and foreign journalists, politicians and officials. In comparison to other regions of Kyrgyzstan, the Muslims of the south (part of the Ferghana Valley) are traditionally more religious. But even in the Ferghana Valley, there is only a small number of Muslims who are still able to read in Arabic. However, because prayers are in Arabic most of the people cannot understand them and read Uzbek or Kyrgyz translations of the Koran. According to a survey by the Institute for Regional Studies (1998)², over half of the respondents in south Kyrgyzstan had the Koran in their homes. But this criterion does not necessarily correlate with levels of religiousness. Attendance at mosques is more revealing: 23 per cent of the respondents from the south attend mosque at least once a month, among these, there are twice as many Uzbeks as Kyrgyz. Another criterion for religiousness is the attitude towards religious holidays and fasting: about 70 per cent of the respondents in the south keep the Ramadan fast (*Orozo*). Among these, again, there are more Uzbeks, 86 per cent compared to 62.1 per cent Kyrgyz. A difference in religiosity between former nomadic (Kyrgyz) and settled (Uzbek) peoples can be explained by a number of historical and cultural factors. Moreover, in some places there is a trend towards separating mosques and madrasas on the basis of ethnicity. This can aggravate ethnic tension caused by competition as to who are the "better Muslims".

Ritualistic forms of Islam mixed with deep-rooted local cults seen as Muslim have particular meaning for the locals. This factor partly explains the failure of all imposed ideologies and foreign missionary efforts, including communism, the newly "imported" Wahhabism, *Hizb ut-Tahrir's* concepts or other ideas. On the whole, all attempts of missionaries from Muslim countries to introduce their own model of Islam and deny the local traditions in Kyrgyzstan have had very little success. The population increasingly observes its own traditional Islam, an essential component of which is worship at holy places. For many centuries, holy shrines and places (*mazars*) have played a significant role in the life of local believers, mostly women. The most important is the Throne of Suleiman (*Takht-i Suleiman*) in Osh, which is popu-

2 This Survey was conducted by the Institute for Regional Studies (Kyrgyzstan) for the OSCE High Commissioner on National Minorities in 1998.

lar among Central Asians, especially during Muslim festivals.³ The network of numerous *mazars* in Central Asia ignores the new borders of post-Soviet countries. The Ferghana Valley, with the highest concentration of Muslim believers and holy places in all of Central Asia, is divided between Uzbekistan, Tajikistan and Kyrgyzstan. Here, there are a significant number of *mazars* located in the immediate vicinity of the borders of three states. The populations of the three parts of the valley have visited these holy shrines regardless of borders for hundreds of years. Because today several of these *mazars*, which are holy to all Muslims of Central Asia, are located in different states and moreover people's freedom of movement is being increasingly restricted under the pretext of the fight against religious terrorism, numerous pilgrims have been forced to give up their traditional visits to the shrines. Thus, the problem of managing holy places along international borders will in all likelihood be on the future agenda of regional inter-state relations and irredentist movements.

Radical Islamic Movements

Hizb ut-Tahrir

Both the *Hizb ut-Tahrir* (Party of Islamic Liberation) and the Islamic Movement of Uzbekistan (IMU) are radical Islamic organizations and market "a just society in accordance with Islamic traditions".⁴ The religious-political party *Hizb ut-Tahrir al-Islami* was organized in Jerusalem in 1953 after *Jamiat al-Ikhwan al-Muslimin* had split apart. Its principal goal is to establish a single Islamic state, a "Caliphate", by conducting ideological work to create awareness. The work with proselytes proceeds in two stages: (a) general instruction and (b) political education. Party members take an oath to join the *jihad* ("holy war"). The party operates in strict secrecy in groups of three to ten people. They translate the 23 books by the party founders, which expound the main ideas, objectives and methods of achieving them and describe the future state system, into the languages of the peoples of Central Asia. Quotations from the Koran and *hadiths* (sayings handed down by the Prophet) are selected tendentiously, the history of the Caliphate and the Muslim world is presented unscientifically and without adhering to historicity. The party does not accept ideas of national statehood nor democracy, and as regards foreign policy, it sharply condemns co-operation between Muslim leaders and the West, especially Israel.⁵

3 In 1959, the Mufti in Tashkent had to adopt a *fatwa* against pilgrimages to Suleiman mountain's *mazar*. It was closed in 1963 and the mausoleum of Suleiman was destroyed. However, today pilgrims have started visiting it again.

4 See the website of Hizb ut-Tahrir at: <http://www.hizb-ut-tahrir.org/english/english.html>.

5 Cf. Ashirbek Muminov, Traditional and Modern Religious-Theological Schools in Central Asia, at: <http://www.ca-c.org/dataeng/09.muminov.shtml>.

The ambitious plans of *Hizb ut-Tahrir* include the creation of a common Islamic state encompassing all Central Asian republics of the CIS as well as the Muslim regions of Russia and even the North Caucasus. Its clandestine groups are active in almost all Central Asian states. Analysis of leaflets printed in Uzbek, Kyrgyz and Russian languages and disseminated among locals indicates that despite their boring contents and a naïve call to create a new ideal Islamic state, criticism of governments might have some resonance as in some places, especially in Uzbekistan, there is no other channel to articulate social and economic discontent. Anti-Semitic leaflets of *Hizb ut-Tahrir* repeatedly distributed by the extremist party show that there is little understanding of local characteristics of the Central Asian region, where people traditionally have been friendly towards local Jews as well as those who immigrated during the Second World War.

Despite well-organized underground work, there are only an insignificant number of followers of *Hizb ut-Tahrir* in Karasu province near the city of Osh and the Jalalabad region. The majority of the members of and those sympathizing with *Hizb ut-Tahrir* are ethnic Uzbeks living along the border with Uzbekistan and interested in cross-border movements and trade. Further repression against the mainly ethnic Uzbek members of *Hizb ut-Tahrir* by Kyrgyz law-enforcement agencies might lead to inter-ethnic tensions despite calls by radicals for the unification of all Muslims. Another alarming trend in this movement is that its members boycott elections and any political participation in public life. On the whole, the small group of *Hizb ut-Tahrir* members has not been able to seriously change the real religious situation in the south, but rather it seems to use its membership to channel social and political protest. Governmental repression and imprisonment of about a hundred members, however, has merely added to the popularity of a movement, which had dared to criticize the weaknesses of the current leadership.

Islamic Movement of Uzbekistan (IMU)

The IMU is more a regional anti-government political movement rather than an ideological religious association. Members of the IMU have a very vague strategy on the creation of an Islamic state and have become united due to repression against them and their deportation from Uzbekistan.

The religious-political groups *Islom Lashkari* (Soldiers of Islam) and *Tovba* (Repentance) first appeared nearby the Kyrgyz-Uzbek border in the city of Namangan (Uzbek part of the Ferghana Valley) after the collapse of the Soviet Union hoping to structure society according to Sharia law as well as replacing the state militia. After the prohibition of religious parties and the repression of religious political groups in March/April 1992, the members of this group who had fled from Uzbekistan joined the United Tajik Opposition (UTO) and then later founded the Islamic Movement of Uzbekistan (IMU),

which has a training camp for Uzbek militants in Tajikistan.⁶ In accordance with the “General Agreement” signed in 1997 by the government of Tajikistan and the UTO, the latter announced its disarmament and its transformation from a military organization into a political organization. All armed elements were to give up their weapons by 24 August 1999 and either to integrate immediately into civil society or to join the national military forces. Several hundred militants, unwilling to obey the order and wishing to find a new operational base, left Tajikistan and, in the summer and autumn of 1999 and 2000, they infiltrated two mountainous gorges of Batken province in Kyrgyzstan. These insurgents proclaimed their aim to overthrow the ruling power in Uzbekistan and create an Islamic Caliphate in the territory of the Ferghana Valley under the leadership of a self-proclaimed Emir, Tohir Yoldosh, one of the leading members of the IMU. One reason for the IMU raids was the publicity gained therefrom which it had not been able to obtain in Uzbekistan. Thanks to the free press in Kyrgyzstan, world news agencies reported every step of these young militants, whereas in Uzbekistan, the media was suppressed and unable to acquire any information regarding IMU attacks and their claims.

Before the US attacks in 2001, there were at least four camps belonging to the IMU in the Afghan provinces of Kunduz, Balkh and Samangan. Tohir Yoldosh maintained liaisons with the camps and co-ordinated the supply system for the fighters and their families living in the camps. The Taliban government did not have any serious reasons for suppressing the movement; and the IMU also had the support of *Al-Qaida*. Only one unit in the movement, headed by Juma Namangani, joined the Taliban and fought against the Northern Alliance. The Taliban leadership had appointed him to its command in northern Afghanistan where he led a group of 10,000 soldiers operating in Taloqan, the administrative centre of Takhar Province, located 60 kilometres from the Tajik-Afghan border.⁷

In 2000, the United States added the Islamic Movement of Uzbekistan to its list of international terrorist organizations. Thanks to the US-led anti-terrorist operation, IMU units were destroyed and some leaders probably killed.

Foreign Missionary Endeavours

It appears that the majority of the foreign missionaries from Muslim and Christian countries have no interest in maintaining the local interpretation of Islam, but rather, their activities and generosity are devoted to disseminating

6 Cf. Institute for War and Peace Reporting, Reporting Central Asia, No. 37, 24 January 2001

7 Cf.. AVN Military News Agency, Uzbek Islamic group's training camps to remain in Afghanistan, Report at the Russian AVN Military News Agency web site in English, at: AVN Military News Agency website, Moscow, in English 0801 gmt 26 Dec 01./BBC Monitoring/BBC.

their own model and understanding of religion. Up to now, this kind of importing of fundamentalism and extremism has been afforded very little study. There are also tensions among the various Islamic groups in the Ferghana Valley: Some of the “new Muslims”, who have been subsidized by foreign Muslim organizations, see themselves as observing true Islam, which is free from heathen cults and customs and thus superior to more traditional practices. The most alarming trend among some Muslims is their denial of Islamic diversity and the fact that they recognize only one version of Islam as true and absolute. It is a paradox that although scientific atheism has been removed from the curricula of higher educational institutions - but not replaced by an adequate education on the history of religions - young people are being taught less and less about the diversity and nature of religions, including Islam and Christianity.

In the literature, it is often mentioned that some groups in Pakistan and Saudi Arabia finance the activity of missionaries and radical Islamic groups. Shireen Hunter indicates that it is not clear whether Saudi Arabia is behind this financing or whether the money comes from private sources.⁸ Saudi sources use numerous charitable funds, international Islamic organizations, and cultural centres to channel aid. One of the most influential Saudi-supported structures is a branch of the international Islamic organization *Al-Igasa* (headquartered in Jidda), which is a member of the World Islamic League that was created in Mecca in 1962. Numerous missionaries from this organization have been proselytizing Wahhabism and are calling for the creation of an Islamic state in the North Caucasus.⁹ The *Jamaat-e-Islami* has maintained close links with Central Asia. The *Jamaat's* network of madrasas, particularly its principal madrasa and Islamic University at Mansoorah in Lahore, educates dozens of Uzbeks, Tajiks, Caucasian Muslims, and Uigurs from China's Xinjiang province every year. The majority of these students are illegal, arriving without documents, but then receiving them in Pakistan through the *Jamaat's* extensive contacts within the Pakistan government.¹⁰ The Pakistani government has continually promised the Central Asian republics that it will cut off the links and contacts between Pakistani Islamic parties and militants in Central Asia and prohibit the latter from studying illegally in Pakistani madrasas, but Islamabad has repeatedly failed to implement these measures.¹¹ The Bishkek government is planning to put Kyrgyz students studying abroad under surveillance after reports that some of them have joined radical Islamic groups. The Kyrgyz National Security Service has

8 Cf. Shireen T. Hunter, Iran, Central Asia and the Opening of the Islamic Iron Curtain, in: Roald Sagdeev/Susan Eisenhower (Eds.), *Islam and Central Asia. An Enduring Legacy or an Evolving Threat?* The Center for Political and Strategic Studies, Washington, D.C., 2000, p. 175.

9 Cf. Victor Panin, Russia, Islam and the North Caucasus, in: Sagdeev/Eisenhower (Eds.), cited above (Note 8), p. 137.

10 Cf. Ahmed Rashid, Islam in Central Asia: Afghanistan and Pakistan, in: Sagdeev/Eisenhower (Eds.), cited above (Note 8), p. 231.

11 Cf. *ibid.*

stated it holds files on 300 Kyrgyz nationals studying in Pakistan, only 25 of whom are there legally. Some, according to a security service official, are known to have joined the Taliban. About 30 are members of the IMU. According to official statistics, some 300 Kyrgyz nationals have been lawfully admitted to foreign Islamic schools in recent years. More than half go to school in Egypt. Both the Kyrgyz government and clerical leaders here have a particularly high opinion of the *Al-Azhar* Islamic University in Cairo.¹²

In its endeavours to restrain the potential influence of Islamic radicals on Central Asia, the West welcomed Turkish activism there. However, it overlooked the fact that due to militant atheism, the new countries were more secular than Turkey. The Foundation of Turkish Religious Affairs, *Türk Diyanet Vakfı* (TDV), an official state-run foundation, has been at the forefront in exporting a “soft and nationalized Turkish Islam” to Central Asia. Turkey has been very active in Central Asia. Before the “soft coup” in Turkey in February 1997, the Directorate was the most powerful institution in the region.¹³ Contrary to most predictions of Western politicians, the impact of Iran on political Islam was very modest compared to other countries.

One success story is worthwhile mentioning: the Ismaili spiritual leader, Karim Aga Khan, and his foundation are doing important work on the development of the Gorno-Badakhshan region (in the eastern part of Tajikistan) and combating drug trafficking there. Due to the generously funded Central Asian University in Tajikistan, Kyrgyzstan and Kazakhstan, excellent Western and secular standards in higher education will be introduced in the region. Veiled women have begun to appear on the streets of the cities and villages of the Kyrgyz Republic mainly in the south. Most of these women are young and have been strongly influenced by missionaries from the Middle East and Pakistan. While the restoration of pre-Soviet Islam may be seen as an affirmation of ethnic identity, the forms of Islam that are taught by the foreign missionaries tend to be extremely patriarchal and in contradiction to the Soviet understanding of gender equality. Some women, who in their search for a religious identity have found only a male-dominated form of Islam, have converted to Protestantism, Bahaism, Jehovah’s Witnesses and other religions that lack a traditional foundation in the region. In the male-dominated Muslim environment, this inevitably, leads to conflict.¹⁴

Today the process of Christianization in the northern part of Kyrgyzstan competes with the Islamization in its southern part. This is further compli-

12 Cf. Sultan Jumagulov, Bishkek security agencies look set to tighten the screws on Kyrgyz nationals studying Islam abroad, in: Institute for War and Peace Reporting, Reporting Central Asia, No. 89, 30 November 2001.

13 Cf. M. Hakan Yavuz, Turkish Identity Politics and Central Asia, in: Sagdeev/Eisenhower (Eds.), cited above (Note 8), p. 208.

14 Cf. Anara Tabyshalieva, Revival of Traditions in Post-Soviet Central Asia, in: Marnia Lazreg (Ed.), Making the Transition Work for Women in Europe and Central Asia, World Bank Discussion Paper No. 411, Europe and Central Asia Gender and Development Series, The International Bank for Reconstruction and Development, The World Bank, Washington, D.C., 2000, p. 55.

cated by ethnic divisions that are often parallel to the delimitations of religious groupings. After declarations of religious freedom and the exodus of ethnic Germans from Kyrgyzstan, a new process of evangelization of the local population has begun. Thanks to generous endowments from Western churches, favourable conditions for missionary activity have developed in all areas where the influence of the Muslim clergy is relatively weak. As a rule, new Christians of Kyrgyz origin turn to Protestantism. Now there are many Western missions proselytizing throughout the region. Protestants and Jehovah's Witnesses have had great success among both urban and rural people. Today one can be reasonably certain that thousands of Kyrgyz have converted to Protestantism. This new phenomenon is colliding with the common belief that all indigenous people must be Muslims. Newly imported Christian and Muslim groups have mushroomed and there are also isolated incidences of religious extremism. For instance, now in Kyrgyzstan, several discordant cases have arisen over how to bury Kyrgyz Protestants as some local communities are against burying them with their ancestors and relatives. Thus, there is an urgent need to develop a new model for coexistence among religious groups in Central Asia.¹⁵

Conclusions

The IMU and *Hizb ut-Tahrir* are acting separately; each of them intends to create its own ideal Caliphate in Central Asia. The *Hizb ut-Tahrir*, the IMU and the communist parties have been marketing utopia with the goal of creating one unified super-state. Some utopian and egalitarian ideas are still alive in post-Soviet Central Asia, among these is also the belief that current hardships could be overcome by the creation of a new state and one "good ruler". At the same time, some political leaders, who have been looking for suitable ideals in their medieval past and who praise wartime heroes, avoid any open dialogue with home-grown Islamists. Some young people in search of new ways to social justice and egalitarian ideals have joined the religious extremist movement deliberately to protest against the old values of the Soviet generation, current economic hardship and regional disintegration. Religious radical slogans are already used in Central Asia and especially in the Ferghana Valley as a political tool and give young unemployed people an outlet for the expression of social and political dissatisfaction as well as probably being an expression of de-Russification (or anti-colonialism). The powerlessness of the position of the official Muslim clergy during the years of Soviet rule - which, due to the government policy, remains in existence today - has led to the fact that the younger generation is not immune to religious extremism.

15 Cf. Anara Tabysheva, Polarization of Religious Communities, The Center for Political and Strategic Studies (USA), at: <http://www.cpss.org/casianw/perca0697.txt>

Although Islamic extremism has not yet made serious inroads in the country, it could in future have a greater influence in the Ferghana Valley, especially in the Kyrgyz part. This is due to many factors including the further deterioration of living standards, the lack of political participation of the people, the repression of Muslims in neighbouring Uzbekistan and in Kyrgyzstan itself, the weakness of official clergy as well as the return of hundreds of students educated in the Middle East and Pakistan. More religious freedom in Kyrgyzstan makes it natural for the youth to express their radical ideas openly and with less fear than in neighbouring Uzbekistan. The lack of political will by the three states sharing the Ferghana Valley to resolve the numerous problems in their backyard, the most densely populated area of the region, have greatly contributed to the radicalization of Islamic groupings there. The recent restrictions of Uzbekistan's government on the people's freedom of movement throughout the region and the increasing corruption in law-enforcement bodies and custom offices have exacerbated the economic hardships of the locals, making the pan-Islamic slogans of *Hizb ut-Tahrir* or the IMU more attractive for traders and merchants in cross-border areas as well as the unemployed. The ill effects of the dictatorships in the region extend beyond Central Asia's own borders. The repression of the Muslims in Uzbekistan under the pretext of combating religious terrorism may prove to be a dangerous policy which could destabilize the entire region. The leadership of Uzbekistan has flagrantly violated the rights of Muslims and *Hizb ut-Tahrir* activists so that some of them have been forced to flee to neighbouring Kyrgyzstan and Tajikistan. Simultaneously Uzbek law-enforcement officers have several times abducted ethnic Uzbeks who were Kyrgyz citizens on Kyrgyz territory and then jailed them in Uzbekistan. Moreover, under the pretext of fighting religious terrorism the lands along the Uzbek-Kyrgyz border (some of them disputed) have been mined causing one death and several injuries among the locals, who were Kyrgyz citizens, as well as the killing of numerous domestic animals.

A deeper understanding of the role of Islam in the regional context is necessary. The current debate tends to be narrow and is focused on extremism and religious terrorism, which has generated a phobia of Islam. Political Islam in Central Asia and Kyrgyzstan should be considered against the background of the numerous problems at the international, regional, national and local level. Interstate tensions over water/energy distribution, borders and land, the struggle between the territorial elites within a country over power and resources, disputes among various groups of local Muslim clergy - all exploit the threat of political Islam. For a number of reasons, by mixing religious fundamentalism with extremism, politicians have been successful in shaping the "enemy image - religious terrorists". This exaggeration of the impact that political Islam has on society diverts attention from the mass disappointment in economic policy, increasing poverty, corruption and violations of human rights in the Central Asian region. Successful economic reforms and further

democratization of society will be vital factors in the prevention of home-grown religious extremism. The OSCE and other international organizations should deal more systematically with the regional dimension of political Islam in Central Asia and at the same time foster economic and political transformations.

The Islamic Factor in the Security Policy of the Russian Federation

Introduction

The tragic events of 11 September 2001 in the US have directed the attention of the world's public to the problem of terrorism emerging from extremist Islamic political organizations. Apart from the fact that Islamic extremism has the same roots everywhere, there is no direct connection, however, between Al-Qaida terrorism and the Islamic factor which has been developing in individual countries. According to the Russian Islam expert Aleksei Malashenko, one would have to admit that Islamic Salafiyya (in this case, the more correct designation for fundamentalism) as an immanent component of Islamic culture has found and will continue in future to find its political expression in the centre and at the periphery of the Muslim world.¹ The politicization of Islam and also its radicalization, of which individual groups and organizations are the bearers, can in no way, however, automatically be equated with extremism. The individual position of each of the different representatives of Islam towards violence is a decisive criterion. There is a tremendously wide spectrum here and only the most extremist forces use terrorist means to achieve their goals. The failure of the present-day "Islamic project" has led to the fact that a few fringe groups have made it their goal to "restore justice" and to overcome an apparently existent inferiority complex by making individual regimes the target of terrorist acts, including the leading world power, through whom foreign values are allegedly being forced upon the Islamic world in the course of globalization.

Phenomena like Al-Qaida and national Islamic radicalism exhibit organizational parallels as well as similarities in form and content.

Al-Qaida is a global network that is closely linked to the periphery of the Muslim world and consists of a curious mixture of Muslim mercenaries, generated by global modernization, and the half-medieval traditions and tribal structures of the Islamic periphery.² While neofundamentalism claims to represent and/or protect throughout the entire world the interests of the whole Islamic *umma* (community), which recognizes neither national nor state borders, *national* radical Islam, which has either united with nationalism in various different ways or replaced it, is merely dealing with the limited task of shaping the development of its people, its ethnic group or its state according to the rules of Islam.

1 Cf. Aleksei Malashenko, *Islamskie orientiry Severnogo Kavkaza*, Moscow 2001, p. 139.

2 Cf. Olivier Roy, Ben Laden: apokalipticheskaya sekta, otkolovshayasya ot politicheskogo islama, in: *Konstitutsionnoe pravo: vostochnoevropeiskoe obosrenie* 4/2001, pp. 72-76.

As is the case in many countries in which a large part of the population is Muslim, also in Russia, the Islamic factor is linked to nationalism and social protest and despite the unquestionable existence of links between local radical groups and international Islamic foundations and despite the financing of the activities of these groups from outside sources, it has primarily local character. Of course, the global extremist threat to Russia should not be underestimated. However, that is not the subject of this article. Here, the focus will instead be on those security threats that stem from radical Islamic forces within the Russian context.

Measured by the number of its Muslim inhabitants, the Russian Federation is correctly regarded as one of the largest Muslim powers in the world. According to information from the Russian scholar Vitaly V. Naumkin, the 13.2 million "ethnic Muslims" currently in the Russian Federation make up nine per cent of its total population. However, not only the number of Russian citizens who profess the Islamic faith is important, but also their influence on the culture, the religion and the political situation in the country.

In this article, the causes for the politicization and/or radicalization of Islam in individual regions and republics of the Russian Federation will be elucidated as well as clarifying the influence that the Islamic factor as a socio-political phenomenon exerts on state security which is based on the maintenance of territorial integrity and the political stability of the Russian Federation. Because the security of Russia is in the foreground here, the sheer politicization of Islam, the foundation of Islamic political parties that co-operate with the government as well as the role of official Islam will not be dealt with in detail at this point. Instead, the manifestations of the Islamic factor in those republics in which it has a destructive character will be examined. Particular attention will be paid to the activities of the extremely radical representatives of unofficial Salafi Islam, which has become politicized, and which strives to change the existing socio-political system by using violence. One criterion for extremism in this context is the attitude towards violence.

Causes of the Radicalization of Islam in Russia

The emergence of radical Islamic movements can be attributed primarily to the following causes:

1. The process of Islamic rebirth in Russia and the politicization of Islam connected with this took place in the framework of the search for national identity that characterized the entire post-Soviet space. In the course of the erosion of the term "Soviet people", the multi-ethnic and multi-confessional composition of Russia quickly led to the search for historical and cultural characteristics and induced ethnic communities to search for their own identities as well as for features that would distinguish them from other peoples and ethnic groups. This search was born of, on the one hand, the understand-

able desire to again restore the cultural heritage of the peoples who had become progressively dissolved into one single "Soviet melting pot". On the other hand, belonging to the titular nation of the individual republics of the Russian Federation in the course of the extension of their autonomy proved an advantage in the redistribution of power and state functions, which in addition also guaranteed control of local resources.

In the Muslim enclaves, the national reawakening went hand in hand with the rebirth of Islam and its politicization. Islam is not only a religion, it is also a way of life: It assumes local traditions, but subordinates them to religious behavioural models. Furthermore, there is a clear connection between Islam and politics. In those places where Muslims are ethnic minorities, their religious identity is an important component of their national identity. Therefore, belonging to Islam as well as belonging to a specific ethnic group is an important distinguishing feature that consolidates the identity of a particular minority in contrast to the Russian majority. In Russia, the close connection between Islamic and ethnic identity has led to a rather indistinct Islamic community feeling and to the dominance of local political culture and traditions.

Unofficial and/or non-system Islam in Russia became the ideological vehicle and framework of social protest that was, to a certain extent, the result of Soviet religious policy. Official Soviet atheism not only limited the possibilities for Muslims living in Russia to perform their religion, but also to practice their traditional way of life (despite the fact that mosques existed, if only a small number thereof). Because of this, the Muslim tradition as an important component of ethnic identity was eroded. The ever-increasing gulf between ethnic communities, which varied enormously with respect to the manner in which they adapted to modern life, as well as the deep rifts within individual ethnic groups, were, in connection with the ban on the further development of religious and philosophical thought typical of the USSR, the cause of the fact that the process of a resurgence of Islam in Russia has been taking place at different speeds and with different focal points. "High Islam" (handed down in writing) was superseded by a "people's Islam" (handed down by word of mouth), which replaced the philosophy of the religion and/or its ethics with rituals and doubtful interpretations of the Koran made by badly or hardly trained mullahs. This "primitive" form of Islam was not able to counteract the radicals.

2. The development of the Islamic factor was doubtlessly fostered by the general economic and social problems that confronted Russia during the transition period and which were significantly more noticeable in the periphery areas. Deterioration in the living standard, impoverishment and marginalization of large parts of the population, increasing unemployment, economic decline of entire regions as a result of the decrease in production or complete closure of large state-owned companies - all these factors combined not only encouraged the politicization of Islam, but also furthered its radicalization.

The corruption often typical for traditional societies, i.e., the necessity to rely on “one’s own” clan in the local administrative structures, barred a large majority of the population from breaking out of the social structures that were becoming increasingly restricted and archaic. The desperation and hopelessness, in particular among the unemployed youth who neither had educational opportunities nor were able to find their place under the new conditions dictated by the “wild market”, provided the social dynamite that extreme nationalist tendencies, which also employed Islamic slogans for social mobilization, could easily use. In this manner, Islamic radicalism joined forces with nationalism and separatism.

3. Support and influences from foreign countries have also been another cause for the development of the Islamic factor in Russia. International Islamic foundations have generously funded the ideological intrusion of Islam, which led to a ready willingness among some Muslims to accept the radical ideas that were new to them. The tradition of High Islam, which was interrupted during the Soviet period, was a standard for the trend towards Islamic education, for taking advantage of study programmes in foreign countries and an uncritical attitude towards the Muslim literature that was pouring into the country. In the Muslim states of the Orient, radical Muslim groups and tendencies, which had an interest in extending their influence to their fellow believers in Russia, had been operating for a long time. Particularly in the framework of these ideologies, ideas were developed that justified using violence as the main instrument to reach targeted goals. The term “utopia” would be more applicable for the radical Islamic ideologies imported alongside elements of High Islam because utopias, in contrast to ideologies, lack theoretical basis and their striving for social revenge is hardly realistic.

The Phenomenon of Salafi Islam in Russia

During the transition period, in those regions of the Russian Federation that were particularly affected by problems, these utopias gained much more resonance than the traditional Islamic philosophy. In this situation, the Islamic factor developed in the context of unsystematic Islamic approaches which were focused on political and social utopias as well as violence as a means for their realization. The bearers of this radical ideology were the Salafis or - as they are also called - the “Wahhabis”. Their appearance in the republics of the Russian Federation where Sufism had always been the predominant persuasion, however, cannot be explained exclusively with the appearance of foreign missionaries and/or with economic support by individual Muslim foundations. Instead, internal causes played an equally important role in this as they allowed - unofficial, radical - Salafi Islam to gain supporters on the territory of the Russian Federation.

Salafism is based on the endeavour to free Islam from innovative elements and to restore the principle of monotheism in its original purity. Its approach is essentially determined by the principle of “*jihad*” (“holy war”), which is not understood primarily as achieving spiritual perfection but above all as the struggle to spread Islam and create a better society. These motives are particularly attractive to those parts of the population that suffer the most from injustice and corruption - and thus also especially for young people who are willing to begin changing society as quickly as possible. Traditional Islam, which is today experiencing a renaissance, did meet cultural and national and/or ethnic concerns of Muslims in Russia, but it has proved powerless in solving increasingly acute social problems. Although traditional Islam also temporarily did become the mouthpiece of opposition sentiments, only unofficial Salafi Islam was in a position to offer a radical alternative to the existing order. Within its framework, not only violence against non-Muslims could be justified, but also against those Muslims who refused to accept hard-line Salafi demands. “In Chechnya for example, respected representatives of Islam issue the *fatwa* (approval) to take hostages and in doing so invoke the prophet Mohammed who in the 7th century had captured pagans to gain ransom money used for the livelihood of the Muslim community.”³

In fact, however, the Salafis remained dependent on the political situation. When they endangered local rulers, these rulers battled against them. If however, the goals of these same rulers changed, they could again count on the Salafis. A good example of this is the relationship of the Chechen President Aslan Maskhadov with Islamic extremists during his period in office, but also after he lost power as a result of the second Chechnya war. In July 1998 in Gudermes, there was a bloody conflict between the “Wahhabis” and the supporters of traditional Islam in Chechnya. “President Maskhadov explained that the reasons for this conflict can be found in the activities of the Wahhabites, who have created parallel military and political structures, who refuse to take orders from bodies of power, and who abduct and beat up people with the butts of their guns accusing them of drinking and other anti-*Shari’ah* offences (...) However, because Vice-President Vakha Arsanov and Shamil Basayev intervened in the conflict, the Wahhabites (had) not been completely banished. They were saved from total defeat by this intervention.”⁴ Maskhadov’s conduct can be explained in this case by the fact that the efforts by the “Wahhabis” to build parallel structures in Chechnya, which were not under his control, were a challenge for his already weakened position of power and he of course tried to consolidate his position and to get rid of his political enemies who had gained strength. However, after Maskhadov

3 Aleksei Malashenkov, A mir ostaetsa prekhnim ..., in: Rossiya i musulmanskyy mir 117/2002, p. 10 (this and all the following quotes in a foreign language have been translated by the author).

4 Vakhit Akaev, Religious-Political Conflict in the Chechen Republic of Ichkeria, in: Lena Jonson/Murad Esenov (Eds.), Political Islam and Conflicts in Russia and Central Asia, Stockholm 1999, pp. 49-50.

had lost power, the radical forces among the Chechen rebels became his allies in the resistance against the Russian Chechnya policy. In Russia, radical Islam became, above all, a protest movement whose manifestations, depending on the degree of social tension and the political situation, present challenges different in intensity to the security of the Russian Federation.

Challenges to Security

One can identify various challenges to security which are connected with the activities of the Islamists in Russia and which can be traced back to their attempts to implement Salafi Islam at the local and regional level as well as on the level of the republics.

Separatism

Russia is confronted with this challenge, for example, in Chechnya, where extreme nationalism has allied itself *de facto* with radical Salafism in the fight for secession of the republic from Russia. On the one hand, this is due to the lack of an Islamic tradition in this republic whose people have nothing to counter the penetration of aggressive "Wahhabism". The low standard of religious education, which had been replaced by rituals, furthered the increasing willingness to introduce radical methods of Sharia which, in this war-torn society where extensive lawlessness ruled, was viewed as the only guarantor to prevent unbridled crime and the restoration of social order. On the other hand, the effects of the first war (1994-1996) could still be felt through which large numbers of young people in particular were pushed to the edges of Chechen society. These saw radical Islamism not only as an instrument of national struggle, but also as a means to unfold their own identity. The Chechnya conflict became an important factor in the radicalization of political Islam and in its conversion to armed resistance. It started as a separatist movement in whose beginning phases the religious element did not play any substantial role or merely fulfilled a subordinate function. The goals of Jokhar Dudaev were to separate Chechnya from Russia and to build a secular state. However, in the course of the conflict the significance of the religious factor became more important. It no longer merely served as an instrument for mobilization; but rather, by misusing religious slogans, extremists were able to seize the nationalist movement and to lend it the quality of a "*jihad*", among other things, also because foreign Islamic sources of funding were more than ready to finance a "*jihad*". After the ceasefire agreement was signed and hostilities were suspended, the Chechen radical forces were in effect forced to continue the "*jihad*" as otherwise they would have lost their *raison d'être* and the legitimization of military resistance. "After Chechnya emerged from the conflict with *de facto* independence in 1996, hundreds of

enthusiastic young men from the country's Muslim communities went there to learn more about Islam and jihad in militarized camps set up by warlords of Arab origin.”⁵

At the same time, radical Islam allowed the young people to overcome those limitations imposed upon them by the traditions of Chechen society: “The tendency of young Chechens to adopt Wahhabism” - according to the Russian scholar Dmitri Makarov - “reflects the far-reaching change in social role allocation resulting from the war: The young people, who had carried the main burden of the fight for independence, no longer wanted to subordinate themselves to the authority of the older generation nor did they want to follow the customs of their fathers. A renunciation of traditions of this seriousness requires a convincing ideological foundation and this was offered by Wahhabism, which rejects many of the traditional orientations, among them the ‘excessive’ reverence of the older generation, as this is allegedly contrary to the Tawhid principle (monotheism, i.e. the exclusive worship of Allah).”⁶ Today, in a situation where separatist units have for the most part been destroyed, Wahhabism mobilizes the rebels to continue their resistance. Ending the conflict would take away their perspectives and their goal, not to mention cutting off their source of income guaranteed through assistance and support from abroad. Generally speaking, one could say that Chechnya has a “lost generation” that grew up during war and will never be able to adapt to a life during peace. These people are - similar to their foreign “godfathers”, e.g. Khattab - condemned to become Islamic mercenaries and to fill the ranks of radical groups like Al-Qaida. Conceivably, they could form resistance groups in those areas and republics in the Russian Federation in which, depending on the situation, they could play into the hands of local radical forces.

Wahhabi Islam, for which the unity of the *umma* is important, but not ethnic affiliation, also offered the ideological foundation for the attempt of the Chechen rebels to extend their influence to the entire region. Although the invasion of Shamil Basaev's troops into Dagestan in the autumn of 1999 also had pragmatic reasons, it is significant that the Chechens attempted to instrumentalize the Islamic factor there by claiming that they wanted to take “pure Islam” to Dagestan cleansed of all innovation and mistakes that were in contradiction to the words and deeds of Mohammed.⁷ However, this rallying cry proved highly counterproductive. In Dagestan, which looks back on a long Islamic tradition and is correctly seen as the centre of the Muslim enlightenment, such escapades by the Basaev rebels, who were far from real Islam and

5 Nabi Abdullaev, The Growth of Islamic Radicalism in Russia, The Jamestown Foundation Prism, A monthly on the post-Soviet states, Volume VII, Issue 11, Part 2, November 2001.

6 Dmitri V. Makarov, Radikalnyi Islamismus na Severnom Kavkaze: Dagestan i Chechnya, in: Konflikt - Dialog - Sotrudnichestvo 1/1999, p. 47.

7 Cf. Yu. Anchabandze, Kavkaz posle novoi chechenskoi kampanii, in: Konflikt - Dialog - Sotrudnichestvo, cited above (Note 6), p. 35.

who represented a rather backward part of Chechen society, were perceived not as a call for Islamic solidarity but as an insult.

Thus neither in the Russian Federation as a whole nor in the narrower regional context - in the North Caucasus - is the Islamic factor represented by unified radical movements fighting for common goals. As the events in Dagestan have shown, the Islamic factor can even divide Muslims rather than unifying them.

The Introduction of the Sharia in Special Areas

The attempt of Islamists to create special areas ruled according to Islamic law and thus separated from the legal system of the republics and the Russian Federation is not that important as a threat to the Russian Federation, but nevertheless it does represent the danger of a possible destabilization. An example for this is Dagestan, where in 1998, several villages in the Kadar zone fell under the *de facto* control of Islamic radical forces.⁸ Social reasons played a special role in this case: "The Wahhabis made no secret of the fact that they were fighting to introduce the Sharia. By this, they understood the elimination of the corruption, which had poisoned society, the eradication of theft, fraud and violence as well as the elimination of drugs and drug trafficking, alcoholism and moral weakness. However, they were not just satisfied with making statements, but they began to implement these in practice."⁹ This resulted in clashes between locals and the police. The police officers were reproached for corruption and expelled from the villages in the Kadar zone. At the beginning of August 1998, the "Kadar Jamaat" openly challenged those in power and declared itself an "independent Islamic territory" governed by the Sharia. On 1 September 1998, a compromise solution was reached. "As a result of the negotiations of M. Magomedov with representatives of the Buinaksk Jamaat, a protocol was signed in which the Jamaats of Karamakhi and Chabanmakhi (villages in the Kadar zone, author's insertion) committed themselves to refraining from unconstitutional acts and to support the activities of the municipal self-government and other state authorities. In return, the Dagestan government promised the Jamaat freedom of conscience, the renunciation of the term 'Wahhabism' in official language use as well as joint consultations on some of the regulations and interpretations of the 'Law on Freedom of Conscience' with regard to their conformity with the Russian and Dagestan constitutions."¹⁰ However, with this compromise solution the problem could not be contained. The continuing radicalization of the Dagestan "Wahhabis" was not only furthered by the escalation of the problem in Dagestan itself, but also by external support as well as Chechen influence, in

8 For more details see Dmitri V. Makarov, *Ofitsialnyi i neofitsialnyi islam v Dagestane*, Moscow 2000.

9 Anatoli Savateev, "Vahhabit", "Vahhabitu" rozn', in: *Asia i Afrika segodnja* 3/2002, p. 24.

10 Makarov, cited above (Note 8), p. 44.

particular that of the radical Chechen field commanders in whose units many young Dagestani had fought in the first Chechen war. It is no coincidence that the inhabitants in the Kadar zone, who had hoarded weapons to use in resistance against local state authorities, did not make a secret of their connections with Basaev and Khattab and even boasted of these. However, after Basaev's units invaded Dagestan, these connections with the Chechen rebels discredited them politically and morally within Dagestan society, which had joined together in the fight against the aggressors.

The Potential for the Mobilization of Islamic Radicalism

Also in Tatarstan, radical slogans found their way into the national movement. In the areas particularly disadvantaged economically, favourable conditions emerged for mobilizing the youth. This is true, among others, of Naberezhnye Chelny where the fall in output in the largest company there - the automobile factory KAMAZ - led to unemployment and impoverishment. In the opinion of the Tatar political scientist Aidar Khabutdinov, "reproaching Wahhabism is a common accusation comparable to 'enemy of the people' from the year 1937. Most clerics do not have sufficient theoretical knowledge to explain the situation and to convey this to ordinary Muslims. Under these circumstances, in the eyes of the radical young people, the Wahhabis have a nimbus as the advocates of Tatarstan's independence, which gives cause for concern."¹¹

Elements of Islamic extremism became particularly evident in Tatarstan after the start of the anti-terrorist operations in Afghanistan. In October 2001, radical nationalists and Islamists in Tatarstan declared their willingness to go to Afghanistan to support the Taliban in the *jihad* against the US-led anti-terrorist coalition. A group of 25 people from Naberezhnye Chelny asked the local branch of the Tatar Public Centre to send them to Afghanistan. Some of the representatives of Tatarstan's religious leadership also shared the feelings of these volunteers, although they did not agree with their methods. A member of the Spiritual Board of the Muslims of Tatarstan declared that one ought to pray to Allah for an end to this war and for punishment of those nations led by Satan.¹²

Over time, the number of volunteers even increased. According to information from the Director of the Tatar Public Centre, since the beginning of the anti-terrorist operation, around 1,000 Islamists from Tatarstan have requested to be sent to Afghanistan to join the Al-Qaida fighters. However, he did not know whether they reached Afghanistan to fight for their faith.¹³ In any case, these kinds of testimony to solidarity are evidence that an increasing number

11 Aidar Khabutdinov, *Sovremennyi Tatarstan: mezhdru nationalismom i islamismom*, in: *Konflikt - Dialog - Sotrudnichestvo* 2/2000, pp. 121-122.

12 Cf. *The Jamestown Monitor* of 12 October 2001, Vol. 188.

13 Cf. *Rossiiskii Telekanal, Vesti Nedeli* of 7 April 2002.

of young people, who could not gain ground in their own society, were prepared because of their ideological convictions (also perhaps, only to earn money) to fight for the Islamic cause all over the world.

Conclusions

Radical Islamism in Russia is in and of itself not a factor that threatens the security of the Russian Federation. Yet if it is combined with nationalist and separatist movements, its potential for mobilization can increase as well as adding an interconfessional dimension to the confrontation. Particularly the religious element, however, can change a conflict of interests into a conflict of values, which ultimately makes compromise clearly more difficult.

Radical Islam remains an expression of the social protest movements in the Muslim regions of Russia and gives them a framework; simultaneously it offers individual groups a camouflage for their fight for power and the control of resources. Islam not only legitimizes this fight in the eyes of the people, but in addition, it characterizes these cynical and egotistical goals as a “*ji-had*” for the just and fair transformation of society.

Alongside the internal causes in Russia that favour the emergence of radicalism and extremism, financing from Islamic foundations abroad plays a significant role. This support not only makes resistance possible, but also keeps it alive.

On the whole, a decrease in radical movements today can be ascertained in the North Caucasus and in other regions of the Russian Federation, which can be attributed, among other things, to the emerging decrease in nationalist movements characterized by separatism similar to that in Chechnya. Existing differences have less to do with the relations between the subjects of the Federation and the centre. Anti-terrorist activities have also played a role in this. Nevertheless, there is no reason for recklessness in politics. Radical Islamism is and will remain a part of Islamic political culture. It will have to be taken into consideration in the political decision-making process; a dialogue must be conducted with its supporters so that extremists will be marginalized. In the end, it is the Muslims themselves, who have an interest in the development of their state without any crises and fractures, who will be able to take the most effective action against Islamic extremists.

Uzbekistan's Strategic Approach to Ensuring Security and Stability in Central Asia

At present, the world community is going through an exceptionally difficult stage of its development marked with great responsibility, namely the formation of a new world order in which, in the era of globalization, it is frequently confronted with the fundamental problems and challenges of international security like international terrorism, religious extremism and illicit drug trafficking. Moreover, it is precisely Central Asia that has suffered the direct effect of these threats due to its closeness to Afghanistan, the main source of instability in the region.

A similar assessment of the challenges and threats of international terrorism, religious extremism and drug trafficking demands that the Central Asian states combine their efforts in order to achieve equal security conditions for all. The support provided by the Central Asian states in the anti-terrorist campaign in Afghanistan has moved the region from the periphery to the centre of world attention. It has also changed the region's significance as a basis for combating the further proliferation of international terrorism, religious extremism and drug trafficking at the global level.

The prospects for a normalization of the situation in Afghanistan and the emergence of long-term conditions to create security in Central Asia as well as a growing interest by the international community in the Central Asian region have, in effect, generated unique opportunities for its all-round development. The world community, for its part, needs to provide adequate support to the Central Asian states and to facilitate their joint efforts as well as providing external backing for the positive developments taking place in the region.

The speed of further development in regional co-operation will mostly depend upon the capabilities of the Central Asian states to confront the types of threats and security challenges described in the following.

Threats to Security in Central Asia

Terrorism and drug trafficking. Despite the latest achievements of the anti-terrorist operation in Afghanistan, the terrorist threat remains a destabilizing factor for the Central Asian states.

Uncoordinated groups of international terrorists and religious extremists are still operating in the territory of Afghanistan. Despite the neutralization of the military and administrative structures of the Taliban, the aims of the international anti-terrorist coalition have not been completely achieved. The military

and terrorist threats emanating from Afghan territory have only been minimized. As the Commander in Chief of the United States Central Command (USCENTCOM), General Tommy Franks, remarked in a briefing to journalists on 26 February 2002, “the process of providing stability in the territory of Afghanistan will last much longer”, and the situation in this country remained “dark and alarming”. Further, the General stated that 120 locations had been counted in Afghanistan where, according to US intelligence, Al-Qaida fighters may be hiding.¹

It is also important to take into account that, according to some estimates, the Taliban had a large military force totalling 45,000 men before the anti-terrorist operation had started.² These armed forces, at least some parts of them, have not yet been eliminated, which means they still represent a serious threat.

In addition, the creation of a strong centralized power in Afghanistan capable of controlling the situation in all provinces of the country and ensuring the process of national reconciliation has not yet been achieved. According to the estimates of many Western observers, Afghanistan may once again “fall into anarchy”, as the field commanders “have renewed internal conflicts, which the provisional government has been unable to stop”. A further escalation of the internal conflicts in Afghanistan may eventually lead to military clashes, which could not only jeopardize the peace process in Afghanistan, but may also again turn the country into a safe haven for international terrorists and advocates of extremist ideas.

Furthermore, there is still a large number of arms and a large amount of military equipment in Afghanistan. According to UN figures, the population of the country possesses approximately ten million pieces of light infantry weapons.³ The absence of adequate state control over the use of arms and the availability of stable channels for arms supplies, therefore, could cause any local clash to escalate into a military conflict.

The difficult socio-economic circumstances and the lack of alternative sources of income for the Afghan population are among the main reasons for the flourishing drug trafficking in Afghanistan. Despite the provisional government’s official ban on cultivating opium poppy, the number of opium poppy plantations has been increasing since the beginning of spring. Particularly in the east of Afghanistan, one third of the agricultural acreage is sown with opium.⁴ The financial benefits from cultivating opium poppies for the Afghan farmers are obvious: One hectare of opium poppy yields ten times as much revenue as one hectare of grain. According to the estimates of the United Nations Office for Drug Control and Crime Prevention (UNODCCP),

1 Komsomolskoye of 26 February 2002 (all quotations in a foreign language have been translated by the author).

2 Cf. The Taliban’s military forces, in: Jane’s Information Group of 8 November 2001.

3 Cf. Daniel Smith/Rachel Stohl/Reyko Huang, Afghanistan: Re-emergence of State, Center for Defense Information, 21 December 2001.

4 Cf. BBC News Online of 27 February 2002.

the harvest of opium poppy in Afghanistan in 2002 may be 1,900 to 2,700 tons and thus reach the level of the year 2000.⁵ Moreover, during the anti-terrorist operations in Afghanistan “neither the stocks of heroin, nor any of the mini-plants where it is produced were damaged”.⁶

The “extraordinary” location of the Central Asian states for drug distribution to Europe remains one of the main reasons for the increased activity of terrorist elements in the region. It is indisputably evident that the aim of international terrorists is to maintain stable trafficking channels in existence from Afghanistan through Tajikistan, Kyrgyzstan and Uzbekistan to Russia and further on to Europe.

It is well-known that up to now Afghanistan has produced 70 per cent of the world’s total opium output. Statistics show that, lately, the Central Asian heroin route from Afghanistan to Europe is becoming one of the most important. According to the statistics for the last decade, nearly 30 tons of narcotics and 77 tons of acetic anhydride (one of the main components required to produce heroin) have been confiscated by the Uzbek customs officials alone.⁷ The Russian frontier troops seized nearly four tons of narcotics and 1,400 kilograms of heroin at different parts of the Tajik-Afghan border in 2001. In fact, Central Asia has already become a huge trans-shipment base for drug distribution to Europe. This will undoubtedly lead to increasing drug consumption in the states of the region themselves.

Therefore, the scale of drug trafficking and the links of Islamic radical groups to drug trafficking are evidence that a strike against drug trafficking in the region would mean a direct strike against terrorism and vice-versa.

Religious extremism. A serious threat to the stability of Central Asia is posed by the activity of the religious extremist group *Hizb ut-Tahrir*, which under the guise of Islam, is attempting to achieve its political aim, the overthrow of the constitutional regime of the Central Asian states.

As a result of the world community’s determination and consistency in its fight against terrorism, extremist organizations may for tactical reasons abandon armed forms of attacks and violent actions. At the same time, the centres of religious extremism and terrorism, in the short and medium terms, may concentrate their material and financial resources on the ideological aspects of their activities in different regions, including that of Central Asia.

Hizb ut-Tahrir could become the main advocate of the interests of the religious-extremist forces in the region. The threat posed by the *Hizb ut-Tahrir* is in its strategic goal, which is the creation of a single theocratic state not only in one particular Muslim state or region, but in a state encompassing the whole Muslim world as the ideology of this organization is oriented towards

5 Cf. Afghanistan UNDCP Opium Poppy Survey, at: http://www.odccp.org:80/pakistan/report_2002-02-28_1.pdf.

6 ITAR-TASS of 11 February 2002.

7 Website of Gazeta SNG of 9 January 2002.

the creation of a world caliphate. To achieve this goal they appeal to all Muslims "to live permanently (until the Day of Judgment) in a state of *jihad*".

The existence of this threat in the Ferghana Valley, located at the crossroads of several Central Asian states, makes the issues of national and regional security a sphere of special responsibility. Because the threat not only extends to specific states or regions, but also to the entire civilization of the world, the common position of the states in the region on this issue should be to neutralize religious extremist and terrorist threats with legal and all other available means.

To combat this evil, complex measures are needed: political, military, financial, diplomatic and legal as well as strengthening the different public and non-governmental organizations. These measures could be either bilateral or regional and international. Greater significance should be given to the legal measures of those states, where societal causes for the problems of extremism and terrorism have been recognized.

From the viewpoint of the Uzbek leadership, being on constant standby and permanently alert to different forms of political and religious extremism must become a paramount and permanent task of the world community.

The geostrategic situation. In geostrategic terms, Central Asia lies in an area that is of vital interest to the major world powers and the power centres, which have been struggling to increase their sphere of influence in the region. Geo-economic factors - a struggle for energy resources in the region - may turn the region into one of the "nerve centres" of world politics in the near future.

Under these circumstances, the states of Central Asia must demonstrate a strong interest in strengthening the geo-economic presence of the West in the region, while taking into account the interests of other power centres as well. A transformation of the region into an organic part of the global economic and political space will not, however, remove the objective contradictions that exist. Nevertheless, it would help to be able to predict and manage the development of events. The formation of a zone of interlinked economic interests in Central Asia would strengthen the enormous importance of stability for all actors in the political process.

Inter-state relations. Several unsettled aspects of inter-state relations like, *inter alia*, the issues of border delimitation and the joint use of transborder rivers have had negative effects on the security and stability of Central Asia. At the same time, one should note that the state of affairs relating to this issue has been highly dramatized in the media. During a time when the situation in and around the region is changing rapidly, the Central Asian states have definitely recognized the objective necessity of developing co-operation in the political sphere as well as widening and deepening co-operation in the economic, scientific and technical, cultural and humanitarian, and other spheres.

Recognizing the depth and characteristics of the threats mentioned, the Republic of Uzbekistan intends to develop its strategy on the assumption that it is an objective necessity to form a broad system of regional security in Central Asia based on the principles of mutual trust, openness, adherence to the rational balance of national and regional interests and strict implementation of all decisions.

The establishment of effective regional mechanisms against the threats of international terrorism, religious extremism and drug trafficking will largely depend on the developments of the peace process in Afghanistan. In this connection, the initiatives of the Republic of Uzbekistan to settle the Afghan crisis, which were announced by President Islam Karimov during a press conference attended by foreign journalists on 20 December 2001, are timely and well founded. In particular, it was emphasized that the following prerequisites should be taken into account to achieve peace and stability in Afghanistan as well as creating a legitimate and representative Afghan government:⁸

The demilitarization of the country. The presence of large amounts of arms in Afghan territory has created conditions which could lead to a new outbreak of internal confrontations, primarily between the regional and tribal leaders, and thus could lead to renewed threats to both regional and global security. The urgency of a solution to this problem was stressed in President Karimov's address to the Secretary-General of the UN, Kofi Annan, on 18 December 2001. It is imperative that as many weapons as possible be decommissioned and destroyed in Afghanistan, as this would be the only manner to at least reduce probable attempts to undermine the state-building process there as well as decreasing the crime rate.

The federalization of the Afghan state. There is no disagreement that a united and indivisible Afghanistan with strong state power, capable of controlling the situation in the country, serves the security interests of both Central Asian states and the world community. Nevertheless, one should take into account that the specifics of internal politics in Afghanistan at present leave little chance of success for creating a state system, if the interests of all the main military-political and ethnic groups are not considered. Under present conditions, all attempts to strengthen the Afghan government and build a new Afghanistan by relying solely on military force are doomed to failure, as they will eventually lead to a direct military dictatorship and renewal of inner-Afghan conflicts as well as to the growth of separatist tendencies and disintegration of the country into small principalities. The attempts to ensure genuine long-term stability in Afghanistan through "gentlemen's agreements" on guarantees of security with separate regional leaders in exchange for direct financial and other assistance are also unacceptable. It seems that only federal

8 Cf. Press Release of the Ministry of Foreign Affairs of the Republic of Uzbekistan of 20 December 2001.

structures would ensure the fundamental conditions to achieve a balance of interests between the main internal Afghan forces.

Creation of a single international fund for the reconstruction of Afghanistan.

Providing long-term security in Afghanistan will be impossible without the realization of complex programmes of humanitarian, economic and technical assistance. However, it should be noted that in view of the present socio-economic situation in Afghanistan, the allocation of financial assistance might prove an effective lever in influencing one or the other internal Afghan force positively or negatively. In this connection, providing any kind of international assistance within the framework of a single strategy for the post-conflict reconstruction of Afghanistan would be crucial in achieving genuine peace and prosperity in this long-suffering country.

In the medium term, it seems, the solution of these problems must become one of the priorities of the international anti-terrorist coalition in Afghanistan. If it does not, it will be hard to speak of creating the prerequisites for normal political and economic development in Afghanistan and achieving long-term stability in the country, and consequently, providing full security for the Central Asian region will also be impossible.

Regional Security in Central Asia

Under these circumstances and taking into consideration its geopolitical location and potential, Uzbekistan will be able to become the main initiator of measures on establishing a regional security system. The Republic of Uzbekistan pays a significant amount of attention to the practical realization of the Tashkent Treaty (21 April 2000) between Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan on joint actions against terrorism, political and religious extremism and transnational organized crime.

This Treaty may be considered as a basis for establishing a regional security system in Central Asia, as in its initial stages it could achieve the following:

- unification of national legislation on measures to counter terrorism, any form of extremism and transnational organized crime;
- creation and implementation of practical measures to prohibit any terrorist bases in Central Asian countries;
- information exchange on crime and terrorism (on planned and committed actions, suspected individuals and organizations, forms and methods of activity);
- if necessary, conducting joint operations of the special forces of the Central Asian states.

Taking into account the special features of the present geopolitical situation and configuration of the centres of power in the region, the regional security

system must be divided into several levels and should be in harmony with the existing international institutions for co-operation in this field.

In this regard, a new regional institution - the Shanghai Co-operation Organization (SCO)⁹ - should be mentioned, which is considered by the Central Asian states as a multilateral mechanism of co-operation. Participation of Russia and China as permanent members of the UN Security Council in this organization provides additional opportunities for the Central Asian states to use the potential of these states against terrorism, religious extremism, aggressive separatism and illicit drug trafficking.

Despite its advantages, the participation of the Central Asian states in the SCO may also limit their political leeway and force them to co-ordinate their foreign policy with Russia and China, which could decrease Central Asia's interaction with the Western countries, especially with the US. Moreover, the SCO is not a military-political alliance that can provide security guarantees for its member states.

Therefore, military and political co-operation between the Central Asian states, including Uzbekistan, and the US and NATO countries is important. In this regard, the development of military and technical co-operation is a priority. A key element of this process could be co-operation in enforcing border security and upgrading the technical infrastructure.

The US has already begun co-operating with the states of the region to combat terrorism. Since announcing its Border Security Assistance programmes in April 2000, the US Government has granted 70 million US dollars for the training of customs officers and border guards, for anti-terrorist assistance and for communication, control and intelligence equipment. These programmes have created a basis for conducting the US anti-terrorist operation in Afghanistan.

At present, virtually all Central Asian states recognize the necessity for American participation in the regional security system, which has been strengthened by their agreement that the US forces and their allies use their airspace and airbases. This reflects the change in the relationship between the US and the Central Asian states and demonstrates the aspiration of the region's states for close relations with the West, in particular with Washington. The willingness of some of the Central Asian states to modernize a number of their military bases in accordance with NATO standards means attracting Western specialists to the region to build the necessary infrastructure and train service staff as well as army officers. This type of co-operation would lead to a long-term partnership in different fields involving almost all countries of the region.

Developing more stable and effective co-operation between NATO and its Central Asian partners and introducing new mechanisms for political consultations would lead to intensive co-operation in the framework of the Euro-

9 The SCO was set up on 15 June 2001; its members include: The People's Republic of China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan und Uzbekistan.

Atlantic Partnership Council (EAPC). In order to fulfil its new functions, NATO, within the framework of the EAPC, needs to increase investments in the security area, in which problems could be solved by the military tasks of the "Partnership for Peace" programme (PfP). In particular, those NATO initiatives designed to widen and deepen the PfP should involve all aspects of partnership as well as raising the level of co-operation between NATO and its partners.

On the whole, the Central Asian states must themselves play a decisive role in establishing an effective and stable regional security system. It is their own active and constructive position that will help to create an environment that guarantees sustainable development in the Central Asian region. Therefore, co-operation to create security and stability in Central Asia must not be based on declarations and imprudent decisions and measures, but on bilateral and multilateral agreements.

Regional and International Co-operation and Economic Development

In addition to organizing the regional security system, Central Asian states should also pay special attention to the development of economic and humanitarian co-operation. In this regard, Uzbekistan has been promoting an integration process in Central Asia as well as creating the necessary prerequisites to overcome disintegration tendencies and achieve flexible settlement of interstate issues in the region.

In this connection, the results of the last two summits of the Heads of Central Asian States, which took place on 27 and 28 December 2001 and from 28 February to 1 March 2002, should be mentioned. During these summits the Central Asian Economic Association (CAEA), which was created in 1994, was transformed into the Central Asian Co-operation Organization (CACO).¹⁰ It is apparent that this process demonstrates the aspirations of the Central Asian states to elevate regional co-operation to a higher level. In particular, during the Tashkent summit of 2001, it was made clear that co-operation in political, economic, scientific and technical, cultural and other areas as well as collaboration in the international arena would serve the interests of all states in the region and support peace and stability at regional and global levels.¹¹

The agreements that were reached during the meetings of the Heads of State have already altered the dynamics of inter-state relations in the Central Asian region. For instance, on 23 January 2002, the embassies of Uzbekistan and Kyrgyzstan in Washington held a round table at the US Department of Trade which was dedicated to the topic of investment and business.¹² A number of

10 Cf. OREANDA news agency, 29 December 2001.

11 Cf. Pravda Vostoka of 29 December 2001.

12 Cf. UzA news agency, 25 February 2002.

agreements were signed at the end of a visit by a Tajik governmental delegation on the 12 February 2002, according to which the state debt of Tajikistan was reduced by twelve million US dollars and the price of Uzbek gas delivered to Tajikistan was also lowered.

It is noteworthy that during the summits mentioned above, the Heads of Central Asian States also attached great importance to strengthening mutual trust in the region, a key factor for the development of inter-state co-operation. In this connection, the Uzbek initiative to create one uniform information space by setting up a joint TV broadcasting system for all the states of the region is worth mentioning. An agreement on this was already signed between Uzbekistan and Tajikistan during the visit of President Emomali Rakhmonov to Tashkent on 27 and 28 December 2001.¹³ Such measures contribute to bringing nations together through the exchange of information on life in neighbouring countries and establishing a more open dialogue between the states.

The process of the further promotion and diversification of political dialogue, improvement in the forms and mechanisms of regional economic integration, strengthening mutual understanding on establishing a common security area and working out joint measures on maintaining peace and stability in the region will largely depend on intensifying multilateral co-operation in political, scientific and technical, cultural and humanitarian relations as well as the realization of the CACO provisions.

In addition, the Central Asian states have an interest in implementing economic, public and political programmes through the international community. The US has already announced corresponding plans on this. Since the Central Asian states have provided a humanitarian corridor for food supplies to Afghanistan and rear support to the anti-terrorist coalition, long-term co-operation between the US and the states in the region should be focused on efforts to link military co-operation with genuine assistance for reforms in the Central Asian states.

Washington's aims to maintain its presence in the region are connected with the complexity and long duration of the task of reconciling the situation in Afghanistan. Instead of focusing on a US military presence in Central Asia, long-term economic and other forms of co-operation in order to promote socio-economic development in the region have been proposed.

Political, economic, humanitarian and military issues are actively being discussed between US officials and state leaders in the region. In this context, the American side has repeatedly ascertained "a higher level" in the mutual relations between the US and Central Asian states. In particular, Uzbekistan confirmed its intention to accelerate the realization of programmes related to economic liberalization.¹⁴ A common aspiration on the part of both sides to deepen the co-operation led, on 30 November 2001, to the signing of a

13 Cf. UzA news agency, 27 December 2001.

14 Cf. Pravda Vostoka of 6 December 2001.

Memorandum of Understanding between the governments of the Republic of Uzbekistan and the US on the further development of bilateral co-operation and support of economic reforms in Uzbekistan.

As has already become apparent, the rebuilding of Afghanistan is promoting development in Central Asia; the supply of Central Asian goods, materials and services into Afghanistan has already stimulated the economies of the states in the region. However, the perspectives for the economic development of the Central Asian region will mostly depend on the exploitation of the vast energy resources in the region and on alternative export routes.

The Role of International Organizations

It appears that adherence in US policy to more intensive and co-ordinated co-operation in all areas, including security, trade and the energy sector as well as strengthening the internal security of the countries in the region by supporting political and economic reforms would create the prerequisites for long-term stability in Central Asia.

Furthermore, preventing international terrorism and religious extremism by solving the socio-economic and socio-political issues of the region requires the involvement of the UN, the OSCE and other international institutions in regional processes.

The foundation of the Counter-Terrorism Committee (CTC) of the UN Security Council can be seen as a parallel to the Uzbek initiative to establish a United Nations international centre to counter terrorism. Now that the military phase of the anti-terrorist operation in Afghanistan is coming to an end, Uzbekistan supports the idea that overall co-ordination of anti-terrorist policies and the reconstruction of Afghanistan should be carried out under UN auspices.

In this regard, the protocol between the government of the Republic of Uzbekistan and the UN on promoting the delivery of humanitarian aid from Uzbekistan to Afghanistan signed on 14 December 2001 in Tashkent plays an important role.¹⁵ While it, on the one hand, assists international non-governmental and governmental organizations in completing deliveries to Afghanistan, this document has also significantly accelerated the realization of UNDP's long-term projects in Uzbekistan in the following fields: increasing living standards by creating stable sources of income; environmental protection; human resources development; development of information and communication technologies in Uzbekistan; support of the government on the co-ordination of foreign aid.

The OSCE could also play a key role in strengthening security and stability in Central Asia, however, it needs to reassess its priorities, including the ex-

15 Cf. Pravda Vostoka of 15 December 2001.

pansion of its mandate to co-ordinate a common strategy against the new types of threats.

The determination of the OSCE to face up to terrorism by making a joint effort has found expression in the adoption of the 2001 Bucharest Plan of Action for Combating Terrorism, which includes proposals on giving practical support to the Central Asian states. In this context, although the OSCE cannot be considered a leading organization on countering terrorism, it could deal with some of the fundamental problems of terrorism like political and socio-economic disparity, which are the breeding ground for extremist ideologies. The “International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism”, held in December 2001 in Bishkek under the auspices of the OSCE, which continued the work of the conference on security issues, jointly organized by the UNODCCP and the OSCE in Tashkent in October 2000, was a first step to the realization of the Bucharest Plan of Action for Combating Terrorism.¹⁶

The OSCE has sufficient intellectual resources and political authority to maintain multilateral relations with the Central Asian states, who have a right to expect support from the OSCE, not only in monitoring the potential spots of conflict and instability, but also in their efforts in all dimensions of sustainable development, including the social and economic, cultural and humanitarian, scientific and technical as well as educational fields.

In this regard, providing technical and financial assistance to the states of the region on the basis of comprehensive national and regional programmes should be considered a priority in the following fields:

- strengthening the capabilities of the Central Asian states in protecting their borders and preventing terrorist and organized criminal groups from crossing borders. In this connection, the situation in Afghanistan and especially illicit drug trafficking should be taken into consideration, but at the same time there should be no obstacles to free trade and travel;
- assisting sustainable economic development by increasing co-operation between national and international banks in order to support economic processes. This would also help to attract foreign investments as well as preventing money laundering and the financing of terrorism;
- training specialists in different areas and providing appropriate equipment and technologies;
- strengthening the potential of state organizations to counter terrorism, organized crime and illicit drug trafficking;
- providing financial and other assistance to facilitate ratification and implementation of the appropriate international conventions.

16 Cf. www.osce.org/events/bishkek2001.

Thus, international co-operation in establishing a sustainable regional security system in Central Asia should include the participation of the main centres of power and international organizations, which will create a basis for co-operation and settlement of problems in the region. International assistance for reforms in the region will promote stability and peace not only in Central Asia, but will also prevent the emergence of any new hot spots that may be a threat to global security in the future.

II.

Responsibilities, Instruments, Mechanisms
and Procedures

Conflict Prevention and Settlement of Disputes

The OSCE Mission to the Federal Republic of Yugoslavia¹

Assisting in the Strengthening of Democratic Institutions

After the democratic changes in October 2000, the Federal Republic of Yugoslavia (FRY), following a period of more than eight years of absence from the OSCE, was admitted to the Organization on 10 November 2000. Following this, the OSCE Permanent Council decided on 11 January 2001 to establish a Mission to the Federal Republic of Yugoslavia (OMIFRY). One year after its formal inauguration on 16 March 2001 in the presence of the OSCE Chairman-in-Office Mircea Geoană and Yugoslav Foreign Minister Goran Svilanovic, the Mission had established itself as one of the leading and most active international organizations in the FRY. The Mission promotes a co-operative ethos; it sees its role as “supportive” rather than as “imposing”. In this way, the Mission works closely in co-operation with the government, providing advice and suggestions in the creation and formulation of legislation and institution building. This type of mutually beneficial relationship with the government has proven to be hugely successful and, therefore, the Mission is more often considered a partner than a watchdog by governmental authorities. The reason for adopting this type of approach is because the governmental structures and the civil society sector are already quite well developed. Thus, to pursue an approach based on creating institutions and civil society structures would be inappropriate, when the objective should be assisting existing structures. The Mission addresses both the enhancement of existing institutions and the adoption of laws and procedures in line with international standards and is enabled, because of its constructive relationship with the government, to work in conjunction with the policy makers rather than acting simply as policy advocate. Since its inception, the Mission has endeavoured to provide assistance and expertise in accordance with its mandate and has succeeded in bringing together government representatives, NGOs and other interested parties to discuss and agree on common projects and plans. The areas in which the Mission provides added value to the efforts of its various partners are as follows: reform of the judiciary and police; the retraining of public administrators at central and local levels; the strengthening of the parliamentary dimension; support for the creation of a national ombudsman/peoples advocate institution; support for governmental programmes to combat discrimination against vulnerable groups, including national minorities; the fight against trafficking in human beings; transparency of the

1 State of Affairs: August 2002.

media and the transformation of the national radio and television station; establishment of an environmental ministry and the drafting of environmental legislation; and assistance to the FRY in the implementation of its confidence- and security-building measures (CSBMs) commitments.

The Mission is also tasked, as elsewhere in the region, with advising the Chairman-in-Office, the Secretary General and the Permanent Council in Vienna on the political situation and developments in the FRY, particularly in as much as these relate to the stability of the country, electoral and election monitoring issues, and the overall implementation of the Mission's mandate.

General Overview

Generally, the process of political normalization in the country as a whole has been confronted by a number of problems, including issues relating to internal governance and broader geo-political relations. The main issues that characterize the political environment in the FRY, and within which the Mission operates, include the economic situation; maintenance of law and order, including the fight against organized crime and corruption; the geo-political situation in Southern Serbia and the status of the FRY, including particularly the Serbia-Montenegro relationship.

In political terms, the main issue that has confronted the Mission is the situation in Southern Serbia. The Mission has focused particularly on assisting in the implementation of the peace initiative for Southern Serbia brokered in May 2001 by Deputy Serbian Prime Minister Nebojsa Covic, the so-called Covic Plan. In fact, the Mission is the one international organization associated, by all parties concerned, with the implementation of the Covic Plan. To this end, we work intensely with all interested parties within the political equation of Southern Serbia, which has contributed to normalizing the situation on the ground. In helping to realize the Covic Plan the Mission has succeeded in promoting an amnesty for former UCPMB fighters, country-wide acceptance of diplomas issued in Kosovo and, recently, the Mission has brokered agreement on general principles for the municipal elections in Southern Serbia in June 2002.

Economic Reform

Economic reform has been one of the areas where the Democratic Opposition of Serbia (DOS) government has shown considerable success. Economic and policy performance has been impressive since the overthrow of the Milosevic regime and the initiation of reforms in late 2000. Inflation has declined by two-thirds to 40 per cent, and the foreign exchange reserves of the central bank have doubled. On the structural front, recently adopted legislation, including the privatization law and labour law, has considerably liberalized the

labour market. Rapid progress has been made in stabilizing the economy and strengthening the external position. The new institutional framework for bank and enterprise restructuring have begun to be implemented in line with the IMF and World Bank recommendations and relations with multilateral and Paris Club creditors have been normalized. While the Mission is not directly involved in the economic reforms, these positive achievements create an environment within which other reforms where the Mission does play an active part can be pursued more vigorously. In addition, the Mission has recently initiated a process to create a “focal point” within the Mission, so as to co-ordinate activities, projects and information-flow between the Mission and financial institutions, such as the World Bank and the European Agency for Reconstruction.

Legislative Reform

Although the legislative reform process has made many advances, including the adoption of an advanced law on the protection of minorities and a law on local self-government as well as the adoption of a judiciary package and the drafting of the anti-corruption package, there are a number of key areas of legislation still in need of reform. This is especially true for the adoption of new Constitutions in line with the Framework Agreement for Serbia and Montenegro, brokered by the European Union and signed by all parties involved on 14 March 2002. Other areas in need of reform include broadcasting and telecommunication laws, environmental law, public information law and laws and regulations relevant for the democratic control of the army and the security sector. As mentioned earlier, the Mission acts in an assisting, advisory role regarding the creation and revision of legislation. This process is enabled by the fact that the Mission is made-up of experts in fields ranging from judicial reform to media reform who are in a position to provide information regarding “best-practices” within their given field. For example, in the drafting of the law on the protection of minorities, the Mission experts provided the Ministry with advice on how the legislation could best be improved and the various sensitive issues that should be taken into account. The result is a markedly comprehensive high standard piece of legislation, which will invariably lend to both minority representation and stability within the country.

We believe the basis of the Mission’s success, which also leads to the adoption of better legislation, is founded upon two things: first, the Mission’s possession of the necessary expertise and, second, its respect for the democratic mandate of the government and its ministers.

Policing

Another sphere in specific need of reform is that of policing. The Istanbul Charter for European Security signed in November 1999 ensures participating States' support for the OSCE's role in civilian police related activities. The Mission takes its obligations regarding the creation of a modern civilian police force in the FRY seriously. In fact, it is considered by the Mission as one of the most fundamental aspects of institutional enhancement, as without a representative and competent police force, it is difficult to generate respect for government authority at a more general level. Furthermore, considering the diverse ethnic make-up of the region and the fact that some prejudice originating from the actions of the previous regime may still exist, it is important that all sections of society feel represented and protected by the new democratic police forces. In this regard, the Mission, through its Law Enforcement Department, has focused on the retraining of police with emphasis upon human rights, policing principles and ethics. Soon after the creation of the Mission, a Police Consultant was appointed to carry out a comprehensive study of policing in the FRY and to recommend what changes and international assistance were needed to modernize policing along European lines and to integrate the FRY police services into the international police community. The Police Consultant's study was jointly adopted by the Mission and the Serbian Ministry of the Interior and will serve as a basis for the Mission's ongoing support to police reforms in the FRY and provide a resource base for international donor programmes.

Southern Serbia

Regarding Southern Serbia, as previously outlined, the Mission engaged itself in this issue immediately after the signing of the peace agreement brokered by Covic on 21 May 2001 which brought an end to a spring of violence in this region. To this end, the Mission appointed a Southern Serbia Co-ordinator in order to further concentrate its activities.

The development of multi-ethnic police training is fundamental in helping the development of societal security in Southern Serbia. The Mission is conducting a multi-ethnic police-training project, aimed specifically at Southern Serbia. The first class of multi-ethnic police cadets from the Mission-led training centre in Mitrovo Polje graduated on 17 October 2001. On 18 January 2002, the graduating ceremony for the second class of the OSCE-led multi-ethnic police project took place in Bujanovac, in the presence of the Minister of Internal Affairs Dusan Mihalovic. The total number of cadets graduating from this course was 93, out of which ten were females. At the end of the series of training courses, the police force in Southern Serbia should be composed of 57 per cent ethnic Albanians and 43 per cent Serbs, while the proportion of women in the force should reach twelve per cent.

Regarding the media situation in Southern Serbia, an agreement based upon the institutionalization of a multi-ethnic media was signed on 18 January 2002 and will help create a better represented society. The document, the first of its kind in Serbia, provides for the progressive transformation - in a first phase - of the municipal media in the municipality of Bujanovac, where in the past the most delicate problems between Serbs and Albanians could be witnessed in the media sphere. Similar agreements for the municipalities of Presevo and Medvedja, whose authorities have already pledged their full collaboration, are planned to follow.

The Mission has also facilitated the creation of a Serbian/Albanian round table to enable greater co-ordination and communication between Serbs and Albanians regarding the implementation of the Covic Plan. In addition, the holding of early municipal elections in Southern Serbia has been the object of many negotiations and discussions promoted by the OSCE Mission to the FRY. At that time, discussions took place between the Head of Mission and Deputy Serbian Prime Minister Covic in order to pave the way for the holding of early municipal elections in the region.

Sandjak and Vojvodina

While the region of Southern Serbia has been the focus of concrete projects aimed at stabilizing the post-conflict situation, the region of Sandjak and the Autonomous Province of Vojvodina, because of their historical and multi-ethnic particularities, are supported by the Mission with regard to strengthening both decentralization and regionalization in Serbia, which is high on the political agenda of the DOS coalition.

In Vojvodina, a province that is characterized by great ethnic diversity and traditional tolerance among different nationalities, the Mission activities initially focused on issues connected with inter-ethnic relations and local government. Training courses aimed at building local management skills have been conducted in a number of municipalities to enable local governments to better protect their interests and foster development and local harmony. The restitution to Vojvodina of a number of competencies, particularly in the fields of economy, social security, health, culture, information and education, by a so-called "omnibus law" gives an opportunity for increased co-operation between the Mission and Vojvodina authorities. This includes the possibilities of new initiatives, such as those aimed at capacity building for the public administration in the province.

In Sandjak, where the most Muslim/Bosniak citizens of Yugoslavia live, the Mission has monitored political and other relevant events within the scope of its mandate. Through regular visits to the municipalities, good working relations with local authorities, political parties (both ruling and opposition) and non-governmental organizations have been established. There is a widespread perception of the OSCE as an objective factor in fostering inter-ethnic peace

and understanding in the region. The Mission was welcomed and encouraged to take a role in facilitating reforms on the local and regional level, including work on development of democratic values, transparency and accountability of public institutions, equal access to employment for members of different ethnic communities, improved education and improved public services.

Montenegro

The OSCE played a role in the Republic of Montenegro even before the formation of the OMIFRY; the OSCE presence in Montenegro had been established on an *ad hoc* basis in 1999 through the opening of an ODIHR office there. On 15 November 2001, the OSCE Permanent Council in Vienna decided that responsibility for the Podgorica office was to be transferred from ODIHR to the OSCE Mission to the FRY. The Podgorica office has been in operation since 1 January 2002 as a part of the OMIFRY, but is in daily direct contact with the Montenegrin authorities and can pursue initiatives of specific value for the Republic.

On 14 March 2002, an agreement regarding the future status of Serbia-Montenegro relations was finally brokered by EU High Representative for the Common Foreign and Security Policy (CFSP) Javier Solana and signed by all major political players. The agreement must now be ratified by the Federal Parliament and both Republican Parliaments and then drafted into a common Constitutional Charter. New constitutions must then be drafted by both Republics. The agreement gives both republics considerable autonomy, including economic autonomy. A number of common institutions, including Foreign Affairs and Defence, remain; they are to be governed under the Ministerial Council of Serbia and Montenegro.

The OSCE certainly holds a unique and constructive position regarding the question of Montenegro's status. The Mission endeavours to support the democratization process through the process of institution building. The advantage of this neutral position allows the Mission to support the democratic process independent of the definition of relations between Serbia and Montenegro.

On the whole, we believe that the Mission is having a stabilizing effect upon political developments in the FRY. The efforts of the Mission are based to a large extent on the OSCE functions relating to conflict prevention and preventive diplomacy. However, the Mission's role and activities are also characterized by a co-operative approach with the Yugoslav authorities at all levels and by co-ordination of its projects and initiatives with the Yugoslav government.

Specific Activities of the Mission (Departmental Activities)

In addition to general political activities of the Mission, its different departments are engaged in a number of projects in specific fields, within the Mission's overall mandate. These activities are aimed at reforming and reinforcing democratic institutions in main political and public sectors, in order to strengthen the rule of law, promote the values of civil society and bring the country closer to European standards. At the same time, the activities and projects are designed and implemented in full co-operation with the relevant Yugoslav authorities and NGOs, making the Mission a part and parcel of domestic reform. We find it very rewarding that our Yugoslav counterparts have accepted the Mission as their partner, not as a burden.

An example of this approach have been the activities of the *Law Enforcement Department*. Its major achievements, as mentioned earlier, have been the establishment of multi-ethnic police forces in the Southern Serbian municipalities of Presevo, Medvedja and Bujanovac and its engagement in supporting police reform in the FRY as a whole.

Similarly, the *Rule of Law/Human Rights Department* has been directly involved in promoting respect for law in the FRY and supporting the respect for human rights and fundamental freedoms. The Department has developed a programme for ongoing education and retraining of judges, prosecutors and lawyers.

In addition, the Department's anti-corruption activities have become particularly relevant following the Serbian government's December 2001 decision to establish the Council on Anti-Corruption, which the Head of the Mission was asked to join. The OSCE is the only international organization on the Council. The Department plans to be proactive in working with the Council and other international organizations to push forward economic reforms in areas such as taxation, privatization and anti-corruption.

Pursuant to the recommendations of a round table on the establishment of an ombudsperson institution in the FRY, the Mission and the Serbian government have agreed upon a programme which provides for legislative support, practical expert advice from existing institutions, study trips, and a public awareness campaign.

A programme for penal reform has also been arranged with the Serbian authorities and has been presented to international donors. The proposed activities include a legislative review, study trips and professional training for the staff and administrators of the penal system.

The main focus of the *Democratization Department* is capacity-building within state structures in order to create a foundation for a system of democratic government that is more responsive to its citizens and civil society. Parliamentary reform is an important focus of the Department's activities. The Department also has a number of key human rights functions, including the establishment of mechanisms to protect vulnerable groups such as minorities,

refugees and internally displaced persons (IDPs), women and the victims of trafficking in human beings.

In April 2001 the Department organized a round table under the auspices of the Stability Pact Special Task Force on Trafficking in Human Beings. The result was the establishment of a cross-sectoral national mechanism of government and NGO representatives aimed at tackling the problem of trafficking in human beings from and through the FRY. Its tasks include prevention, law enforcement, public awareness, shelter and referral issues. The Mission also organized a training seminar for lawyers from Croatia, Bosnia and Serbia on how to bring Croatian property cases to the European Court for Human Rights. The Mission participated in the drafting of the government's National Strategy on Refugees and IDPs and developed, along with local and regional international organizations and NGO's, methods to facilitate the return of the Bosnian Serbs to Bosnia.

Various initiatives have also been launched by the Democratization Department aimed at promoting the role and status of women in politics and in the workplace and establishing national gender protection and promotion mechanisms. This has primarily been done within the context of the Stability Pact Gender Task Force Action Plan, which is just one example of the co-operation between the Mission and the Stability Pact for South Eastern Europe.

As recognized both domestically and by international observers, the role of the Parliaments is one of the weaker points of the functioning democracy in the FRY. Therefore, the Mission attaches particular importance to its Parliamentary Support Programme, which has been established to help strengthen the democratic functioning and institutional and human capacities of parliamentary institutions and political parties at federal, republican and provincial levels. Programme activities include the provision of regulatory and training assistance to the Offices of the Parliamentary Speakers, to Members of Parliament and parliamentary staff through seminars, networking with other parliamentary institutions and various other *ad hoc* activities.

The media scene in the FRY is very rich and diverse, but also quite complex. The state owned and controlled media has been one of the main pillars of the Milosevic regime and acted as a disseminator of populist propaganda and hate speech. On the other hand, independent media fought bravely to provide critical and impartial information and promote freedom of expression, in the face of pressure and persecution. They created an active and highly competent body of professional and democratically committed journalists. After the October 2000 changes, the main task of the reforms in the media sector has been to introduce "normality and international accepted standards" in the functioning of the media, while maintaining the achievements of independent journalism and introducing professionalism and impartiality in the public sector as well.

With these aims in mind, the Mission's *Media Department* has been assisting relevant government authorities and journalists' associations with legal ad-

vice on new broadcasting and public information legislation. Support has also been provided to the federal and republican telecommunications authorities to help establish regulatory agencies for broadcasting and telecommunications which can ensure transparent and fair licensing procedures for private electronic media. Legal and technical support is also being provided in drafting further media legislation for freedom of information, advertising standards and a review of media-related provisions in the civil and penal codes, for example. These reforms should eliminate anachronisms from the authoritarian period such as provisions that journalists in Serbia and Montenegro can still face criminal charges for activities conducted as part of their professional obligations.

The Department is also assisting the newly appointed management of Serbian State Radio Television (RTS) in carrying out its transformation to a public broadcasting service and in reforming its news services. The Department also facilitates or directly contributes to training initiatives for media managers, editors, journalists and technicians, as part of various development projects aimed at improving professional and ethical standards, as well as promoting co-operation and confidence between different ethnic communities, particularly in Southern Serbia.

One of the unique characteristics of the Mission to the FRY is that it is also mandated to perform work in the economic and environmental fields. One of the main achievements of the Mission's *Economy and Environment Department* has been the assemblage of an international donor and advisory constituency to support the efforts of the Serbian authorities to draft new environmental legislation in line with European and international standards and to establish an Environment Ministry and an independent Environmental Agency. The Department was involved in organizing the Preparatory Meeting for the Tenth OSCE Economic Forum in Belgrade on 5-6 November 2002. Amongst the results of the Meeting was the signature of a Letter of Intent by the authorities of the FRY, Croatia and Bosnia and Herzegovina on the joint protection of the waters of the River Sava.

In late 2001, the Mission initiated a public awareness campaign on environmental issues that has received broad attention in Serbia. The campaign was financed by the Swiss, Italian, German and Norwegian governments.

Last but not least, the Mission has been mandated to assist and promote implementation in the *confidence- and security-building measures (CSBM)* area, which is closely linked to defence- and security-related issues. Together with the Conflict Prevention Centre within the Vienna OSCE Secretariat and the Yugoslav Ministry of Foreign Affairs, the Mission organized a round table on CSBM implementation for Yugoslav government officials, which included officials from the Yugoslav Ministry of Defence and the General Staff. The Mission also recently co-sponsored a seminar on parliamentary oversight of the defence and security sector.

In particular, the Mission's efforts in this field are focused on implementation of two OSCE documents - the Code of Conduct on Politico-Military Aspects of Security and the OSCE Document on Small Arms and Light Weapons (SALW). The relevance of the Code of Conduct is closely linked to the issue of democratic control of armed forces, which has steadily gained in importance in the FRY. Recent events show that in the country there is a clear and urgent need for introducing standards of established democracies in oversight of the military and security sectors. The improvement and exercising of parliamentary oversight over the defence and security sector is, therefore, also an aspect of increased focus for the Mission.

Stability and security in the FRY, and the region as whole, would benefit from the stricter control and reduction of the surpluses of small arms and light weapons which were used in past conflicts and remain in possession of organized crime, criminal groups and individuals. The Mission has supported the early implementation of the OSCE SALW Document and was involved in a programme, funded through the Stability Pact, for the destruction by the Yugoslav Army of stockpiles of surplus small arms and light weapons. The forthcoming establishment of a regional SALW clearing house in Belgrade will provide an additional opportunity for the Mission to work, together with other relevant international actors such as UNDP and the Stability Pact, in this field.

The co-operative ethos of the Mission is also borne by the fact that it has developed *concrete co-operation and working relationships with other international organizations* engaged in the FRY, such as the EU, OMIK, UNMIK, the ICTY Office, UNDP, UNHCR and ICRC.

In particular, regular contacts were established with the Office of the Special Co-ordinator of the Stability Pact for South Eastern Europe. A systematic dialogue has also been carried out with the Regional Envoy of the Stability Pact. The close working relationship was formalized through signing of a Memorandum on Co-operation between the Office of the Stability Pact for South Eastern Europe in FRY and the OSCE Mission to the FRY.

The Mission closely co-operates with the Council of Europe (CoE) and its Office in Belgrade, *inter alia*, through regular exchanges of relevant information, briefings, joint assessment visits, common projects and participation in seminars and conferences. At the initiative of our Mission, a joint "Centre for Information and Documentation", located at the National Library of Serbia, was opened in April 2002.

In carrying out all of its above mentioned activities, a particular importance is attached to the *public promotion of the Mission and its work*, and extending its "outreach" to the population beyond the bounds of Belgrade. This part of the Mission's work is concentrated in the *Spokesperson's Office*. Through regular personal contact with press and electronic media representatives, a network of press contacts has been established. Media coverage of the Mission's activities has been frequent and generally favourable, which is very

much appreciated and serves as an encouragement for our further work. The Mission's involvement in multi-ethnic policing in Southern Serbia has received particularly high profile attention. The perception of the OSCE Mission to the FRY as an organization that works closely with the Serbian public and that actively seeks the involvement of the population in its activities has also been helped by a project called "A Notebook for every First Grader". This nationwide campaign, financed by voluntary funding from the Netherlands government, consisted of the production and distribution of a notebook to all children who, in 2001, went to school for the first time in Serbia (about 100.000). The schoolbook, entitled "My house is in Europe", was produced in Serbian and five minority languages.

A generally more objective view of the OSCE, which was until recently somewhat negatively perceived in the FRY due to the Organization's previous involvement in Kosovo, is now noticeable. Outreach to the provinces has also been enhanced through regular visits to the main regional centres by a senior staff member, in order to present the OSCE and the Mission's work and to learn about the specific concerns of the local populations.

As can be seen from this summary presentation, the Mission activities in the FRY are quite diverse and multifaceted, but maintain as the main goal the consolidation of democracy in the FRY and its stabilization and accelerated integration into Europe. As such, the role of the Mission is fully compatible with the efforts of the reform-oriented political structures in the country, both in the government and NGO spheres, as well as with the activities of other international organizations active in the FRY.

A little more than a year and a half ago, the Mission was created, following democratic forces coming to power in the country. We started with a relatively small staff but a clear intention and firm commitment to the promotion of democracy-building. The role of the Mission and the vision of the democratic forces can now be best vindicated if Serbia and Montenegro further consolidate its democratic credentials, thus leading to the early integration of the country into other European and Euro-Atlantic organizations and associations, such as the Council of Europe, Partnership for Peace and, eventually, the European Union.

A Rocky Path: Kosovo's Transition to Provisional Self-Government¹

General Elections in 2001 and Beyond

Introduction

Observers of Kosovo's transition process towards provisional self-government might have been overly optimistic when general elections were announced for the autumn of 2001. The creation of "Provisional Institutions of Self-Government" (PISGs) as defined in the Constitutional Framework of May 2001 represented a benchmark in the implementation of UN Security Council Resolution 1244 and was to mark the starting point of the third phase in UNMIK's institution-building process before the intricate issues surrounding the final status of the territory were to be addressed.² In fact, it has become a true test of the UN Interim Administration's ability to forge agreement between, first, Kosovo Albanian political parties and, second, between the PISGs and the Kosovo Serb political establishment that only decided to join the central government in May 2002. The introduction of "benchmarks" by which progress in institution building will be measured, provided Kosovo's newly elected government with a prism through which the status issue will be viewed from now on.

This article reviews progress made in building political institutions, starting from the promulgation of the Constitutional Framework through conducting general elections half a year later to the formation of PISGs in spring 2002. The PISG implementation phase has inevitably resulted in some tension caused by the desire of democratically elected officials to take over more responsibility, on the one hand, and the duty of UNMIK to safeguard those areas which were reserved under the Constitutional Framework due to their sensitive nature, on the other. Before going into the details of how the new PISGs have assumed responsibility for the implementation of the new Special

1 The article reflects the authors' own analysis and does not necessarily represent the OSCE position.

2 According to UN Security Council Resolution 1244 of 10 June 1999, UNMIK (United Nations Mission in Kosovo) deployment was envisaged in four integrated phases. In the first phase, the international Mission would set up administrative structures, deploy an international civilian police force and provide emergency assistance to returning refugees. Throughout the second phase, focus would be on the administration of social services and utilities and the consolidation of the rule of law. In the third phase, UNMIK would conduct elections for a Kosovo Assembly and finalize preparations for the creation of provisional institutions of self-government while promoting the establishment of "substantial autonomy" for Kosovo. The concluding phase would depend on a final settlement of the status of Kosovo.

Representative of the UN Secretary-General (SRSG) Michael Steiner's ambitious programme, the institution-building process will be revisited.³

Building Political Institutions - A Protracted Process

In the immediate post-conflict environment, the imperative for the international community was to build institutions - an essential component of long-term sustainable peace. At the central level, on 15 May 2001, a significant step towards this was the signature of the Constitutional Framework for Provisional Self-Government in Kosovo as an UNMIK Regulation,⁴ which provided the basis for the formation of provisional institutions and future government. The Constitutional Framework determines the powers and responsibilities of the PISGs, the powers and responsibilities reserved to the SRSG and sets up an Assembly, as well as executive and judicial branches. Crucially, the SRSG is empowered to strike down any attempt to step outside the institutions' competencies. In particular, the institutions have no authority to make any unilateral moves towards deciding the issue of Kosovo's final status. This is in line with UN Security Council Resolution 1244, which established Kosovo's present interim system.⁵ While the document represented a fair compromise, it also set up a sustainable institutional framework wherein the participation of all ethnic communities could be guaranteed through the introduction of set-aside seats at the central level. Of the total number of 120 seats called for in the central Assembly, 100 seats were to be open for competition according to the system of proportional representation while 20 seats were "set aside" to ensure the over-representation of Kosovo's smaller communities. Ten seats were set aside for entities representing the Kosovo Serbs, four for the Kosovo Roma, Ashkali and Egyptians (RAE), three for the Bosniaks, two for the Turks and one for the Gorani.⁶ As a result, an institutional mechanism was created that would, it was hoped, be able to contain conflict at the central level. A year earlier, institutions - however imperfect - had been created at the municipal level within which societal conflict was to be resolved. Representatives from those ethnic communities that did not participate in the first municipal elections were appointed by the SRSG. UNMIK Regulation 2000/45 "On Self-Government of Municipalities in Kosovo" also provided for the establishment of mandatory community and mediation committees to allow individuals or groups of individuals to file complaints against alleged discrimination by the municipal administration.

3 This article covers the political developments up to August 2002.

4 UNMIK Regulation "On a Constitutional Framework for Provisional Self-Government in Kosovo", UNMIK/REG/2001/09 of 15 May 2001, at: www.un.org/peace/kosovo/pages/regulations/reg01.09.html.

5 See also Franklin de Vrieze, Towards Self-Government in Kosovo, in: Helsinki Monitor 1/2001, pp. 11-25, here: p. 13.

6 In addition, at least one out of every three candidates at the top two-thirds of the candidate lists were to be female.

On 17 November 2001, members of all of Kosovo's communities cast ballots for the new Kosovo Assembly at orderly and well-prepared polls. Neither the boycott of Kosovo Serb voters nor the logistical difficulties that marred the 2000 municipal elections were repeated.⁷ The OSCE Mission in Kosovo (OMIK) delivered upon its commitment to provide safe and convenient access to the electoral process to all voters and communities and Kosovo proved that it was committed to democratic norms through peaceful adherence to the electoral rules throughout the campaign and on Election Day.⁸ Election Day itself followed a campaign of little violence or intimidation and few violations of the electoral rules. More than 65 per cent of 1.25 million registered voters cast ballots. Though the percentage turnout was 13 per cent higher in the municipal elections a year before, more people voted in the 2001 general election. Based upon the locations of the polling centres, it is estimated that some 67 per cent of the eligible voters residing in primarily Kosovo Albanian areas and 47 per cent of those living in primarily Kosovo non-Albanian areas (especially Kosovo Serbs, the Kosovo Roma, Ashkali and Egyptian communities as well as Kosovo Turks, Bosniaks and Gorani) voted. Meanwhile, outside of Kosovo, approximately 53 per cent absentee voters, 58 per cent of the eligible voters in the Republic of Serbia and 57 per cent of the eligible voters in the Republic of Montenegro participated in the election. Given that the Federal Republic of Yugoslavia (FRY) as well as Kosovo Serb leaders endorsed the electoral process only twelve days prior to the election, the estimated turnout among Kosovo Serbs both within Kosovo and Serbia proper and Montenegro was impressive. The Council of Europe Election Observation Mission (CEEOM II) reported, however, that anti-election intimidation was present in Kosovo Serb areas, especially in northern Kosovo (north Mitrovica, Leposavic, Zubin Potok and Zvecan). The fact that voters chose to participate in the election in the face of intimidation was a token of their seriousness about the democratic process.

OMIK emerged with credit for conducting the general election in 2001 and rightly so. The media played a central if not crucial role in this. An extensive operation ensured that political entities and media outlets were well informed of their rights and obligations. The media regulations drafted by OMIK ensured that every certified political entity had an opportunity to inform the people of Kosovo of their platform in a fair and equitable manner. The

7 Cf. Daan Everts, *The OSCE Mission in Kosovo*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 137-148.

8 The Council of Europe Election Observation Mission (CEEOM II), the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly as well as the European Parliament have issued statements that "the Electoral Code provided conditions for free and fair elections", "registration was carried out successfully", "the elections were conducted in an efficient manner" and that "the organising authorities performed their duties in a constructive and professional manner".

monitoring and analysis conducted by OMIK's media monitoring unit ensured compliance with Central Election Commission (CEC) rules and provided the basis on which the Election Complaints and Appeals Sub-Commission (ECAC) took action to curb the worst excesses in the media. OSCE's Media Access Support Teams (MASTs) were again deployed to the regions to mediate complaints before they escalated.

The SRSG's immediate certification of the 2001 general election results on 24 November was, as noted by OMIK's former Head of Mission, Ambassador Daan Everts, a "testimony to the election's success". Upon certifying the results, the Special Representative announced that the inaugural session of the Kosovo Assembly was to be convened on 10 December. Importantly, the results of the general election were inclusive and reflected the diversity of Kosovo's society. All communities participated in the electoral process, and thanks to the set-aside seats, no voices were too small to be heard in the Assembly.⁹ 34 women were elected - almost 30 per cent of the Assembly. The elected candidates had been registered in 21 different municipalities. An excellent and inclusive Election Day, a transparent and accepted count and a representative Assembly have laid the right foundation for the transfer of responsibility to the provisional democratic self-government. Though 14 parties obtained regular seats, it is noteworthy that only three Kosovo Albanian parties gained more than one elected seat in the Assembly. The Democratic League of Kosovo (LDK) secured 47 seats, while the Democratic Party of Kosovo (PDK) gained 26 and the Alliance for the Future of Kosovo (AAK) eight elected seats. The Serb Povratak Coalition (KP) obtained twelve elected seats with their percentage of the vote in addition to ten set-aside seats as stipulated in the Constitutional Framework. Vatan, a coalition of Bosniak and Gorani parties, gained one elected seat in addition to three set-aside seats while the Turkish Democratic Party (KDTP) has a combined total of three elected and set-aside seats. In light of the election results, smaller Kosovo Albanian parties remain righteously indignant, stating that they have been discriminated against and that the international community should have done much more to support them and allow them to become a viable option for the people of Kosovo.

The Formation of the Provisional Institutions of Self-Government

The election results showed that no single party could dominate the Kosovo Assembly and implied that parties would have to work together. Yet, it took time to realize a compromise. For the first several months after the elections, the obstructionist tendencies that had been witnessed during the process of the implementation of the municipal election results dominated politics at the central level. Despite active mediation by the US Office in Pristina, sup-

9 For a summary of the election results of the 2001 general election and the distribution of seats in the Kosovo Assembly see the table at the end of this article.

ported by the British and German Offices, the three main Kosovo Albanian leaders failed for months to reach an agreement on establishing the PISGs. This resulted in three failed attempts by the Assembly to elect Ibrahim Rugova as the President of Kosovo. Because the talks on a “grand coalition” between the LDK, PDK and AAK did not lead to satisfactory results, the PDK walked out of the Assembly during the inaugural session. The main challenge was clear: to ensure that, pursuant to UNMIK Regulation 2001/19 “On the Executive Branch of the Provisional Institutions of Self-Government”, the President of the Assembly, defined by the Constitutional Framework as the member of the Presidency from the party or coalition having obtained the highest number of votes in the election for the Assembly, would now appoint a Prime Minister. The Assembly would also have to endorse the appointment to the Presidency - consisting of seven Assembly members - by formal vote.¹⁰ The challenge of the formation of the PISG’s executive branch was one that was only overcome after the new SRSB Steiner brokered an agreement between the three main Kosovo Albanian parties on 28 February 2002. One week later, the Kosovo Assembly had not only elected a President but had also approved the provisional government that included a Prime Minister and ten ministers.

However, ever since the central Assembly has held its first sessions, it has become clear that several political, procedural and logistical problems threaten to stall the institution’s work. As pointed out by OMIK, which closely monitors developments in the Assembly, Kosovo’s emergent parliamentary process remains severely hampered by a number of factors. At the political level, members of the Assembly have expressed concern and disagreement with the slow progress of its work, with approximately only one plenary session every three to four weeks, which is believed to undermine the capabilities of the elected representatives to reflect and address the concerns of the population.

On the logistical front, the Assembly still faces huge challenges. Although mandatory according to the Provisional Rules of Procedure of the Assembly (Rule 36.2), up to now records of plenary Assembly meetings have not been kept. The main reason for this is a lack of qualified staff, a consequence of the fact that the 2002 Kosovo Consolidated Budget does not provide enough resources to produce transcripts. Only since May 2002, the agendas of Assembly sessions have been made available prior to the meetings in both Serb and Albanian and the minutes of the sessions have not been made available at all. Assembly members’ biographies and contact details are also not yet

10 The Constitutional Framework stipulates the following composition of the Presidency: (a) two members appointed by the party or coalition having obtained the highest number of votes in the Assembly elections, (b) two members appointed by the party or coalition having obtained the second highest and (c) one by the party or coalition having obtained the third highest number of votes in the Assembly elections; (d) one appointed member of the Kosovo Serb community and (e) one member from a non-Kosovo Serb and non-Kosovo Albanian community.

available. Several senior members of the Assembly continue to express dissatisfaction about the functioning of the Assembly Secretariat in this respect. Likewise, professional translators have not been made available for the Assembly and have to be negotiated for with UNMIK. There is serious concern as to whether the staff who will be hired as translators or legal counsellors will have the necessary qualifications and capabilities at all, as they would only receive a salary of up to 150 to 180 euro a month.

Further, members of the Kosovo Assembly continue to express the need for office space for individual members and parliamentary groups. Assembly members have neither meeting rooms nor sufficient computer or phone lines. In order to focus the international community's efforts to remedy some of the institutional pitfalls identified, OMIK created an inter-agency group, the Assembly Support Initiative (ASI), in January 2002, following talks with different organizations, governments and members of the Assembly Presidency. Since then, ASI has facilitated the planning of conferences and training sessions for Assembly members, as well as working visits to different countries by delegations from the Kosovo Assembly. ASI combines the work of the National Democratic Institute (NDI), United States Agency for International Development (USAID), Friedrich Ebert Foundation, Friedrich Naumann Foundation, Westminster Foundation, US Institute for Peace (USIP), the UK, US and the Belgian Offices in Pristina, the EU Pillar for Reconstruction and Development and OMIK. Representatives of most political entities (up to 100 from 120 Assembly members) have participated in ASI conferences on issues such as transparency, rules of procedure and drafting legislation. Throughout 2003, ASI will continue to focus on developing an effective and representative legislature, aimed at providing support in the development of government structures emphasizing transparency, ethical conduct and democratic governance through a comprehensive training programme for Assembly members and staff. The ultimate aim of this initiative remains to professionalize the work and the infrastructure of Kosovo's central Assembly.

At this early stage, initial indications were that political parties and their Assembly caucuses appeared to lack basic familiarity with parliamentary rules and procedures, as well as an understanding of the role of government in setting policy directions for approval by an elected assembly. With the government plan still to be presented, the Assembly exceeded its competencies on 23 May, when it adopted a resolution on the protection of the territorial integrity of Kosovo. The resolution declared, among other things "the Border Demarcation Agreement between FRY and FYROM of 21 January 2001 unacceptable" and did not recognize the Haekkerup-Covic Agreement of 5 November 2001, "including any other agreement made without the consent of the people of Kosovo and its institutions".¹¹ Immediately after its adoption,

11 While a total of 85 members of the Assembly, including the representatives of the non-Serb minorities, adopted the resolution, the Kosovo Serb members of the Assembly left

the SRSG formally declared the Assembly decision “null and void”. It was indeed unfortunate that despite the receipt of statements by both the President of the UN Security Council and the Presidency of the European Union that strongly advised against the adoption of the resolution, the newly elected leaders did not have the political maturity to shelve the initiative. Arguably, the protracted negotiation process proceeding the session itself constituted the first clear confrontation between the PISGs and UNMIK. If the Assembly attempts to expand its role beyond that which is envisaged in the Constitutional Framework, or continues to adopt a confrontational approach, the SRSG can be expected to keep it on a short leash. In any event, as already predicted in the aftermath of the general election, “the newly elected officials will be unlikely to accept for long the straightjacket imposed by the unelected international administration”.¹²

The Government and Its Programme

The Constitutional Framework separates civil administrative competencies into “transferred” and “reserved” areas. The twenty former Joint Interim Administrative Structure (JIAS) departments of UNMIK’s Pillar for Civil Administration were re-organized into transitional departments, vested with “transferred” powers while four UNMIK Directorates were created and vested with “reserved” powers.¹³ After the selection of a President and the establishment of the PISGs on 4 March 2002, ten ministries were officially formed. Certain powers and responsibilities were devolved to these while adequate structures and procedures to advise, monitor and oversee the ministries future activities were developed. Particularly the authoritative engagement of principal international officers in each of the ministries was deemed to be the key element of a strategy to ensure the full compliance of the executive branch with UN Security Council Resolution 1244.

The government programme was approved on 8 May and presented to the Assembly on 24 and 25 May 2002. It defined the general policy direction of the government and provided a time line for the passage of legislation in the field of transferred powers with an emphasis on economic development. The government identified key weaknesses that would have to be overcome in order to ensure economic development. First, it acknowledged the necessity to develop a legislative framework compatible with European standards to promote economic growth. It also recognized that the government’s ability to

during the voting process in protest. For a more detailed discussion of the UNMIK-FRY document see below.

12 International Crisis Group, Kosovo: Landmark Election, Balkans Report No. 120 of 21 November 2001, p. ii.

13 Reserved UN Directorates, currently under the auspices of UNMIK Pillar II, include the Directorate for Administrative Affairs (twinning with the Ministry for Public Services), Rural Affairs (twinning with the Ministry of Agriculture, Forestry and Rural Development), Infrastructure Affairs (twinning with the Ministry of Transport and Communications), and the Kosovo Protection Corps.

invest in infrastructure was limited and that therefore the government needed to create an environment that would encourage foreign investment and investment from the diaspora. To this end, the government programme included the following ten priorities:

1. fostering a programme for sustainable economic growth based on the transparency and accountability of government;
2. promoting agriculture and rural development;
3. achieving European standards of education;
4. modernizing and increasing the availability of transportation, postal, telecommunications and information technology services;
5. reforming the health care system;
6. creating social protection and pension schemes;
7. increasing the level of employment for the younger generation;
8. integrating all ethnic communities into Kosovar society;
9. improving the environment, spatial planning and the housing situation;
10. supporting culture, youth and sports.

The pressing need for economic development and the improvement of economic conditions had already been emphasized in a recent assessment by the World Bank which pointed out that poverty is still a persistent and most probably long-term problem in Kosovo.¹⁴ The study indicates that approximately 11.9 per cent of the population live below the extreme poverty line and 50.3 per cent live below the overall poverty line. It is within this context that the ministries formulated their plans and in the meantime, significant work has been undertaken by the *Ministry of Labour and Social Welfare* to provide a social security network in the form of pensions and social benefits.¹⁵ The conditions are now in place for the Kosovo Assembly to fix the starting date of payments as well as set the rate of the basic pensions and to decide on the time and time period payments will be made to beneficiaries. A definite sum of money is earmarked for pension payments in the 2002 Kosovo Consolidated Budget.

Similarly, the *Ministry for Public Services* has become one of the most important structures of the newly emerging PISG administration and has continued its efforts to build a professional civil service. Procedures and structures to separate policy from regular operational functions have been put in place. Transition of all executive functions from the international staff to the local staff is underway with UNMIK staff focusing on a monitoring and advisory role. A policy of equitable minority representation at every level of the

¹⁴ Cf. World Bank Poverty Assessment 2001.

¹⁵ According to UNMIK Regulation 2001/35 "On Pensions in Kosovo" all permanent residents above the age of 65 (about 130,000 people) were to be provided with a basic pension.

Ministry has, however, not yet been implemented.¹⁶ In addition a real property rights register and a Kosovo cadastral database need to be established as well as revising procurement legislation. The Ministry's priority in the coming months will be to develop the civil service on the central as well as municipal level as a professional, merit-based, transparent and minority-tolerant administration. As a result of the central election and the transfer of power of some of the responsibilities of government to the PISGs, the creation of the Kosovo Institute for Public Administration (KIPA) will no longer be the sole responsibility of the international community. Its establishment will follow legislation that will have to be passed by the Kosovo Assembly. With the transition of the OMIK-sponsored Institute for Civil Administration (ICA) to the KIPA, OMIK will no longer act as a direct service provider of training courses, but will rather focus its resources on civil service support and advice. In the field of senior staff recruitment within the ten ministries, particularly with regard to Permanent Secretaries and Chief Executive Officers (CEOs), oversight will be kept by a Senior Public Appointments Committee (SPAC) which will be partly staffed by Kosovars.¹⁷

Significant strides have also been made by the *Ministry of Education, Science and Technology*, under the leadership of Rexhepi Omami (LDK), to reform the educational system to meet the new needs and priorities of Kosovo's society. It is well known that the illiteracy rate among women is 10.2 per cent, while among males it is 2.3 per cent.¹⁸ It is also well known that gender inequality in secondary schools is of particular concern among Kosovo Albanians: Last year only just over half of Kosovo Albanian girls were enrolled in secondary schools, compared to 74.2 per cent of boys. Among minorities other than the Kosovo Serbs, net enrolment rates in secondary schools dropped to less than 55 per cent. Among these groups, girls are particularly disadvantaged having enrolment rates of less than 40 per cent. Figures for tertiary education are not available. Thus, introducing the five-year primary school, followed by a four-year lower secondary and a three-year upper secondary school is under way and could be considered the biggest structural reform in the education sector. Education reform is being supplemented by a teacher training reform to be conducted at the newly created Faculty of Education at Pristina University. Efforts to regain authority granted by UN Security Council Resolution 1244 over the Serb-dominated education administration and structures in the enclaves and in the north of Kosovo are also under

16 The ministries that have an acceptable percentage of minority employment (in the range of ten to 25 per cent) include the Ministry for Education, Science and Technology; Health; Labour and Social Welfare. In the reserved areas, the Fire Rescue Service, Administrative Affairs and Railways have an average of some 18 per cent minority employment. Regrettably, minority employment in the Ministry of Finance, the Office of the Prime Minister and almost all public utilities is less than one per cent. The average percentage of minority employment in the municipalities is less than ten per cent.

17 According to UNMIK Regulation 2001/36 "On the Kosovo Civil Service", 22 December 2001.

18 Cf. World Bank Living Standards Measurement Survey of July 2001.

way. In order to meet the new realities of multi-ethnic education, the higher education sector for Slavic-speaking communities will have to be re-organized through curriculum reform. Programmes promoting gender equality with a focus on literacy among girls and women and promotion of anti-discrimination policies are taking place at schools and will be continued. Vocational and professional education programmes with a focus on Kosovo's economic development as well as special programmes for minority communities' will, as stated in the government programme, receive heightened attention.

The limited data available on health status suggests that Kosovo ranks lowest in Europe for virtually every health indicator.¹⁹ Hence, establishing the organizational structure of the *Ministry of Health*, led by Numan Balic (Vatan Coalition), and recruiting a competent and ethnically balanced staff has been the primary challenge to date. This has involved the devolution of primary health care to the municipalities as well as strengthening the district health authorities and improving their co-operation with the municipalities. A number of priority areas have already been identified, including the development of a pharmaceutical policy, the creation of a drug distribution system and the integration of minority health services into Kosovo's health care system. This would entail ensuring full and safe access for minorities to all health services and last but not least establishing regional arrangements with neighbouring countries to provide specialized services that are not available in Kosovo.

Given that 60 per cent of Kosovo's population live in rural areas and that agriculture and forestry form important segments of economic activity in Kosovo, the future work of the *Ministry of Agriculture, Forestry and Rural Development* is particularly important. However, progress in this Ministry in particular was hindered by the fact that the Povratak Coalition, which represents the Serb Community in the Assembly, only nominated a representative for the position of the Minister of Agriculture, Forestry and Rural Development and the Inter-Ministerial Co-ordinator for Returns in the Office of the Prime Minister at the end of May.²⁰ The main challenges facing the government remain, first, the transition of Kosovo's current rural economy, and second, the development of a comprehensive and updated cadastral database of land and infrastructure property.

Economic revitalization will ultimately depend on Kosovo's development within the wider regional context and the improvement of regional infrastructure. Hence, the *Ministry of Transport and Communications* has continued efforts to improve Kosovo transport links with neighbouring countries. Establishing the UNMIK Civil Aviation Office to implement an adequate safety regime in compliance with International Civil Aviation Organization

19 Cf. World Bank, Kosovo Poverty Assessment, Vol. I: Main Report.

20 Only on 12 June 2002, all members of the government swore an oath of office pledging their commitment to serve all communities equally. After this the Assembly adopted the government programme, which was based on the agreement of 28 February and endorsed the benchmarks that the Special Representative of the UN Secretary-General had outlined to the Security Council in April 2002.

(ICAO) standards as well as reaching an agreement with Belgrade to open FRY air space for commercial flights will improve Kosovo's connections with the region. The Ministry is also striving to re-establish the transport line to connect Kosovo with the Serbian railway systems while efforts to upgrade and expand the existing telecommunications infrastructure are under way as well. The introduction of licensing fees to use the frequency spectrum as well as the establishment of a frequency-monitoring unit and the further restructuring of the Post and Telecommunications Enterprise of Kosovo (PTK) are meant to transform it into a modern telecommunication enterprise.

Kosovo in 2002: A Safe Place for All Communities?

While the UN Interim Administration and its constituent pillars²¹ may have intervened to manage crises and create institutions to contain and resolve conflict through political and legal mechanisms, inter-ethnic reconciliation remains an area where little, if any, progress has been visible. Although the situation of ethnic minorities in Kosovo is slowly improving, individuals still have few reasons to feel secure. While on occasion attacks against members of minority communities increase sharply, the number of arrests and successful prosecutions remains low. In addition, access to health services and employment continues to be difficult. The OSCE Mission in Kosovo recently highlighted two key issues facing ethnic communities in Kosovo:²² first, the continuing obstacles minorities face with regard to their freedom of movement; and second, the problems related to the return of ethnic communities to Kosovo. Though the upward trend in the mobility of minorities is encouraging, minorities, in particular Kosovo Serbs, appear to avoid travelling to urban centres without special escort arrangements due to their fear of harassment or violence. Similarly, access to essential services and institutions, in particular the judicial system, education, health and social services, as well as gaining employment remain a major concern.²³ Obstacles to the realization of

21 UNMIK itself is made up of four components, or "pillars". The Pillar for Police and Justice ensures better inter-organizational co-ordination in addressing all matters pertaining to the rule of law. The second component, the UN Civil Administration, is responsible for the administration of Kosovo. The OSCE Mission in Kosovo makes up the Pillar for Institution Building which is responsible for the creation of structures that could effectively ensure the democratic governance of the territory. The fourth Pillar, led by the European Union, is known as the Pillar for Reconstruction and Development.

22 Cf. Joint OSCE/UNHCR Report, Ninth Assessment of the Situation of Minorities in Kosovo, at: www.osce.org/kosovo.

23 Cf. Joint World Food Programme (WFP), UN High Commissioner for Refugees (UNHCR), Assessment on Food Security in Ethnic Community Areas in Kosovo, February 2002. This report highlights the prevailing features and consequences for minorities of living in an enclave, showing that restricted movement caused the progressive depletion of assets and the consequent increase in vulnerability and extreme poverty well above the Kosovo-wide average. In surveyed enclaves, employment levels are currently at ten to 20 per cent. A large segment of the population is underemployed and between six and 45 per

property rights as well as the difficulties minorities have in accessing housing reconstruction assistance are key problems hindering the stabilization of minority communities and the return of internally displaced persons. Clearly, the continued functioning of “parallel structures” sustained by the Serbian government in areas such as education and health care proves to be increasingly detrimental to ensuring access to essential services provided by UNMIK and perpetuate the isolation of minority communities.

Minority Return - The Vexed Issue

While Kosovo is clearly a safer, more stable, and yes, more democratic place than it was when the UN Interim Administration arrived in summer 1999, it has - during the last three years - seen a much greater exodus of minorities than it has seen returnees. Despite a growing openness by all ethnic communities in Kosovo to discuss the issue of return and an encouraging, albeit hesitant, recognition in some parts of Kosovo society that the return of minority refugees and displaced persons is not a threat but rather the exercise of a basic human right, minority communities have so far not returned to Kosovo.²⁴

Sustainable return of minorities requires integration. Thus far, however, it appears that UNMIK and KFOR have pursued a policy of “enclave stabilization” with the primary goal of convincing Kosovo Serbs to remain in Kosovo in the short term. “Enclave stabilization” essentially holds that integration now is not possible, that it is first necessary to place minority communities on a sound footing and that the problems of integration can only be confronted at a later undefined date. The short-term policy of “enclave stabilization” also essentially created what some observers call a trend towards permanent segregation that reinforces prejudice and builds long-term obstacles towards integration. In the context of institution building and democratization, the focus of the UN Interim Administration has somewhat shifted to integrating communities at the local level. First and foremost, the onus falls on the international community and its constituent parts - UNHCR, UNMIK Pillars, the regional and municipal administrations, UNMIK Police and KPS, KFOR, the international agencies and NGOs - to establish institutional mechanisms to resolve societal conflict and focus on projects that create incentives for the ethnic communities within Kosovo to work together. On the central level, UNMIK has decided to enter into a process of normalization with the FRY and institutionalize contacts which were intended to resolve issues of common concern.

cent of people living in minority areas fall under the UNMIK Social Assistance Scheme (SAS) versus less than ten per cent Kosovo-wide.

24 Official UNHCR figures for Kosovo Serb returnees show the return of only 679 persons in 2001, as opposed to 1,826 in 2000. During the same time period in 2001, only 360 Kosovo Roma, Ashkali and Egyptians returned while in 2000 the figure was 127. The trends for 2002 look equally bleak.

After more than a week of discussions, the UNMIK-FRY Common Document was signed on 5 November 2001 in Belgrade. It stipulated that UNMIK remains the only body responsible for the administration of Kosovo while leaving the Constitutional Framework and the PISGs untouched. The signature of the document followed a series of meetings held between the then SRSG Hans Haekkerup and the FRY President Vojislav Kostunica with the aim of garnering support for Kosovo Serb participation in the Kosovo-wide election.²⁵ As an important step towards rebuilding mutual confidence, an agreement was reached on FRY-UNMIK co-operation in certain areas, namely the identification of missing and detained persons as well as establishing co-operation in the judicial field. The High Ranking Working Group between UNMIK and the FRY Co-ordination Centre was set up as a result of this document. Its first meeting was held on 13 December 2001.²⁶ It was also agreed that a number of working groups would be formed with FRY representatives on one side, and representatives of UNMIK and the PISGs on the other, to deal with specific areas of engagement and common interest. At the time of its formation it was stated that representatives of the PISGs would be fully integrated in the project.

Throughout Kosovo, the reaction to the document's signature in the Kosovo Albanian press was severe and even the more moderate Kosovo Albanian dailies firmly denounced the document as being against Kosovo Albanian interests. Primary among the Kosovo Albanian concerns was, and still is, the suggestion of greater influence of the FRY authority in Kosovo that arguably contradicts the tenets of UN Security Council Resolution 1244. As a result, following SRSG Haekkerup's return from Belgrade, a special Interim Administrative Council (IAC) session on 5 November was convened, which was boycotted by the PDK. Despite initial reservations, almost six months later, significant progress on the implementation of the Common Document had been made at the working level and through the High Ranking Working Group. For example, a working group on judiciary and police co-operation was established to focus on the exchange of information to enhance efficiency in the co-ordinated fight against organized crime. Three protocols, related to the issue of missing persons, have been signed: (1) Cross Boundary Transfer of Identified Remains, (2) Exchange of Forensic Experts and Expertise and (3) Joint Verification Teams on Alleged Hidden Prisons.

Meetings were held with the Association of the Families of Missing Persons when SRSG Steiner visited Belgrade on 3 April. Three weeks later, lengthy

25 As a consequence of the signing of the UNMIK-FRY Common Document, OMIK was given the green light to begin work on election preparation in the Republics of Serbia and Montenegro.

26 The SRSG or his Principle Deputy chair the meetings; participants include the Head of the Police and Justice Pillar and the Commander of KFOR. The Head of the Co-ordination Centre, Serbian Deputy Prime Minister Nebojsa Covic, leads the FRY Delegation.

negotiations between UNMIK and Serbian Deputy Prime Minister Nebojsa Covic culminated in the transfer of 146 Kosovo Albanian detainees from Serbia. The transfer was preceded by the handing over of court files relating to the majority of the remaining detainees, which were reviewed by officials in UNMIK's Department of Justice, including international judges. The judicial review determined that a significant number of detainees had been convicted on insufficient grounds. A smaller number of detainees were found to have valid convictions and they will serve out their sentences in Kosovo. On 26 May, UNMIK transferred six Serb prisoners to custody in Serbia proper as per the Agreement on the Transfer of Sentenced Persons between UNMIK and the FRY. In the area of transport, UNMIK Railways and Serbian Railways reached a technical understanding on cross-boundary railway traffic, which opened the way for a direct railroad connection from Belgrade to Skopje, via Kosovo. Discussions continue concerning a draft protocol on the unhindered movement of vehicles between Kosovo and Serbia proper and on the issuance of free license plates to Kosovo Serbs, with the purpose of improving freedom of movement. The number of agreements reached on technical issues, partly with the consent of the PISGs, clearly marks a considerable détente in the relationship between Pristina and Belgrade - an issue which has been described as lying at the core of Special Representative Steiner's agenda.

UNMIK's New Priorities

When Michael Steiner assumed his post as Special Representative of the UN Secretary-General in Kosovo on 14 February 2002, he was quick to announce UNMIK's primary goals and challenges. As already noted, the SRSG's first priority was to accelerate the returns process in summer of 2002. According to Steiner, Kosovo will have to provide a safe home for all its residents, as the eyes of the world will judge Kosovo on how it treats its ethnic minorities. The SRSG's second stated priority consists in laying the foundations for economic recovery with a focus on education, jobs, income and enterprises. This requires that the private sector become the primary driving force for creating new jobs and income. Though far from being a sovereign state, Kosovo also needs to develop mechanisms that would allow its provisional institutions to borrow from international financial institutions. Regional trade will also feature high on UNMIK's new economic agenda.

The SRSG's first priority of return is an essential condition for the eventual determination of Kosovo's final status. With the successful establishment of a multi-ethnic government, returns are at the heart of the Kosovo political agenda. Its basic tenets are set out in a Statement of Principles dated 8 June 2001, which were endorsed by the Interim Administrative Council. A mission-wide strategy was determined as essential to achieve breakthroughs in

minority returns during the summer and autumn of 2002 and build momentum for more significant numbers of returns during 2003. According to a recently published concept paper,²⁷ UNMIK has chosen a two-pronged approach whereby UNMIK and its partners will, first, reach out to the internally displaced persons and refugees with appropriate and realistic information about the conditions in Kosovo while, second, work to ensure that the conditions on the ground for returnees are sustainable.²⁸ Just as it is essential in the short term to guarantee returning minorities access to social assistance schemes, it is deemed equally crucial for their long-term sustainability to have fair and equal employment opportunities in the public and private sector. UNMIK and the government authorities have the responsibility to ensure equitable representation of all communities in the public sector and provide effective remedies for discrimination both in the workplace and in the hiring process.

Further, the SRSG has identified the creation of clear property titles to all productive assets as the most urgent economic policy goal in Kosovo, as clear property titles are the basis for both economic development and the rule of law. Secondly, idle assets will be put into productive use by eliminating defunct socially owned enterprises (SOEs) and by releasing the assets for the private sector. Thirdly, the privatization process will serve to facilitate and protect new investment. Since the late 1970s, the SOE sector has been seriously neglected, with little capital investment. There are hardly any SOEs left that pursue their traditional commercial activities. Instead, the roughly 350 SOEs in Kosovo control large amounts of real estate, which is being rented out or even privatized in an unregulated manner. UNMIK has decided to institute an administratively transparent process of transferring SOEs into private hands, realizing that investors have in the past been deterred by the non-transparent use of assets and incomes and by conflicts over enterprise control. In order to manage the process of privatization, the new Kosovo Trust Agency (KTA) will deal with all 350 SOEs either through liquidation of enterprises with idle assets that should be mobilized for the private sector, or a spin-off procedure in the case of viable enterprises.²⁹ In addition to mobilizing the assets of the SOEs for economic use, preserving their value and creating secure ownership rights, the KTA will also be charged with maintaining potential creditors' and owners' claims on the old SOEs.

27 The Right to Sustainable Return, UNMIK Concept Paper, 17 May 2002.

28 KFOR and UNMIK Police will have to shift to a flexible, threat assessment-based approach in order to achieve the gradual dismantling of protected enclaves and to promote local-level integration and reconciliation.

29 In the meantime, the draft KTA Regulation has been submitted to the government for a one-month consultation period and to the prospective members of the Economic and Fiscal Council (established by the Constitutional Framework to advise the SRSG on economic, financial and fiscal issues in the realm of his reserved powers that require consultation with the PISGs) for a six-week period which ended at the end of May 2002. A further regulation would be required to regulate land ownership before the privatization process can go ahead.

Since economic development is intimately linked to good governance and the rule of law, UNMIK and in particular its police and justice component (Pillar I) will have to focus on economic crime and specifically on organized crime. UNMIK's organized crime strategy defines the means and methods by which to identify key networks and leading criminals within them, collect evidential material for conviction (within the constraints of security classification), disrupt economic crime in order to freeze and confiscate the proceeds of organized crime using pan-pillar resources (customs etc) and establish effective border controls as well as appropriate liaisons with international law enforcement agencies including Interpol, Europol and the FBI. In order to be able to mount intelligence-driven operations, a Central Intelligence Unit (CIU) staffed by 40 specialized intelligence officers has already been created within the UNMIK Police. The CIU develops intelligence-based target packs and shares information with KFOR and Interpol. While it has begun to build a detailed intelligence database on those individuals who head or play a major role in organized crime within Kosovo, its mandate was expanded recently to include counter-terrorist intelligence. By September 2002, the Kosovo Organized Crime Bureau (KOCB) will be fully established to serve as the operational arm of the CIU and turn intelligence into evidence for criminal proceedings. Within the Department of Justice, a reserved area under the Constitutional Framework and part of UNMIK's Pillar I, the Sensitive Information and Operations Unit (SIOU) was created to provide prosecutorial input to KFOR and UNMIK Police on serious cases in order to ensure successful prosecution against organized crime, terrorism and cross-border insurgency. It will also support organized crime-related operations undertaken by KFOR and the Police, process sensitive or classified information for use in courtroom prosecutions as well as providing expertise and support on organized crime and terrorism issues to the police, international prosecutors and judges. In the legislative field, legislation on covert measures has been introduced³⁰ in order to increase police evidence-gathering capacity by allowing an array of techniques from interception to eavesdropping devices.

If the fight against organized crime is to be successful, it will be necessary to use international judges and prosecutors on these cases for the foreseeable future. By mid-2002, the number of international judges and prosecutors had increased to 20. While this is a large increase from the mid-August 2001 number of eleven, it is significantly less than the goal of 34 required by the UNMIK-FRY Common Document. It is, however, clear that there has been considerable progress in the recreation of the local judicial system which is now functioning with approximately 340 judges and prosecutors - only slightly less than the number estimated to be sufficient to meet the demand for its services. Yet, out of these 340 judges and prosecutors, there are only three Kosovo Serb judges and one prosecutor. Although a specialized unit

30 UNMIK Regulation 2002/6 "On Covert and Technical Measures of Surveillance and Investigation" of 18 March 2002.

has been set up in the Department of Justice to recruit more Kosovo Serbs, this effort has been hampered by a lack of support for the initiative from Belgrade.

“Standards Before Status”

The time for “(f)acilitating a political process designed to determine Kosovo’s future status”, as foreseen by UN Security Council Resolution 1244, has not yet come. According to the UN Security Council, Kosovo society and institutions will first have to “prove” that they are ready for such a process. At the same time, UNMIK has given a clear signal that certain “benchmarks” must be achieved before a final settlement process can be launched. According to the UN Interim Administration, quantifiable progress must be achieved in eight areas:

- *Functioning, effective and representative democratic institutions:* Objectives include progress towards democratic governance, the consolidation of minority political participation and access to public services and public employment, the collection of revenues and efficient delivery of public services and the extension of PISG authority throughout Kosovo.
- *Rule of law:* Goals include the disruption of criminal networks, an end to extremist violence, public respect for police and judiciary, impartiality of judges and KPS, the prosecution of all suspected criminals and fair trial guarantees for everyone as well as sufficient minority representation.
- *Freedom of movement:* All communities must be enabled to circulate freely (without reliance on military or police) throughout Kosovo, including city centres, and be allowed to use their language.
- *Returns and integration:* Respect of the right of all ethnic communities to remain in Kosovo, the right to property and their right to return must be guaranteed.
- *Economy:* Objectives include the creation of a sound institutional basis for a market economy and an improved system of tax and revenue collection, a balanced budget and the privatization of socially owned assets.
- *Property Rights:* All property, including residential property, land, enterprises and other socially owned assets, will have a clear and rightful owner.
- *Dialogue with Belgrade:* Normal relations with the FRY and other neighbouring countries will have been established that include direct contact of PISGs with their counterparts.

- *Kosovo Protection Corps*: The Kosovo Protection Corps must be reduced to numbers commensurate with its mandate.

Articulating a concrete set of benchmarks serves to give the government a direction in which to work within a joint venture to create the conditions for addressing future status in accordance with UN Security Council Resolution 1244.³¹ Second, the setting of certain benchmarks is designed to solicit the commitment of the public to and support for the goal of building a democratic and tolerant society with European values and standards. Third, it will also provide the UNMIK pillar structure as such with criteria according to which it should realign its activities. According to the concept launched by SRSG Steiner, Kosovo will move towards creating a fair and just society and advance along the path to European integration through achievement of these benchmarks. The design of the benchmarks, which are presently under consideration, will obviously need to take into account the sustainability of achieved progress beyond the presence of UNMIK and KFOR. For example, attainment of an acceptable level of security and respect for minority rights resulting from activities by UNMIK and KFOR does not automatically guarantee that minority returns will continue to take place unhindered after the downsizing and eventual withdrawal of the international civilian and military presence from Kosovo.

The 2002 Elections and Beyond

Much of the OSCE Mission's work in 2002 was focused on the preparations for the municipal elections on 26 October. Two years ago, the first round of municipal elections was held in 27 of the 30 municipalities in Kosovo. As a result, Assemblies were directly elected in 27 municipalities, while councilors had to be appointed to three Assemblies.³² Of the 27 directly elected Assemblies, 24 have managed to reach a stage of implementation without serious breakdown. Three municipalities, however, have faced serious political crises that have virtually stalled their Municipal Assemblies.³³ 29 Assemblies, with the exception of Strpce municipality, have elected Presidents and Deputy Presidents. Yet the challenges to local governance remain considerable. Within the first year, much time was spent forming the three mandatory Assembly committees. Moreover, even one and a half years after their formation, the lack of understanding of municipality functions and powers as well as of the principles of public accountability and transparency is palpable.

31 In the final stage of its engagement, UNMIK will, in accordance with UN Security Council Resolution 1244 para. 11 (e and f), facilitate "a political process designed to determine Kosovo's future status" and oversee the "transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement".

32 In the Leposavic, Zubin Potok and Zvecan municipalities.

33 In the Mitrovica, Strpce and Malisevo municipalities.

Clearly, the successful establishment of a multi-ethnic government at the central level and the creation of two key positions for the Povratak Coalition - an Inter-Ministerial Co-ordinator on Returns in the Office of the Prime Minister and a Senior Adviser on Returns in the Office of the SRSG - facilitates the process of political integration. At the next stage, the democratically elected central Assembly, the PISGs and the municipal governments to be elected will have to assume co-responsibility for the creation of a multi-ethnic Kosovo. Active advocacy and support for returns and integration of minorities by all political and community leaders, especially by elected local officials, have been defined by SRSG Steiner as key benchmarks for the development of Kosovo society. Importantly, creating a sustainable return process would also require the active involvement of the government and its ministries, particularly those institutions that provide access to the relevant services. Thus while Kosovo experienced a generally improved political environment each year from 1999 to 2002, institutional progress must continue to be made. There is no doubt that the full participation of the Kosovo Serb community in the 2002 municipal elections could have a further significant impact upon the respect for the right of the approximately 250,000 internally displaced persons, most of them based in decrepit community centres or private accommodations in central Serbia, to return and integrate into their former communities of residence. Without this and viable progress on all of the benchmarks determined by the SRSG, the process that would ultimately lead to the resolution of Kosovo's final status cannot, and will not, be launched. Thus, the time frame for that process now depends to a considerable degree on the people of Kosovo.

November 2001 Kosovo-Wide Elections

Political Entity	President	Votes	% Votes	Seats
LDK (Democratic League of Kosovo)	Ibrahim Rugova	359,851	45.65	47
PDK (Democratic Party of Kosovo)	Hasim Thaci	202,622	25.7	26
KP (Serb Coalition Povratak)	Sima Gazikalovic	89,388	11.34	22
AAK (Alliance for the Future of Kosovo)	Ramush Haradinaj	61,688	7.83	8
Vatan (Coalition of three Bosniak/Muslim parties*)	Numan Balic	9,030	1.15	4
KDTP (Turkish Democratic Party of Kosovo)	Mahir Yagcilar	7,879	1.0	3
IRDK (Egyptian Democratic Initiative of Kosovo)	Bislim Hoti	3,976	0.5	2
PDASHK (Ashkali Democratic Party of Kosovo)	Sabit Rahmani	3,411	0.43	2
LKCK (National Movement for the Liberation of Kosovo)	Sabit Gashi	8,725	1.11	1
PSHDK (Albanian Christian Democratic Party of Kosovo)	Mark Krasniqi	7,701	0.98	1
PD (Justice Party)	Syleman Cerkezi	4,504	0.57	1
LPK (Peoples Movement of Kosovo)	Emrush Xhemajli	4,404	0.56	1
BSDAK (Bosniak Democratic Action Party)	Hilmo Kandic	2,906	0.37	1
PREBK (United Roma Party of Kosovo)	Haxhi Zulfimerxha	2,717	0.34	1
PLK (Liberal Party of Kosovo)	Gjergj Dedaj	3,600	0.46	0
BK (National Front)	Katjaz Fazlia	2,881	0.37	0
PQLK (Liberal Centre Party of Kosovo)	Ibrahim Shala	2,403	0.3	0
PGJK (The Green Party of Kosovo)	Daut Maloku	2,325	0.29	0
PSDK (Social Democratic Party of Kosovo)	Kaqusha Jashari	1,785	0.23	0
PRK (Republican Party of Kosovo)	Feti Grapci	643	0.08	0
PNDSH (Albanian National Democratic Party)	Skender Berisha	1,066	0.14	0
IQK (Kosovo Citizens' Initiative)	Qemail Sokoli	631	0.08	0
PLSH (Albanian Liberal Party)	Gjergj Rapi	428	0.05	0

*SDA (Democratic Action Party), DRSM (Muslims' Democratic Reforms Party), GIG (Citizens' Initiative of Gora)

The OSCE Mission to Bosnia and Herzegovina¹

Introduction

The OSCE Mission to Bosnia and Herzegovina has already been in operation for over six years now. Because it was one of the very first large OSCE long-term missions, it has often been compared to an “experimental laboratory”, particularly during its initial phases. In fact, the Mission did indeed have to cope with unexpected situations and responsibilities in past years. Moreover, it has been operating in a unique context. The international organizations in Bosnia and Herzegovina, which alongside the OSCE Mission have been tasked with the construction of a stable and democratic state under the rule of law, are co-ordinated by the High Representative. He was furnished with extensive authority in 1997 in the form of the so-called “Bonn Powers”. These authorize the High Representative to dismiss politicians and other persons holding public office who he found “to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation”.² Furthermore, the High Representative is authorized to enact legal decisions when the legislature in Bosnia and Herzegovina is unwilling or unable to do so. In this manner, considerable influence and power have been guaranteed, which can, however, also lead to resistance against the international community or at least to a “culture of dependency”. Thus, up to the end of the year 2000, due to party political considerations, particularly the nationalist parties were often not prepared to adopt unpopular but necessary laws. Instead, they relied on the High Representative to issue them as decrees. In this manner, they hoped to escape political responsibility. After all, one should not overlook that the international community in Bosnia and Herzegovina was faced with the enormous task of simultaneously reviving an economy destroyed by war and assisting a post-socialist country in the transition to a market economy and political pluralism. Enormous material support was necessary for reconstruction. Parallel to this, the political framework conditions had to be created for the return of refugees and internally displaced persons as well as setting up democratic institutions and structures founded on the rule of law in Bosnia and Herzegovina. In the past few years, the infrastructure of the country has been built up, the security situation stabilized, the property laws have to a large extent been completed and the return of refugees and displaced persons has accelerated. Considerable progress has also been made on reconstruction, although the economic situation in Bosnia and Herzegovina still looks rather

1 This article covers the developments up to the beginning of August 2002.

2 Office of the High Representative, Peace Implementation Council, PIC Bonn Conclusions, Bonn, 10 December 1997, at: http://www.ohr.int/pic/?content_id=5182#01.

gloomy and unemployment is high (according to the Statistical Offices of both entities, the unemployment rate was 40 per cent at the end of 2001³). Nevertheless, the essential framework conditions for a functioning democracy and economy have already been created.

In general, the Mission has been able to react to new political and socio-economic conditions flexibly and commensurably, not least thanks to its broad mandate, which was issued on 15 December 1995 based on the General Framework Agreement for Peace in Bosnia and Herzegovina. The actual task of the Mission has always been to promote the building of democratic institutions and to contribute to protecting human rights, implementing arms control agreements and military stabilization. At the beginning, the focus was primarily on implementing and monitoring the elections in Bosnia and Herzegovina. However, it soon became apparent that although the implementation of fair and free elections was an essential basis for the construction of a legitimate democratic state, it was only the starting point of a long-term democratization process. It was clear that the Mission would also have to pursue a "bottom-up" approach and that democracy would have to be strengthened even more at its basis - namely the elected politicians, citizens and NGOs.

With the benefit of hindsight, it is possible to conclude that in the early days of the international community's involvement in post-Dayton Bosnia and Herzegovina, there was an over-emphasis on organizing elections at the expense of a deliberate and sustained institution-building strategy. At the time, the OSCE and the broader international community were bound by the Dayton timeline, which stipulated that elections were to be held no later than nine months following the signing of the Peace Agreement. While the elections did take place on schedule (...) there were considerable costs involved in holding elections so soon after the end of hostilities (...) More generally, the institutional framework which is often taken for granted in Western democracies was largely lacking in Bosnia and Herzegovina at the time of the 1996 elections. Under these circumstances, the expectation that elections would allow for the early withdrawal of the international presence in Bosnia and Herzegovina, and for the full transfer of political authority to the country's newly-elected politicians, proved to be overly optimistic.⁴

Therefore, the Mission reinforced and extended its efforts to establish a new democratic environment with the help of the activities of its Human Rights

3 See also the ICG Report No. 151, *Bosnia's Precarious Economy: Still not open for Business*, of 7 August 2001, which deals critically with the role of the international community regarding economic development in Bosnia and Herzegovina.

4 Robert L. Barry, *After the Bombing: The OSCE in the Aftermath of the Kosovo Crisis*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1999, Baden-Baden 2000*, pp. 49-57, here: pp. 52-53.

and Democratization Departments and, parallel to the implementation and monitoring of elections, it concentrated primarily on building democratic institutions and promoting civil society in Bosnia and Herzegovina.

In the recent past, the year 2000 was a significant turning point in the further development of the activities of the Mission to Bosnia and Herzegovina. The democratic paradigm shift in the neighbouring countries of Yugoslavia and Croatia, the far-reaching constitutional judgement that recognized equal collective rights for the three “constituent peoples” in Bosnia and Herzegovina (Bosniaks, Bosnian Croats and Bosnian Serbs) also in the two entities,⁵ as well as ultimately the election success of multi-ethnic parties in November 2000 have also influenced the Mission’s fields of activity. Thus the reform-oriented and moderate new political leadership places importance on partnership relations with the international community. It resists being patronized as a “quasi-protectorate” and demands more self-responsibility. Nevertheless, it does expect the active support of the international community in its endeavours to further the democratization process.⁶

The international community has adapted itself to the changed political environment and shifted its focus. Step by step, they have endeavoured to disengage Bosnia and Herzegovina from depending on international agencies and to restore self-responsibility to the national authorities. In the Mission, this is clearly reflected in the area of elections.⁷ After six election rounds between 1996 and 2000, which the OSCE regulated and financed as well as organized and monitored to the last detail, in October 2002, the authorities of Bosnia and Herzegovina were to conduct the elections themselves for the first time since the Dayton Peace Agreement was adopted.

5 The state of Bosnia and Herzegovina is composed of two so-called entities, the Serb Republika Srpska and the Bosniak-Croat Federation of Bosnia and Herzegovina. Originally, only the constitution of the state of Bosnia and Herzegovina gave an equal role to the three so-called “constituent peoples” of the state, while in the constitution of the Republika Srpska only the Serbs, and in the constitution of the Bosniak-Croat Federation only the Bosniaks and the Croats were designated as “constituent peoples”. In July 2000, the Constitutional Court of Bosnia Herzegovina ruled, that also in the entities, all three peoples were equally constituent and the entity constitutions were to be amended correspondingly.

6 The former Chairman of the Ministerial Council of Bosnia and Herzegovina, Zlatko Lagumdžija, who was simultaneously the Chairman of the multi-ethnic Social Democratic Party as well as being Foreign Minister, repeatedly made the following statement, the gist of which was: “We need the support of the international community at the expert level, but we do not need anyone to make decisions for us any longer. The role of the international community should be limited to helping us, not working for us, thinking for us and making decisions for us.” Meeting of the Steering Board of the Peace Implementation Council, 13 September 2001, quoted from the daily *Oslobodjenje* (author’s translation).

7 Cf. OSCE, Permanent Council, Decision No. 350, PC.DEC/350, 18 May 2000.

In the elections in November 2000, for the first time in the history of Bosnia and Herzegovina, the three nationalist parties, who had been politically dominant up to then - the Bosniak Party of Democratic Action (SDA), the Croatian Democratic Union (HDZ) as well as the Serbian Democratic Party (SDS) -, did not emerge as clear winners. With the support of the international community and after lengthy negotiations, the multi-party coalition, with the exclusion of the nationalist parties, "*Alijansa za Promjene*" ("Alliance for Change"), was created in January 2001. This Alliance includes ten parties and is led by the multi-ethnic Social Democratic Party (SDP) and the Party for Bosnia and Herzegovina (SBIH). With its narrow majority, this Alliance set up a reform-oriented government at the federal level for the first time in ten years. At the state level, the Alliance needs the support of moderate parties of the Republika Srpska. There, the economics professor Mladen Ivanic, Chairman of the relatively new reform-oriented Party for Democratic Progress (PDP), set up a so-called "expert government".

Despite continuing economic stagnation and empty coffers, the "Alliance for Change" was able to achieve considerable successes at all levels. It was able to implement important laws and projects notwithstanding the resistance (to differing degrees) of the nationalist parties - in particular, the HDZ boycotted state and federal institutions. An important step forward was the adoption of the Permanent Election Law by the Parliament of Bosnia and Herzegovina in August 2001. Thus, one of the most important prerequisites for Bosnia and Herzegovina's admission to the Council of Europe was fulfilled. Previously, draft legislation had failed twice due to the fact that the nationalist parties governing at the time were unable to compromise. The Election Law adopted is based on a draft drawn up in 1999 by a group of international and national experts with significant co-operation from the OSCE Mission. It provides, *inter alia*, a quota for women candidates, direct elections in regional constituencies (multi-member constituencies) and the option of an open list system. Based on the Declaration of the Peace Implementation Council (PIC) of May 2000, the Mission had already incorporated these improvements in its provisional rules and regulations for the general elections in the year 2000.⁸ The Parliament of Bosnia and Herzegovina added a three per cent threshold to the Law. Furthermore, a new regulation was included according to which internally displaced persons and refugees who were still illegally occupying foreign property could only vote at their pre-war residence. The change in the electoral procedure for elections to the House of Peoples of the Federation, which had been introduced by the OSCE-led Provisional Election Commis-

8 Cf. Office of the High Representative, Peace Implementation Council, Declaration of the Peace Implementation Council, Brussels, 24 May 2000, at: http://www.ohr.int/pic/default.asp?content_id=5200.

sion (PEC) shortly before the elections in November 2000 and which had in the end driven the HDZ into its persistently confrontational course against the international community and the “Alliance for Change”, was not accepted. Furthermore, certain points in the adopted version of the Election Law remained open (e.g. the procedure to elect the Presidency of the Republika Srpska and the Federation as well to the House of Peoples of the Federation) as one did not want to anticipate the implementation of the constitutional judgement on the collective equal rights of the three constituent peoples in all of Bosnia and Herzegovina, which at the time the Election Law was adopted had not yet taken place, but would have had a direct impact on the procedure to elect the above-mentioned organs.

In the meantime, these “gaps” have been filled, as the constitutions of the entities have recently been changed according to the judgement ruled by the Constitutional Court. This brought a lengthy process, which in its end stages received much attention from the media, to a successful conclusion. It began in July 2000 with the pronouncement of the judgement that stated that the principle of collective equal rights for the constituent peoples was not only valid for the entire state of Bosnia and Herzegovina, but must also be anchored in the constitutions of the entities. Detailed regulations on the interpretation and implementation of this judgement were, however, left in the hands of the entity Parliaments. Because the negotiations proved difficult, the High Representative issued a decree in January 2001 establishing constitutional commissions in the entities to develop proposals for the implementation of the judgement. However, the constitutional consultations conducted separately in the Republika Srpska and the Federation came to a standstill as the Bosniak and Croat parties insisted on “symmetrical” solutions in both entities. This demand, in turn, was met with resistance from the Serb parties. Thus, upon the initiative of the High Representative, and under his chair, the chairmen of the most important parties in Bosnia and Herzegovina began negotiations. By negotiating for over 100 hours, they reached a compromise set forth in the Mrakovica-Sarajevo Agreement of 27 March 2002, which was presented to the entity Parliaments for discussion and vote. In the end, the High Representative was forced on 19 April 2002 to make use of his right to issue directives as a further delay in the process would not have allowed the election to take place on the date scheduled, 5 October 2002. He made the amendments to the constitution of the Federation by issuing a decree because without the approval of the SDA and HDZ here the necessary two-thirds majority had not been reached. Also, unacceptable amendments and technical defects were removed from the constitutional changes adopted by the Parliament of the Republika Srpska. Nevertheless, this result can be rated as an important accomplishment for the moderate forces in Bosnia and Herzegovina. Key politicians, acting on their own responsibility, negotiated the constitutional reform, which was approved by a broad, although insufficient, parliamentary majority. In this manner, they gave evidence of pragmatism, a grow-

ing ability to reach a consensus and political maturity, which in past years had all too often been lacking.

On 24 April 2002, Bosnia and Herzegovina was finally admitted to the Council of Europe as its 44th member after it had fulfilled the major part of the admission requirements. Upon accession, they assumed responsibility to fulfil 91 additional requirements in the course of the next three years.

The Role of the International Community in the Changed Political Environment of Bosnia and Herzegovina

The positive political changes in Bosnia and Herzegovina and in the region as well as declining aid funding for Bosnia and Herzegovina also induced the international community to rethink their role there. In 2001, the OSCE Mission closed its Departments of Media Affairs and of Political Analysis. Starting from mid-2001, international organizations dealing with the area devoted themselves to reorganizing their activities. The goal was to get the responsibilities of the international community in Bosnia and Herzegovina in focus, improve co-operation between individual organizations and thus ultimately structure work more efficiently and effectively. Finally on 28 February 2002, a concept for restructuring the international community in Bosnia and Herzegovina was presented to the PIC, which was supported by all those involved and accepted by the PIC.

The heads of the most important international organizations active in Bosnia and Herzegovina (the OSCE, SFOR, UNMIBH, IPTF, UNHCR, European Council, World Bank and IMF) meet for weekly consultations and, under the chairmanship of the High Representative, co-ordinate their strategic goals. To exclude unnecessary overlaps and optimize co-operation between international agencies, four specific task forces were established in the areas of rule of law, economics, institution building, as well as return and reconstruction. In each of the four areas clear-cut goals were defined to facilitate orientation and self-regulation. Thus, synergies are to be created and redundancies eliminated. The fields of function of the task forces are based on the three strategic key priorities already adopted by the PIC in May 2000: economic reform, accelerating return of refugees and displaced persons and implementation of property rights as well as consolidating and reinforcing democratic institutions, particularly at the state level.⁹ To achieve these goals, it is indispensable that the following be undertaken: the fight against corruption, independence of the judiciary and the establishment of rule of law foundations in Bosnia and Herzegovina.

The OSCE Mission is a permanent member of three of the four task forces, i.e. those in the areas of return and reconstruction, institution building, and the rule of law. In the Rule of Law Task Force, the Mission has responsibility

9 Cf. Declaration of the Peace Implementation Council, cited above (Note 8).

for the area of human rights. In the Institution-Building Task Force, the Mission holds the co-chairmanship and is responsible for the issues of institution building and civil society as well as defence and security together with the SFOR. This division of labour is a reflection of the OSCE Mission's mandate, which comprises activities in the areas of democratic institution building and promoting human rights as well as security.

OSCE Activities in Bosnia and Herzegovina - Tasks, Goals and Developments

The Mission is structured according to regional as well as functional aspects. Horizontally, it is made up of the Head Office (in Sarajevo), four regional centres (Banja Luka, Tuzla, Sarajevo, Mostar) and 24 field offices. The four programme departments, Elections, Democratization, Human Rights and Security Co-operation, take into account, alongside administration as well as press and public information, the functional aspect of the Mission's work. Its strong presence in the field, a unique advantage over other international organizations in Bosnia and Herzegovina, is indispensable for operational implementation of programmes at the local level.

Elections

As already mentioned, a decisive change has taken place in the election area. After the adoption of the Election Law in August 2001, an independent national Election Commission was set up. It is headed by a national chairman and is made up of one representative from each of the three constituent peoples and each of the minorities in Bosnia and Herzegovina as well as three international members (a representative of the High Representative and two representatives of the OSCE). The national Election Commission has taken over the responsibilities and tasks of the Provisional Election Commission, which had organized and monitored all previous elections in Bosnia and Herzegovina. Up until the end of 2002, the Election Department of the Mission will offer professional as well as material support. Furthermore, the national Election Commission has an experienced professional secretariat at its disposal with highly qualified local employees who had previously worked for the Mission. A smooth transition and the implementation of the elections on schedule on 5 October 2002 is thus guaranteed. At the end of 2002, the Mission will have completed its mandate in the area of elections and close its Elections Department.

The Democratization Department of the OSCE Mission deals with problems in society caused by conflict and transition and offers technical assistance and expertise to solve them. After the 2000 elections, Mission programmes and projects were aimed increasingly at reinforcing the democratic self-understanding of representatives elected to public office as well as strengthening their awareness of their responsibilities towards their voters. In the spirit of the so-called ownership concept, which entails politicians in Bosnia and Herzegovina making the problems of the country their own and solving them by taking their own responsibility, the Mission has developed mainly operational programmes, which are supportive and oriented towards process.

This includes the “Good Governance Programme”. Citizens are given the motivation to participate more actively in the decision-making process. Public administration and government are to be empowered to solve the problems facing them more professionally and efficiently. “Tailor-made” training seminars and experts’ advice are to convey know-how that provides qualifications in, for example, competent budgeting or needs- and resource-oriented development planning. By teaching citizens to become actively involved and office bearers to reinforce transparency and accountability, mismanagement and corruption are prevented. Because of the limited financial means available in Bosnia and Herzegovina, this is of immense importance.

The Good Governance Programme is divided into two components: the “Municipal Infrastructure Finance and Implementation Project” (MIFI) and the “Cantonal Administration Project” (CAP). The MIFI Project is being implemented at the municipal level. It combines intensive training programmes with on-site assistance on public budgeting, strategic planning, infrastructure and development planning as well as parliamentary work procedures. Citizens are instructed on how to become actively involved in decision-making processes in their community. A concrete measure was taken, for example, in Srebrenica:¹⁰ Of the 25 members of the municipal council in Srebrenica, 13 had had no experience in municipal work at all. Therefore, the OSCE Democratization Office in Srebrenica developed an extensive assistance programme. A Senior Public Finance Advisor from the Democratization Department conducted a training seminar for members of the executive, administrators for budgetary issues and municipal council members, which dealt in great detail with budgetary issues. In addition, a workshop on budgetary planning was offered at which the mayor and the municipal council participated as well. Negotiations were begun with representatives of the trade unions to find a realistic formula for adapting wages and salaries to the municipal budget. One was able to decrease the original budget, which had been based on an illusory estimate of expected municipal income, by 50 per

10 Cf. OSCE Mission to Bosnia and Herzegovina, *Democratisation, Semi-annual Report 2001*, at: www.oscebih.org/democratisation/download/semi_annual_I-VI-01_eng.pdf.

cent and to come to a framework agreement with representatives of the trade unions.

The MIFI Project was started in 1998 in 35 of the 147 municipalities of Bosnia and Herzegovina. The fact that also “hardliner” communities like Foca/Srbinje or Capljina also endeavoured to be included in this project is evidence of the acknowledged benefit of the programme for the municipalities. There is so much interest by the municipalities in the project that the Mission cannot satisfy demand. A not inconsiderable side effect of this project has been the improvement of the information exchange and co-operation between various municipalities beyond ethnic and political borders.

The experiences with the MIFI Project in the Federation taught us that many problems can only be solved at the next higher administrative level, the cantons. Therefore in 2002, the Mission initiated the Cantonal Administration Project (CAP). It was directed at the executive as well as the legislative authorities in the cantons. This project was also primarily to promote transparent, responsible and professional conduct of governments and administrations as well as the active involvement of citizens. Office bearers’ awareness is to be sharpened to the fact that they are accountable to citizens and that they are obliged to act in the public interest. Like MIFI, technical know-how and advice are offered in order to structure public administration and the ministries on a more cost-effective basis and more efficiently. Since the beginning of the project, canton budgets have, for example, actually been reduced by an average of about ten to 20 per cent. The CAP programme is currently being conducted in five of the ten cantons in the Federation. Because of the positive resonance this project has received, the Mission will extend the offer to other cantons and in addition improve the co-operation between the cantons and with the Federation.

Furthermore, the Mission organized training projects for Members of Parliament and the parliamentary staff of the state of Bosnia and Herzegovina. In collaboration with foreign Parliamentarians, professional expertise and practical knowledge, primarily in the areas of rules of procedure, committee work and control of the government are conveyed to the participants. This programme has improved the quality of parliamentary work enormously and thus strengthened this institution at the state level.

Eleven Political Resource Centres (PRCs) located across the entire country, which are operated by local directors, provide meeting rooms and office infrastructure to political parties. These PRCs offer training programmes to party members that are designed to promote their understanding of their democratic role in society and an awareness of their responsibility to the voters. During the pre-election period, seminars are offered providing voters with information on the election and voter registration. Trainings and programmes have also been increasingly directed towards the youth organizations of the political parties.

Experience and surveys have shown that there is an alarming amount of frustration and apathy among the young people in the politics and society of Bosnia and Herzegovina.¹¹ Therefore, the OSCE Mission has placed a new focus on youth work in the framework of its activities on building a civil society. In 2001, it initially conducted the successful media and poster campaign “*Mi to možemo*” (“We can do it”), which was designed to motivate young people to take their future into their own hands and become actively involved in the formation of their country. The campaign was supplemented with creative competitions and discussions with prominent local politicians. The Mission was successful in making the public clearly aware of this topic and in inducing the political parties to have an ear for their younger voters. Another success was that after the campaign had been completed, local NGOs took over and continued it on their own.

At the beginning of 2002, the Mission introduced the “Successor Generation Initiative” (SGI). Initially, the SGI appeals to a small select number of committed young people under the age of 30, who have to a large extent remained unburdened by the events of the war and its rhetoric and have the potential to contribute decisively to shaping the future of Bosnia and Herzegovina. Through specific training programmes in the areas of economics, politics, education and the media, an attempt is being made to create and network a new elite and prepare them for leadership tasks in political and societal life.

Human Rights

In connection with youth work, the area of education has moved increasingly into the foreground. Although in the course of the past few years there has been some progress, due to the fact that the educational system is of enormous importance for the future of the country, the endeavours in this area must be intensified significantly. It is indispensable for the further development of the country that an educational system be created which matches European standards and is not exclusively oriented according to ethnic principles. A modern efficient educational system not only promotes the economic perspectives of the country, but also has a conciliatory effect and is a prerequisite for the sustainable return of refugees and displaced persons to their pre-war residences. The Human Rights Department in the Mission to Bosnia and Herzegovina has been devoting increasing attention especially to the latter goal, the creation of just and fair basic conditions, which allow returnees, in particular the so-called minority returnees, to live in their pre-war residences and have equal rights with their neighbours.

11 For example, 97 per cent of the approximately 660 Parliamentarians in Bosnia and Herzegovina are over 30 years old. Although eight per cent of the 18 to 30 year-olds are party members, only one per cent of all representatives of this age group in Bosnia and Herzegovina, which after all makes up 20 per cent of the voters in the country, believe they can influence party politics. Cf. Youth Information Agency Bosnia and Herzegovina, Special Report on Youth Policy Development in BiH 2001.

The Human Rights Co-ordination Centre, in which all international organizations that are dealing with the implementation of Annex 6 (Human Rights) and Annex 7 (Refugees and Displaced Persons) of the General Framework Agreement collaborate (Office of the High Representative/OHR, OSCE, UNHCHR, UNHCR as well as the International Court of Justice and the Council of Europe), as recently as April 2002 confirmed that the “sustainable return” of refugees was their highest priority in 2002. Other priorities in this area are: the educational system, police and judicial reform, strengthening national human rights organizations as well as the effectuation of minority rights and the fight against discrimination. The Mission with its broad field presence plays an important role in achieving these goals.

However, the Human Rights Department continues to focus its work on promoting the return of refugees and internally displaced persons. The property laws were for the most part completed with the adoption of a reform package in a decree by the High Representative in December 2001. Now, the international community is paying particularly close attention that the basic legal framework conditions created are realized rapidly. The OSCE Mission and the OHR, the Office of the UNHCR, UNMIBH and the Commission for Real Property Claims (CRPC) are in the process of defining common strategic goals on the political level, are preparing specific action and are providing for implementation at the local level within the framework of the “Property Law Implementation Plan” (PLIP). They are monitoring the authorities responsible for the return of private real estate to ensure that they proceed according to fair and equal principles and that they process the applications for the return of property in strict chronological order. When the authorities in question consciously delay the application process, they are given a reminder that they are to fulfil their legal obligations. This is particularly true in cases where alternative accommodation must be provided; in these cases alternative housing must be provided for all citizens who are forced to leave an illegally possessed living space so that the original owner can return, but who do not have any other place to move into.

Visible results were achieved through the consistent execution of the laws.¹² The return process was accelerated considerably in 2001, in particular, the number of minority returnees increased significantly. In total, of the two million refugees and displaced persons up to now about 800,000 have returned to their pre-war residences, including about 200,000 minority returnees, i.e. refugees and displaced persons who have returned to areas now dominated by one of the three ethnic groups.¹³ Now more care must be taken to ensure a

12 According PLIP statistics (as of: June 2002), 54 per cent of the applications for property return had been successfully processed. In the Federation 58 per cent of the applications have been completed, i.e. of the 142,000 families who had filed an application, nearly 83,000 were given back their ownership rights. In the Republika Srpska, the figure is 48 per cent or 52,000 of the 109,000 applications.

13 The UNHCR reported 98,865 returnees in the year 2001 of which 92,061 were minority returnees. This is equivalent to a 36 per cent rate of increase in comparison to the previous year and a doubling of the number of minority returnees in comparison to the year 1999.

sustainable return of refugees. The same access to employment, education, the health system, social security (e.g. pensions) as well as the energy and electricity supply must be guaranteed. The OSCE Mission participates in working groups of the international community pushing forward to solve the problems in the above-mentioned areas at the political level. Furthermore, it monitors the situation at the local level with its strong field presence. In addition, the Mission has established specific programmes to prevent discrimination in the employment and education areas. In April 2002, a programme was started targeted at reviewing the situation of minority pupils and teachers at their pre-war places of residence and for this purpose information on the school and educational system is being compiled. This overview will enter into the development of national guidelines to monitor the "Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children". Moreover, in the year 2001, the Mission developed two programmes targeted at guaranteeing equal employment opportunities for all regardless of their belief, sex or ethnicity. The Mission offers information and know-how to contribute to fair practices in job recruitment and employment. With support of local stakeholders, it is endeavouring to reduce prejudice, in particular ethnic discrimination. Furthermore, these projects serve to obtain an overview of the current situation on the employment market as to fair and equal employment opportunities for all.

Other tasks that the Human Rights Department is devoted to are strengthening the autonomy of the human rights institutions in Bosnia and Herzegovina and promoting the rule of law. In 2001, for example, it assisted in the transfer of responsibility for the ombudsman institution from the OSCE to national offices in both entities and by concluding Memoranda of Understanding with the governments ensuring that the ombudspersons were unimpeded in their work, financially autonomous and able to continue their tasks without any limitations.

Finally, the Mission also deals with the issues of minority rights. In a country like Bosnia and Herzegovina that is strongly dominated by the discussion on the three constituent peoples - their rights and equality - there is a danger that minority rights could be neglected. In this connection, the Mission has devoted itself to various projects, in particular to those of the Roma community in Bosnia and Herzegovina. This also includes a Stability Pact project that is being conducted in co-operation by the OSCE, the ODIHR, the Council of Europe and the Roma Participation Programme (run by the Open Society Institute - Budapest). It encourages the Roma to make their problems and rights heard in their dialogue with the national institutions in Bosnia and Herzegovina. The Mission supported the Roma in building a "National Platform for Roma in Bosnia and Herzegovina" that is to promote and represent the rights and interests of the Roma before the government of Bosnia and Herzegovina.

The Department for Security Co-operation, previously the “Department for Regional Stabilization”, assists in fulfilling and reviewing the Agreements concluded within the framework of Articles II and IV of Annex 1-B of the General Framework Agreement under the auspices of the OSCE in 1996. These Agreements refer, on the one hand, to confidence- and security-building measures in Bosnia and Herzegovina with the state level and both entities as parties (Vienna/Article II Agreement), and on the other, to arms limitations for Croatia, the Federal Republic of Yugoslavia and Bosnia and Herzegovina (Florence/Article IV Agreement).¹⁴ While the political responsibility to implement Articles II and IV lies with the Personal Representative of the OSCE Chairman-in-Office in Vienna, the Department for Security Co-operation carries out the work in the field. Under the instruction and guidance of the Personal Representative, it supports the various Consultative Commissions¹⁵ established under these Agreements. It provides assistance in conducting seminars and other activities that are organized by the Personal Representative under Measure XI (Contacts and Co-operation) of the Article II Agreement. Finally, the Mission accompanies inspections and review visits carried out within the framework of the Article II and Article IV Agreements. Since the conclusion of the Agreements, all these activities have to the greatest possible extent remained the same and have thus become routine. Hence, the capacities freed by this were able to be used for other aspects of work in the security and military area.

The Mission intensified its endeavours to implement OSCE commitments in the military dimension.¹⁶ Bosnia and Herzegovina demonstrates one of the worst performance records here. This is primarily attributable to the specific defence structure in Bosnia and Herzegovina, in which, according to the General Framework Agreement, defence matters are the responsibility of each entity and not the state. The state component will have to be strengthened if better results are to be achieved. The valid constitutional law framework offers enough leeway for concrete improvements, which can be implemented by the Mission, for example, strengthening parliamentary control and the Standing Committee on Military Matters.

14 Cf. Heinz Vetschera, *The Role of the OSCE in the Military Stabilization of Bosnia and Herzegovina*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1998*, Baden-Baden 1999, pp. 305-325.

15 These include the Joint Consultative Commission for the Vienna/Article II Agreement as well as the Subregional Consultative Commission for the Florence/Article IV Agreement.

16 These include, for example, commitments from the Vienna Document 1999 (like the exchange on military information, prior notification of military activities, visits to air bases etc.), fulfilment of the OSCE Communications Network Document, information exchange according to the Code of Conduct on Politico-Military Aspects of Security, questionnaire and information exchange according to the Principles Governing Conventional Arms Transfers, information exchange according to the Document on Small Arms and Light Weapons, the ratification process for the Chemical Weapons Convention, the Global Exchange of Military Information as well as the Anti-Personnel Landmines Questionnaire.

The reorganization of military structures and reducing the military budget constitute the third task area of the Department for Security Co-operation. The expenditures of the two armies of the Republika Srpska and the Federation, which exist alongside one another, by far exceed the military budget percentages of total expenditures in Western European states and considering the low standard of living in Bosnia and Herzegovina are not acceptable under any circumstances.¹⁷ For this reason, at the end of 2001, the Mission in co-operation with SFOR, the World Bank and the IMF launched the media campaign “*Manji Vojnie Troškovi - Veći Životni Standard*” (“Lower Military Expenditures - Higher Standard of Living”). This topic was widely disseminated in public and the population’s awareness of this problem was raised. Against this background, the OSCE Mission with the support of other international partners conducted an audit of the military budgets. The results of this audit confirmed the initial assumption that military expenditures were too high and the armies would have to be downsized. Also the defence ministries were ready to accept this demand. The Defence Ministry of the Federation decided to reduce its army from the current 23,000 soldiers to 13,200 soldiers. Upon the promise they would each be compensated with 10,000 convertible marks, 10,000 soldiers agreed to leave the army voluntarily. The OSCE has been monitoring the demobilization process together with SFOR, the World Bank and the IMF. Parallel to this, they offer assistance in dealing with the social issues arising therefrom. The Mission, for example, supported the Defence Ministry of the Federation, in co-operation with SFOR, in publishing a brochure that contains an overview of specific retraining available, programmes on employment and setting up businesses as well as other relevant information for demobilized soldiers.

Prospects

The OSCE is only one of many international organizations which have been tasked with bringing peace to Bosnia and Herzegovina and the construction of a democratic state, “but it was given crucial tasks which have allowed it to demonstrate its competence and ability to act (...) What is clear, however, is that since Dayton the OSCE has grown from a frequently derided paper tiger to an operational organization capable of action and decision-making.”¹⁸ Its programmes like “Good Governance”, its endeavours to accelerate the return process and to ensure a “sustainable return” as well as its youth work, all support the peace and reform process in Bosnia and Herzegovina and guarantee that it can be completed successfully.

17 The military expenditures of Bosnia and Herzegovina have up to now been up to ten per cent of gross national product whereas the European average is about two per cent.

18 Marcel Stössel, *Slow Democratization in Bosnia-Herzegovina. Five Years After Dayton: Mixed Balance for the OSCE*, in: NZZ Online, 24 May 2001, at: http://www.stoessel.ch/journalism/Bosnia_OSCE_NZZ_English.htm.

The goal is clear - there is no alternative to European integration. In the year 2001, Bosnia and Herzegovina has been able to jump irrevocably on the bandwagon to Europe, but it must still surmount quite a few hurdles along the way to full European integration. These consist of concluding an EU Stabilization and Association Agreement as well as fulfilling the 91 specific requirements within the framework of the accession to the Council of Europe, which also demand changes in the state constitution and the Election Law as well as restructuring the armed forces, divided among the three ethnic groups. Economic reforms must be intensified so that the country can eventually exist without international funding. A common integrated economic space as well as functioning institutions and administrative structures must be created. The highly complex and expensive administrative and government apparatus¹⁹ must be transformed into an efficient and more cost-effective system. This could be achieved with the sufficient amount of political will from all political parties in Bosnia and Herzegovina also within the framework of the valid constitutional orders and by no means requires a change in the Dayton Agreement at a second international conference as has been repeatedly demanded from different sides in the recent past.

With the Constitutional Court judgement on the collective equality of the three constituent peoples of Bosnia and Herzegovina, the entity constitutions have been become aligned. "Vital national interests" have been defined and mechanisms have been introduced to protect them. The amendments also provide for proportional representation of the ethnic groups in the government, judiciary and administration. Now is the time to swiftly put these constitutional amendments into practice.

It is also important for the further peace process that war criminals be brought before the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague and that they be sentenced. Without the unswerving prosecution of those who have been accused of war crimes, like Radovan Karadzic and Ratko Mladic, the reconciliation process in Bosnia and Herzegovina will not be able to be brought to a conclusion.

An improvement in the economic co-operation and regional integration in South-eastern Europe is also decisive. Due to its presence in this region, the OSCE could make an essential contribution there.

Without a doubt, the country is not advancing in particularly huge steps and much of the progress has only been achieved laboriously. The reform process is complex and requires a lot of staying power. Therefore, international donor countries should not put a complete stop on investment flowing into the

19 According to surveys of the International Crisis Group (ICG), the complex structure of Bosnia and Herzegovina comprises 13 political units with legislative and constitutional law competence (the state, the two entities and the ten cantons), furthermore there are five government levels (state, entity, canton, town and municipality) with a total of 181 ministries for the 3.7 million inhabitants of Bosnia and Herzegovina. If one were to translate this ratio into numbers for the Federal Republic of Germany, the latter would have 4,240 ministries. Cf. ICG Report No. 151, cited above (Note 3), p. 2.

country. Moreover, the OSCE and its partners are still needed in Bosnia and Herzegovina. However, the responsibility for the country's development must gradually be handed over to national office bearers and society. Citizens and politicians in Bosnia and Herzegovina must take the future into their own hands.

The general elections of October 2002, in which the legislative and executive branches at all levels (with the exception of the municipalities) have been elected for four years, have offered the opportunity to resolutely develop a pluralist democracy and establish economic reforms. Together with parties who do not base their platforms solely on nationalist rhetoric, but deal with the real problems of the citizens of Bosnia and Herzegovina, it will be able to tackle unwaveringly the pressing problems of daily life, like, for example, the lack of employment vacancies and prospects for youth, housing requirements, educating children and a higher standard of living.

The OSCE Mission to Skopje - A Changing Field Mission in a Changing Environment¹

First Reactions to the Armed Conflict

Without a doubt, 2001 was the year in which the OSCE Mission in the former Yugoslav Republic of Macedonia (FYROM) faced the greatest challenge in its almost ten year history. In certain respects, this was also a challenge for the Organization, which was under pressure to react quickly while not repeating the mistakes that had undeniably already been made in the region.

The armed conflict, which shook the very foundations of Macedonian society and the state in 2001, resulted in more intensive international engagement. At the outset, the OSCE reacted by pursuing two directions: co-ordination and personnel increases.

The Office of the President was the first to react diplomatically to the beginning of armed conflict between ethnic Albanians and the Macedonian security forces in the village of Tanusevci in the mountains north of the capital, Skopje, in February 2001. From this Office, an appeal was made to the representatives of the international community asking them to guarantee more intensive monitoring of the locations where fighting was going on. The OSCE Mission, which was one of the two missions on the spot, took on the job of co-ordinating this endeavour in close co-operation with the European Union Monitoring Mission (EUMM) and the UNHCR. Daily convoys, in which bilateral embassies represented in the country participated, were sent to the places where fighting was occurring.

This initial effort was to serve as a confidence-building measure. The international presence was to send a signal to the Macedonian government that aggression stemming from outside its territory (from Kosovo) would under no circumstances be accepted without a comment. At the same time, there were visits to border villages and the government began tentatively to implement long-delayed improvements to the highly rudimentary infrastructure in the border region. The goal of these joint efforts was to prevent the conflict from escalating. However, as was made visible a few weeks later, it was already too late for this.

On 4 March 2001, this measure was brought to a brutal end. A landmine allegedly laid by the so-called "National Liberation Army" (UCK/NLA²) killed

¹ This article reflects the personal opinion of the author.

² In Albanian, *Ushtria Çlirimtarë Kombëtarë*. This should not be confused with the Kosovo Liberation Army, *Ushtria Çlirimtarë e Kosovës*. It is highly probable that the similarity in the two names is no coincidence as the Macedonian UCK is meanwhile seen as the successor or sub-organization of the original Kosovar UCK.

two soldiers of the Macedonian army, the international convoy arrived at the scene of the incident a few minutes later. Efforts to save a severely injured soldier were unsuccessful, partially because the KFOR command structure was unable to provide a helicopter.

Because of the danger of other mine explosions, monitoring the fighting through a broad international presence was abandoned. At the same time, there were attempts on the diplomatic level to contain the conflict. From the beginning, the EU (in the form of the High Representative for the CFSP, Javier Solana), NATO (through Secretary General Lord Robertson) and the US assumed the political leadership role. As had been the case in the Kosovo conflict, the OSCE was again elbowed into being the Organization with the role of executing operations. The OSCE Mission to Skopje saw itself confronted with the weaknesses in its mandate to that date and with a latent unfriendly stance taken within some of the Macedonian institutions,³ which limited the Mission's ability to take action in the field. Nevertheless, a permanent presence in the country was maintained, although Mission resources were taxed to the utmost degree.⁴ Nevertheless, the Mission considered it indispensable to report first-hand on the situation and to attempt to provide a correct picture of the conflict, which was being distorted by media coverage. It had also become clear that, at least in the beginning phase of the conflict, OSCE Mission reports contributed to the formation of opinions in the capitals of the participating States as well as in other places. When in the spring the government established a crisis group whose task it was to co-ordinate all activities related to the conflict, the OSCE Mission was also represented in this group. Today, the crisis group still acts as a co-ordinating body including the Mission and with its active co-operation.

Crisis Management and Its Limitations

In March 2001, the Permanent Council passed the decision to increase the size of the Mission.⁵ As a result of this, additional monitors were sent to Skopje. Apparently, passing this decision had not been easy, but it did smooth the path for further increases in personnel. Evidently, there were fears in some participating States that an overly large OSCE presence in the coun-

3 For example, the then Macedonian Foreign Minister Srgjan Kerim tried before and right after the outbreak of the conflict to have the OSCE Mission to Skopje closed. He argued initially that the Mission had fulfilled its mandate. Later, he declared in an interview on state television that the OSCE was "to blame for" the landmine incident on 4 March 2001 and thus sacrificed the lives of two Macedonian soldiers who were escorts to the convoy. In fact, it was by coincidence that the convoy arrived a few minutes later at the scene of the incident and OSCE Mission members as well as others made desperate attempts to save the life of one of the soldiers. Ultimately, neither the diplomatic steps nor the media campaign against the Mission were crowned by success.

4 At that point in time, the Mission consisted of eight international members.

5 Cf. OSCE, Permanent Council, Decision No. 405, Temporary Strengthening of the OSCE Spillover Monitor Mission to Skopje, PC.DEC/405, 22 March 2001.

try might have negative effects on subjective perceptions of sovereignty. With this increase in personnel, the Mission was in any case roughly in a position to remain active within the framework of its mandate and cover the conflict area to a reasonable extent so that credible reports could be compiled. However, as the fighting continued, the limits of a civilian mission became all too clear. The primary goal of the OSCE in the former Yugoslav Republic of Macedonia was crisis prevention. In an armed conflict, however, the leeway to take action becomes greatly restricted. Nevertheless, by dealing with its mandate and tasks creatively, the Mission was able to carry out acute crisis prevention. However, the results of this were dependent on numerous factors. For example, the Mission was able to convince representatives of the government to visit the villages west of Kumanovo (north-east of the capital Skopje), which are primarily inhabited by Albanians, and to talk to the local population. The goal was to ensure that there was as little support as possible for the UCK/NLA. The means to this end were improvements in the local infrastructure as well as other areas where the inhabitants had put in requests, for example, in the health system. If these measures had been implemented before, there would have been considerably less conflict potential as the concerns of the people were actually very different from the goals verbalized by the UCK/NLA, and even more so from those aims left unsaid. Thus, however, many of these efforts were futile and only emphasized the lack of confidence of the population in the established Albanian parties.⁶

In individual cases, the Mission was able to mediate between the conflict parties. For example, it was this kind of mediation that led to the restoration of the water supply in the city of Kumanovo, which was interrupted during the course of the fighting due to a technical defect.

On the political level, the OSCE Mission tried to push ahead with reform in local administration. For a long time, the OSCE had seen this reform as one of the most important confidence-building measures. This is why the Mission had given the government, who had made this reform its cause, its full support on this project since 1998/1999. There had already been close co-operation with the ministries dealing primarily with this, i.e. the Ministry of Justice and the Ministry of Local Self-Government, before the crisis. The fact that reform of local government was laid down in the Ohrid Framework Agreement of 13 August 2001 is certainly attributable in part to OSCE efforts.

The appointment of Max van der Stoep, whose mandate as OSCE High Commissioner on National Minorities ended on 30 June 2001, as the Personal Representative of the Romanian OSCE Chairmanship for Macedonia was unquestionably an important step in enhancing the OSCE's political profile and/

6 The government coalition formed in 1998 included the then largest Albanian party, the Democratic Party of Albanians (DPA). The elections in September 2002 gave the former UCK/NLA leader Ali Ahmeti's party, the Democratic Union for Integration (DUI), the majority among ethnic Albanians and participation in the government coalition.

or remedying the damage that his predecessor had caused in this office.⁷ His participation in the Ohrid negotiations ensured that some of the topics important to the OSCE were dealt with and given consideration.

The Ceasefire and Transition to New Forms of Engagement

The ceasefire following the evacuation of the UCK/NLA fighters from Aracinovo, a village they had occupied,⁸ proved lasting although very fragile. Again, the task of the OSCE monitors changed according to the circumstances on location. The main activity during this period was to monitor whether the ceasefire was being maintained. This was not entirely possible, due, on the one hand, to the limited number of Mission members, and on the other, to the civilian profile of the Mission. However, it was necessary to bridge the gap in the period between Macedonian President Boris Trajkovski's request that NATO deploy a troop in the country to disarm the UCK/NLA and the actual deployment of this troop. On the other hand, the government expected the OSCE Mission to keep an exact account of violations of the ceasefire. The OSCE was in danger of becoming the object of the tensions within the crisis government, particularly as it had no mandate, let alone the power to prevent or even stop the territorial gains that the UCK/NLA had made in the area north of Tetovo in clear violation of the ceasefire. At the same time, ideas were being addressed publicly on how a new OSCE Mission should be structured in the situation after the crisis. The fact that these were discussed in public and without consulting the Mission (there was talk at the time of 500 monitors), awakened fears that a second KVM⁹ was in the making. These rumours led to further loss of acceptance on the part of the ethnic Macedonian population that culminated in an arson attack on the fleet of OSCE vehicles, also incidentally destroying a number of UN vehicles.

7 The American Robert Frowick had failed in this endeavour before because he did not co-ordinate his political moves adequately with all sides; his mediation mission had to be interrupted. On this see also Alice Ackermann, *On the Razor's Edge: Macedonia Ten Years after Independence*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 2001, Baden-Baden 2002*, pp. 117-135, in particular p. 131.

8 In June 2001, a UCK/NLA elite troop had occupied the village of Aracinovo located a few kilometres from Skopje. This meant that the only oil refinery, the airport and the highway exit to the capital, Skopje, were within reach of the UCK/NLA. This untenable circumstance and the fact that the capture of the village would mean considerable losses for the Macedonian army, led to negotiations initiated by the Macedonian government between the UCK/NLA and NATO representatives. The result was that NATO with the help of the OSCE evacuated the UCK/NLA fighters from Aracinovo and a ceasefire was concluded that led to peace negotiations first in Skopje and then in Ohrid.

9 The so-called Kosovo Verification Mission (KVM) was deployed in Kosovo before the NATO air strikes on Kosovo and the then Yugoslavia to monitor the withdrawal of Yugoslav security forces agreed between Richard Holbrooke and Slobodan Milosevic. At the beginning of the NATO air strikes, a substantial part of the KVM was evacuated to FYROM where they gained a very negative image in the eyes of the ethnic Macedonian population. The reasons for this are manifold, but would require a separate analysis.

Although these attacks - also addressed at some Western embassies as well as some shops and stores whose owners were Muslim (not always Albanian) - were only part of a well-orchestrated campaign initiated by forces within the government, among broad sections of the population they were met not only with disapproval.

At the same time, a campaign by some of the media, which partially tried to depict the OSCE as pro-Albanian, and partially - the height of absurdity - even as fellow combatants of the UCK/NLA, reinforced the negative image of the Organization in the country. It was not particularly helpful that prominent politicians either remained silent or openly accused the international community of cronyism with "Albanian terrorists". Particularly, the state television station MTV made a big show of vilifying the international community. However, other media also followed suit.¹⁰

In the face of this situation, the OSCE Mission attempted to take action. There were a series of talks with representatives of other international organizations and government representatives to initiate an information campaign for the period after the fighting had stopped. However, this was never put into action. Neither was an information campaign that had been laid down in the Ohrid Framework Agreement, finally signed on 13 August 2001 by the government and the Albanian parties (not however by the UCK/NLA), and which was to achieve acceptance among the population for the decisions passed there; the contents of this Agreement are unknown to the large majority of the population even today. It goes without saying that this has encouraged rumours and misunderstandings.

During this period, the OSCE was reproached by various sides for not making its activity transparent. There has only been partial success in, for example, convincing journalists that the OSCE establishes maximum transparency in its activities and structures, but not in its reports that are not destined for the general public. Local and also some international journalists are still suspicious when reporting is done on the "internal affairs" of a state.

After Ohrid - A New Mission?

The Ohrid Framework Agreement established a few new fields of activity for the OSCE Mission. In the preliminary stages of this, Mission members with the support of their colleagues from the OSCE Secretariat in Vienna were actively involved in introducing the Organization's ideas into President Trajkovski's so-called peace plan. This part of the co-operative process occurred in a highly relaxed and collegial atmosphere and the Presidential Office as

10 In July 2001, SITEL and Channel 5, both private television stations, provided a moment of glory in this politically motivated smear campaign, by broadcasting a report from Tetovo without having it verified, in which it was "reported" that shots were fired from a moving OSCE vehicle at a police checkpoint. Reaction to this was not long in coming, OSCE teams were shot at, luckily without injury.

well as representatives of the Foreign Ministry deemed the ideas and recommendations of the Organization as being helpful and took them into consideration.

To be able to fulfil the tasks assigned to it in the Framework Agreement, in the autumn of 2001, the Mission was gradually enlarged by a substantial number of so-called confidence-building monitors, police advisers and police trainers.¹¹ This last increase in personnel was followed by the extension of administrative structures as well as hiring a corresponding number of local personnel so that current Mission strength lies around 240 international Mission members and around 250 local staff.

The new tasks of the OSCE Mission are defined primarily in Annex C of the Framework Agreement. These will be discussed in the following paragraphs.

The Census

Although the EU and the Council of Europe take a leading role and have the necessary experts at their disposal to carry out comprehensive supervision of the census (which had been delayed several times), the OSCE is, nevertheless, represented by two of its institutions in the so-called steering committee of this mission. The Office of the High Commissioner on National Minorities (HCNM) as well as the Office for Democratic Institutions and Human Rights (ODIHR) represent the viewpoints of the OSCE in this committee, which are laid down in various documents.¹² Currently there are plans to conduct the census between 1 and 15 November 2002.

Elections

The OSCE and/or its institution specialized in election monitoring, the ODIHR, monitored the parliamentary elections on 15 September 2002. The election date, which according to the Framework Agreement was to be on 27 January 2002, had been delayed several times with the argument that the government wanted to pass the majority of the laws established in the Framework Agreement still during the then current legislative period. Another argument against early elections was that the security situation in the former conflict areas would not have allowed elections in the winter or spring of 2002.

11 Cf. OSCE, Permanent Council, Decision on the Further Enhancement of the OSCE Spill-over Monitor Mission to Skopje and the Deployment of Police Advisers and Police Trainers, PC.DEC/439, 28 September 2001.

12 For example, in the 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, or in the HCNM's Lund, Oslo and The Hague Recommendations.

A political agreement was made between the President of the Republic and the four parties who had signed the Ohrid Framework Agreement,¹³ which was directed towards completely changing the election system. Up to that time, a mixed system of majority vote and proportional voting on the basis of lists had been used; now, according to the Agreement, a pure proportional representation system was introduced. The territory has been divided into six districts with almost equally large populations and each district is allotted 20 parliamentary deputies. This new approach as well as other understandings in the Ohrid Agreement, for example, the use of minority languages, required a comprehensive change in the electoral laws.

At the request of the Macedonian government, an election monitoring mission was deployed with a large staff, however, the idea of several politicians to place one monitor at each polling station was not feasible. It was important in this process that the responsibility for the election results not be shifted to the international community. This tendency combined with accusations made after the fact were ascertainable in the elections in the past few years.

The OSCE Mission admitted an election expert to its ranks who, together with an election expert seconded by ODIHR, on the one hand, actively advised the Ministry of Justice regarding the required changes in the electoral laws, and on the other, co-ordinated the activities of the international organizations and bilateral embassies with respect to an improvement in the conditions for conducting higher quality elections. There was a great deal of pressure on the government and the political parties, and the population's loss of confidence had already become visible in the preliminary stages of the election in all the opinion polls. Elections characterized by irregularities like those that had taken place in the past would have had serious consequences for the situation in the country which was just starting to stabilize again.

In the end, the elections took place without any serious incidents, however, they were accompanied by a series of weaknesses imminent to the system, which could not be avoided even through the new electoral laws. In the meantime, the election process has come to an end, a change in government has come to pass and the change in power has - contrary to the fears of some observers - transpired without any serious problems. The joint ODIHR and OSCE monitoring mission, which included over 850 monitors, has proved a successful measure of conflict prevention. However considering the size of the country, such a high number of monitors is not sustainable over a long period. It will therefore be important in future that the Macedonian electoral bodies be strengthened decisively with regard to their competence and professionalism.

13 The President of the Republic, Boris Trajkovski, and the Chairmen of the VMRO-DPMNE, Ljubco Georgievski, the SDSM, Branko Crvenkovski, the DPA, Arben Xhaferi and the PDP, Ymer Ymeri signed the Agreement. The representatives of the EU, François Léotard, and the US, James Pardew, also signed the Agreement as "witnesses".

The UNHCR and the ICRC are the two organizations that are in charge of the return of refugees and internally displaced persons. The OSCE Mission through its numerically strong presence in the field has, since the ceasefire came into force, actively supported the efforts of both these organizations. While at the beginning of this process the OSCE was dealing with escorting convoys of returnees and/or contributing to a relaxation of tensions by their mere presence, in the course of the last few months their activities have changed. Constant close contact with the official and unofficial locals in power, discussions in the course of which the necessity of the return of displaced persons as a prerequisite for further development in the region was emphasized, as well as arranging for development projects in those areas where return was made possible, were not without results. The number of refugees and/or internally displaced persons decreased during the course of the year to a few thousand.

It goes without saying that OSCE monitors have not been taking action in a vacuum but that this work is co-ordinated with the above-mentioned leading refugee organizations and with the EU and NATO as well as a whole series of donors and non-governmental organizations.

One of the problems that future Macedonian governments as well as the international community will be confronted with in this connection, is the danger of so-called "creeping ethnic cleansing". The armed conflict in the year 2001 deepened the ethnic divide substantially. For example, the outbreak of fighting in Tetovo brought a more or less voluntary but clearly ascertainable ghettoization with it or what, in other words, has been called "micro-displacement". The ethnic trenches in the city have become clearly visible, whole districts have been occupied and claimed exclusively by one group or the other. There has been a similar occurrence in rural areas, where in ethnically mixed villages the two "halves" have been defined more distinctly than ever. Non-Macedonian and non-Albanian people are often caught in the crossfire between these two groups and are forced to take a position.

This process, which has not only been ascertainable for a long time now in the western part of the country but also in the rural area surrounding Skopje, often takes on a formal character. Although the real estate market is determined by supply and demand, it is also increasingly affected by the loss of prospects for one group or another in a particular place.

If those in power, but also the international community as well are serious about maintaining and nurturing the multi-ethnic character of Macedonia, this creeping process of building "ethnically pure" areas must be stopped by using a whole series of preventive measures. There ought to be several opportunities open to the OSCE here to avoid repeating the mistakes that it has made in other parts of the Balkans.

Many of the reports of the OSCE Mission, whose facts and figures and assessments of the situation were used by other organizations and states, were reflected again indirectly in the decisions of the Donor Conference which took place in the spring of 2002. Although the OSCE is not itself a donor organization, many expert reports refer among others to information from the OSCE Mission. The policy of passing on expertise gained locally to third parties was, in the past, one of the factors that determined the political profile and credibility of the Mission. If the Mission were in future to maintain this policy and, in the context of the increasing number of organizations represented on site, build it up, this could contribute to fulfilling its mandate, which calls for a "high political profile".

Strengthening Local Self-Government

As has already been mentioned, the OSCE Mission had long before the conflict broke out advocated the strengthening of local structures and a transfer of power from an over-centralized state government to the then underdeveloped local governments. Close co-operation with the Ministry for Local Self-Government and a series of study trips for groups of mayors and employees of the Ministry as well as several seminars, each organized by the Mission and financed by individual participating States, had a positive effect on the work on a package of legal amendments which were to define anew the relationship between central and local power. At the time of the Ohrid negotiations, these laws were already undergoing the parliamentary process. Nevertheless, it was all the more important that they be included in the Framework Agreement to be able to underline the political significance of the decentralization process for the future of the country.

As a consequence of the tasks laid down in the Ohrid Framework Agreement, the Mission decided on a pilot project in which six municipalities are to exercise co-operation in areas of responsibility like joint administration, joint sewage disposal, creation of interest associations etc. This experiment is designed to have model character for further reforms. The main motivation for implementing this project were fears among the population and within the political spectrum that strengthening decentralization would give the advantage to alleged endeavours towards cantonization.¹⁴ The municipalities taking part in the project were selected deliberately and are characterized by two essential factors: multi-ethnic composition and an acute shortage of human, financial and infra-structural resources. Through this project it is to be dem-

¹⁴ Opponents of decentralization love to argue that there is a danger in building ethnic Albanian cantons, which in their view would lead to federalization and ultimately the collapse of state structures. While it is true that such endeavours exist in some Albanian political groups, they are often actually a pretext to delay necessary reforms.

onstrated that dire straits can bridge the divide between ethnic groups and that potential donors deem this posture worthy.

The OSCE as an Organization, and in particular the Mission, are in no way trying to make their mark as a donor organization through this or similar projects, but rather they are endeavouring to set in motion necessary political processes which serve the principles of the Ohrid Framework Agreement on a larger scale. The strength of an OSCE field mission can and must lie in promoting such processes politically.

Advising and Training the Police

The signatories of the Framework Agreement call on, among others, the OSCE to increase training and assistance programmes for police, including:

- professional, human rights, and other training;
- technical assistance for police reform, including assistance in screening, selection and promotion processes;
- development of a code of police conduct;
- co-operation with respect to transition planning for hiring and deployment of police officers from communities not in the majority in Macedonia; and
- deployment as soon as possible of international monitors and police advisers in sensitive areas, under appropriate arrangements with relevant authorities.¹⁵

This appeal is in the context of a commitment by the signatories that the ethnic composition of the police is, by 2004, to reflect the ethnic composition and distribution of the Macedonian population.¹⁶ To this purpose, the signatories committed themselves to training 500 police recruits by July 2002 and another 500 by July 2003. These recruits are to come primarily from the ranks of minorities.

The OSCE Mission has been enhanced with a Police Development Unit. It conducts courses in the Police Academy followed by a training programme in the field lasting several months. Initial experience has already been gained; The first two classes have completed their theoretical training. A lot will depend on how these new officers will be deployed on location and whether the police forces already there will be willing to treat them equally. It has been ascertainable hitherto that the media have definitely given them “special treatment”: In reports on police returning to former crisis areas, it is not “the

15 Cf. President of the Republic of Macedonia, Framework Agreement, 13 August 2001, Annex C, Implementation and Confidence-Building Measures, Article 5.3, at: <http://www.president.gov.mk/eng/info/dogovor.htm>.

16 Cf. *ibid.*, Article 5.2.

police” or “police forces” that are mentioned, but “ethnically mixed police patrols”.¹⁷

The concept developed by the OSCE Mission provides that in addition to Albanians, also members of the other minorities as well as a certain proportion of Macedonian recruits are to be trained, who are to learn and work in a multi-ethnic environment from the beginning of the training. This approach, and the fact that the Ministry of the Interior is to do the actual recruiting, has been creating considerable tensions. Political parties and other lobby groups have since the beginning of this procedure attempted to provide access for “their” candidates. Reports of irregularities are discussed time and again among the general public. The OSCE Mission has repeatedly expressed its standpoint clearly and precisely: Candidates are to be admitted based on their personal performance in a pre-selection and according to an ethnic scheme.

Parallel to police training, police have returned to former crisis areas since the autumn of 2001. The term “return” is in a sense misleading as some of these areas had never maintained a real police presence. In this respect, the return process is very strongly moulded by the work of the OSCE Mission on site. On the one hand, there are a number of so-called police advisers, the majority of whom are themselves police officers, who work together with the ethnically mixed patrols and accompany them at every stage of their work. On the other, the monitors in the field and police advisers focus on persuasion efforts in the preliminary stages to return or when problems occur. Many of the village communities in the former crisis areas, of which the majority of the inhabitants are Albanian, exhibit a deep mistrust of state bodies. There are diverse reasons for this, but it is certainly also because the state neglected these areas. A network of liabilities has thus developed that is in part also linked with organized crime. It almost goes without saying that it would not suit certain individuals that regular police work was being conducted in these areas. Therefore, to a certain degree, OSCE monitors and police advisers had considerable trouble, also in view of the only recently ended conflict, convincing elected as well as informal village heads to allow police to return. All too often, street blockades were used as a means to impede this work. What makes matters worse so soon after the conflict is that political interests in these areas often become amalgamated with those of criminal gangs.

That the return of police to these areas was accomplished at all is a success in itself. However, it would be an illusion to think that normality has set in. Police work has only just begun. Physical presence does not even mean by half that “normal” police work can be achieved. There is still quite a lot of work for state bodies as well as for the OSCE before people will have internalized that the laws are valid throughout the entire country and that misdemeanours and criminal acts must be treated as such independent of the subjective motivation for having carried them out.

17 Here too, the state television station MTV has taken a leading role using this wording in every newscast.

On the other hand, the OSCE has been encouraging and working to reform the police in a direction leading away from its traditional role as a state power instrument and towards a citizen's police that exists to assist them in fulfilling their needs. Here too, extensive structural reforms will be required, which among others can also be supported by the OSCE. However, here too, as in other OSCE fields of activity, it is of utmost importance that the special features of each country of the region be taken into consideration and not that a schematic approach be followed.

Media, Education and Inter-Ethnic Relations

In the last section, the sixth of Annex C of the Ohrid Framework Agreement, the international community and above all the OSCE are called upon to assist in the development of the media in minority languages, in particular Albanian, with the goal of improving inter-ethnic relations. Although in the past the Mission had given political support to individual media projects that served to improve the quality of journalism and inter-ethnic relations, because of its former structure, it had not engaged directly in media development. A corresponding unit has now begun work in the Mission.

The founding of the South East European (SEE) University in Tetovo, a private university where classes are held in English, Albanian and Macedonian and which was officially opened on 20 November 2001, represents another breakthrough in the normalization of inter-ethnic relations. Although this has not yet solved the problem of the Albanian-language so-called "Tetovo University"¹⁸ in existence since 1995 definitively, the presence of the private SEE University does guarantee members of the Albanian minority access to higher education in their own language. Incorporating the university into the educational system of the country, an open policy towards members of all ethnic groups, including the majority, as well as establishing a regional network for co-operation with other universities, in particular with those in existence in the country, ought to give decisive impulses for integrating the Albanian population into Macedonian society. The OSCE, in particular the High Commissioner on National Minorities, was the force behind this institution; the Mission has provided assistance and will certainly continue to do so.

The OSCE is, in this same Article of the Framework Agreement, called upon to continue its efforts to improve inter-ethnic relations. This section refers to a series of Mission projects and/or processes set in motion or accompanied by

18 The so-called "Tetovo University", where the only language used is Albanian, was founded in 1995 but never recognized. Its rector, Fadil Suleymani, is known as a nationalist hardliner and primarily his lack of flexibility and realistic political perspective is to blame for the fact that the diplomas of several hundred students have up to now not been recognized. Moreover, Suleymani is regarded as a supporter and ideologue of radical Albanian groups that only support the current peace process conditionally. Cf. the article by Max van der Stoep printed in this volume.

the OSCE High Commissioner on National Minorities. In this connection, one should in particular mention a project that has been running successfully for several years now although it has been accompanied by political controversy since its inception. One side saw this project as giving too much support to the Albanian minority, the other saw the danger of assimilation. The so-called "transition year project" is directed at Albanian pupils in their last year of secondary school. With modern didactic methods, an ethnically mixed couple teaches these pupils specialized topics, in particular specialist terminology in the Macedonian language, which would be useful to them when they take their entrance examination and in the course of their studies at Macedonian-language universities. Courses take place after regular school hours. The goal of this project is to increase the proportion of Albanian students at the universities in Skopje and Bitola, but not use the existing minority quotas, which are seen as ineffective. This project has been a sweeping success with over 1,000 pupils taking part each year, the majority of whom receive good to very good results on their entrance examination.

The existence of the SEE University and its incorporation in the educational system of the country will in future undoubtedly offer opportunities to involve students and pupils of all ethnic groups in projects promoting mutual recognition. Here, the OSCE could have a political effect: Its influence on the youth, who are frustrated by the political system and have been seeking European orientation, is not to be underestimated.

Prospects

Of course, the fact that the OSCE budget was blocked for several months had an effect on the Mission's activities. Thus many ideas and projects as well as the restructuring of the Mission according to the changed circumstances had to be postponed. However, this new phase in the Mission has now begun; it will have to face up to the situation after police return has been accomplished. What should the future of the Mission in the country be? This is a question being discussed in many places.

On the one hand, one must welcome that the government has recognized and acknowledged the positive contribution that the Mission has certainly made. Plans or considerations to close the Mission can surely not be interpreted as meaning further progress in the country with respect to the implementation of the decisions of the Ohrid Framework Agreement. The steps made up to now are more a beginning and the process will certainly continue for several more years. The OSCE Mission can and must act as a stabilization factor, a political barometer, but it can and must also act as a conveyor of values and concrete know-how, where this is available.

The current personnel strength of the Mission will not be maintained in future, it was a direct result of the acute crisis situation. A reduction in the

number of Mission members, however, must be accompanied by the selection of qualified specialists to carry out specific tasks who will concentrate on those areas that constitute the focus of Mission work after restructuring. A field presence of a certain size will have to be maintained. Concrete measures to build confidence between the ethnic groups, and between the population and state bodies can now be started for the first time, after the initial formal phase of police return has been completed.

Consideration must still be given to the OSCE engagement in the area of justice and its enforcement, the core of which already exists. The Organization has expertise in this area and there are concrete initiatives, for example, with regard to the ombudsman institution. However, also previous activities on fighting trafficking in human beings, where before the conflict, the Mission had a leading role, should be reflected upon again.

In doing so, however, it is of essential importance not only for the Mission but also for the entire Organization to maintain and/or strengthen the political profile. The co-operation, above all with EU and NATO, but also with other organizations in FYROM during as well as after the acute crisis shows exemplary character and can certainly be considered a success model. Nevertheless, one cannot overlook the fact that the political profile of the OSCE could be defined more clearly and concretely; the danger that the Organization will be used to implement rather than formulate political decisions and processes once again became clear in this conflict. Only lucid political concepts, also for a field mission, will help to combat this.

The South East European University in Macedonia

An International Effort to Promote the Solution of Problems in the Field of Higher Education in Macedonia

While the war was raging in Yugoslavia, relatively little attention was given to the Republic of Macedonia, which succeeded in 1991 in leaving the Yugoslav Federation and becoming fully independent without a shot ever being fired. For a long time the view prevailed that, in contrast to Kosovo or Bosnia, no major inter-ethnic tensions would develop in this country, which according to the census of 1994 had a population consisting of Macedonians (67 per cent), Albanians (23 per cent) and a number of smaller ethnic minorities, the Turks, the Vlachs, the Serbs and the Roma. It seemed to be a guarantee for the stability of the country that the Albanian minority had been represented in every cabinet that was formed since independence and that Albanians were well represented in Parliament.

In reality, however, there were far more inter-ethnic tensions in the country than was often assumed. There was alarmingly little contact between Macedonians and Albanians. Having different cultures and different religions, they each lived in their own world. Among Macedonians there were constant fears that the Albanians living in Macedonia were sympathetic to the idea of creating a pan-Albanian state consisting of present-day Albania, Kosovo and those areas of Macedonia where Albanians constitute a majority. Albanians, for their part, often felt that they were treated as second-rate citizens, because, notwithstanding the clause in the Constitution regarding equal rights of all citizens regardless of their ethnicity, they were heavily under-represented in the civil service and in leading positions in society. The degree of Albanian discontent became even more visible when groups of Albanians operating from Kosovo began to penetrate into western Macedonia in the spring of 2001. Many young men from Albanian villages joined them.

As a frequent visitor to Macedonia in my capacity as the OSCE High Commissioner on National Minorities, I was struck by the importance that Albanian parties attached to the subject of education. There were Albanian language primary and secondary schools, but apart from the subjects of arts and history, there were virtually no opportunities to study in the Albanian language at the state universities of Skopje and Bitola. I tried to convince the government to provide more opportunities, but with limited success. The introduction of Albanian language courses in the teacher training curriculum for the lower classes of primary schools remained the only significant reform. In 1995, the radical Albanian leader Fadil Sulejmani took the initiative to start an Albanian language university in Tetovo without any consultations

with the government. After a number of violent incidents, the government decided it would tolerate the existence of this university as a private institution, but it would not recognize the diplomas which the students might eventually acquire. This impasse has continued up till the present day. Rector Suleymani demands unconditional recognition of his institution as a state university; the government wants him to respect the law on higher education according to which diplomas can only be recognized after an accreditation procedure has been successfully completed.

As it soon became clear that this deadlock might continue for a long time, my thoughts began to turn increasingly towards an international initiative for the creation of a university in which teaching would take place in both the Macedonian and the Albanian languages. But such a plan could only be successfully completed if I were able to find positive answers to a number of preliminary questions.

The first was, of course, what the views of the Albanian community were regarding such an initiative. It soon became evident that one of the Albanian parties, the Party for Democratic Prosperity (PDP), continued to hope for a solution to the problem of the recognition of the Suleymani University, even though it had not been able to find a formula which would lead to an end to the impasse regarding this issue. On the other hand, the largest Albanian party, the Democratic Party of the Albanians (DPA), showed positive interest in setting up a university with Albanian language courses under international auspices.

The second question was whether to try to promote the creation of a state university or to aim at setting up a private university. It soon became clear that the first option would lead to a debate on the question of whether this would require a change in the Constitution - a debate which would probably lead to a considerable loss of time, possibly of even more than a year. It therefore seemed preferable to opt for the creation of a private university.

The next dilemma was whether such an initiative would be compatible with the provisions of the Law on Higher Education which was in the process of being prepared. There seemed to be one major difficulty: In its provisional form, the draft law stipulated that in institutions of higher education, including private ones, only teaching in the Macedonian language and in what was called the world languages would be allowed - a formulation which was opposed by experts of the Council of Europe. Fortunately, this problem and some other smaller ones were solved in long discussions between the Minister of Education, Gale Galev, international education experts and myself. It was agreed that teaching in the Albanian language could take place in private institutions of higher education.

Once this problem was out of the way, the road was cleared for the establishment of structures to implement the project. On 29 November 2000, an international board was created, whose first urgent task was to secure international funding for the project taking into account that the government of

Macedonia had declared itself unable to make any financial contribution. The government restricted itself merely to the donation of a piece of land in Tetovo on which the university premises could be constructed. However, the board did not confine itself to fundraising, it also assumed the responsibility of serving as a framework for the implementation of the project as a whole. The international board in its original composition consisted of well-known international educational experts: Dr George Papadopoulos (France); Professor Rolf Dubs (Switzerland); Professor Roberto Carneiro (Portugal); Professor Jan de Groof (Belgium); Dr Dennis Farrington (UK) and Dr Alajdin Abazi (Macedonia). Professor Papadopoulos was elected vice-chairman and I myself was elected chairman.

One of the first acts of the board was to choose a name for the University: the South East European (SEE) University. It was further decided that the ethnic Albanian leadership in Macedonia would be invited to propose candidates for a local board which would work in close co-operation with the international board. I will refrain from going into details of the activities of the two boards. Let me just mention that thanks to generous contributions of the United States (which provided about 50 per cent of the funds required), various European countries, the Commission of the European Union and the Soros Foundation it proved possible to collect more than 90 per cent of the money required for starting this new university and for the construction of its premises.

On 11 February 2001, a ceremony took place in Tetovo to mark the beginning of the construction of the new university. It seemed to be a good omen that Prime Minister Ljubco Georgievski, leader of the Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity (VMRO-DPMNE) as well as the leader of the DPA, Mr Arbën Xhaferi, spoke on this occasion. However shortly after this, Albanians of the so-called National Liberation Army, the (UCK/NLA), began to infiltrate Macedonia from Kosovo. For a while it seemed that a full-scale civil war was inevitable. On a number of occasions, the security situation in Tetovo, the second largest town in Macedonia with an Albanian majority, had become so precarious that the workers building the new university would have to be sent home. However, thanks mainly to the resolute action of the EU, NATO and the OSCE, it proved possible to avert a catastrophe. The so-called Ohrid Agreement, negotiated under international auspices, led to the acceptance on the part of the main Macedonian parties of a number of reforms that the Albanian community had been demanding for a long time. In return, the UCK/NLA rebels agreed to end the fighting and to disband their organization. As a result, it was possible to complete the construction of the SEE University with only a few weeks delay. On 20 November 2001, the university was officially inaugurated. Initially, it consisted of five faculties: law, business administration, public administration, communication studies and pedagogic methodology for teachers. Dr Abazi was appointed as rector. Further, it was decided that

the international board would be merged with the local board; the new joint board was given the task of acting as the governing organ of the university.

A few weeks before the inauguration of the SEE University, the governmental accreditation board granted it accreditation. Another development was the creation of a partnership with the University of Indiana which has already proved to be of great value for the SEE University. Plans are now being developed to set up a similar partnership with one or more European universities.

When the SEE University was inaugurated, 900 students were enrolled, more than expected because even a few weeks earlier it was still uncertain whether the security situation would enable the university to open its doors. Ten per cent of these students were non-Albanians; 40 per cent women. More than 200 transferred from other universities, many of them from the Suleymani University.

In the months preceding the opening of the university, considerable time was spent on formulating its aims and principles. I summarized these as follows in my address at the opening ceremony:

Allow me now to say a few words about the aims of this new university. This is a university, which will have as its special task to provide new opportunities for young Albanians to study, and in this process to serve the interests of the Albanian language and culture. But, at the same time we want to make clear, that this university is equally of interest for members of other ethnic groups. Let there be no misunderstanding: The doors of this university will be open for all students in this country, whatever their ethnicity. This new university will do its utmost to improve inter-ethnic relations and to promote ethnic harmony, and thus to contribute to peace and stability in Macedonia. Each ethnic group has its own specific interests, but they also have a common interest in promoting a peaceful and prosperous Macedonia. Our university will have Albanian Language courses, but also courses in Macedonian and English. It will thus be a trilingual University. We want to be a genuinely international university, which will be especially aware of the European vocation which Macedonia has chosen.

In the months that have passed since the SEE University was inaugurated, both the Albanian and the Macedonian community became more aware of what it had to offer. With the start of the new academic year on 1 September 2002, the number of students rose to a total of 2,300. Plans are already being made to add four more dormitories and to build an additional lecture hall.

In the meantime, there are increasing signs of a crisis at the university of Mr Suleymani. Many students have begun to realize that as long as he is in charge, the problem of diploma recognition will not be solved. If a new rector were to take over and the university were to change its course, there might be

a possibility for co-operation and a division of labour between the two universities. It also seems likely that whatever course the Suleymani University might follow in future, a growing number of its students might become interested in a transfer to the SEE University, particularly when one takes into account the quality of its teaching.

The creation of the SEE University was in many ways a unique experiment. The experience of the first half year of its existence seems to indicate that its founders are succeeding in realizing its objectives: to contribute to the quality of higher education in Macedonia and to contribute to the stability of the country by promoting inter-ethnic co-operation and understanding.

The OSCE Mission to Croatia: The View from Zagreb

In this essay, we look at the relationship between Croatia and the OSCE Mission to Croatia from the Croatian point of view. The relationship between Zagreb and the Mission can be divided into three periods based on each side's understanding of the role of the Mission. The first period, from 1996 to the end of 1999, was characterized by a frosty political climate. Although, the change of government in January 2000 abruptly improved this atmosphere, there was no essential convergence as the two sides had a different understanding of their mutual relationship. The fair weather period did not last very long and relations worsened again. It has only been since the beginning of 2002 that the government and the Mission have been able to bring their expectations about the role of the Mission into line. Thus a new chapter was opened in their relationship. In this article, we will describe these three phases in detail from the Croatian point of view. Moreover, we pose the question whether the Mission should not have conducted more active public relations work to reach out to the population and the political authorities at the national and local level in order to win over their support for its activities as well as whether this would have facilitated the OSCE Mission's efforts to contribute to the socio-political normalization of Croatia.

The Mandate and the Mission's Performance Record

After the armed conflict between Croats and Serbs from 1991 to 1995, the OSCE sent a fact-finding mission to the country in October 1995. This was followed in July 1996 by the establishment of a small field mission consisting of 14 international staff members. It was mandated to promote reconciliation, assist Croatia in the protection of human rights and the rights of persons belonging to national minorities and advise on the development of democratic institutions and processes. Initially, the Mission was comprised of the headquarters in Zagreb and two regional offices in Knin and Vukovar, which were transformed into co-ordination centres a year later.

In the summer of 1997, the mandate was broadened in the areas of the protection of persons belonging to national minorities and the return of refugees. It was agreed that the Mission would be increased to a maximum number of 250 international members.¹ Another amendment of the mandate was agreed upon in the summer of 1998 when the OSCE Permanent Council decided to create a Police Monitoring Group and to deploy a maximum of 120 civilian

1 Upon the request of the then Polish Chairman-in-Office this ceiling was increased to 280.

police monitors in order to replace the United Nations Civilian Police Support Group (UNCPSG) whose mandate expired in the autumn of 1998.

Apart from the Kosovo Verification Mission (KVM), which had to be withdrawn in the spring of 1999, the Mission to Croatia was at that time the second-largest of all OSCE missions.² Alongside its headquarters, it included three co-ordination centres and 20 field offices. Since 2000, both the offices and the Mission staff have been continually reduced. By the middle of 2002, the Mission had about 80 international staff members.

As far as the Mission's performance record is concerned, it seems to have underestimated the difficulties in carrying out its mandate: According to the Mission's most recent Status Report, principal issues affecting the administration of justice, legal certainty, the restitution of property and the reconstruction and establishment of conditions that promote the return of Serb refugees have not yet been fully resolved. Decisions must be taken and implementation deficits addressed, notably in the areas of refugee return and property repossession.³

The OSCE and the "Normalization" of the Participating States

To examine the question of why the Mission was not more successful in carrying out its mandate, we draw on the toolbox of the Copenhagen School of Security Studies.⁴ One of its central arguments is that there are no objective criteria to determine what a security threat is. Instead, threat scenarios are constructed discursively based on particular configurations of assumptions, categories, logic and assertions. When the grid of intelligibility which the parties to the conflict use to interpret reality is characterized by a reference to a security threat - i.e. by *securitization* - then the relationship of the parties is uprooted from routine daily life and filled with existential fear: namely, the fear of the dangerous other. This has practical political consequences. The rupture of normalcy creates a state of emergency and from this point on, politics no longer primarily deals with the normal bargaining processes but shifts to an emergency mode.

From the perspective of the Copenhagen School of Security Studies, the OSCE can be conceptualized as an international institution that seeks to prevent or reverse the process of the transformation of political affairs into security issues. It contributes to political *normalization* in the participating States, which in OSCE space means, *inter alia*, democratization, the (re)introduction of the rule of law and the building of a sustainable civil society. The Organization employs a number of techniques in its efforts to normalize states. For

2 The largest Mission was the OSCE Mission to Bosnia and Herzegovina.

3 Cf. Status Report No. 10, SEC.FR/287/02, 22 May 2002.

4 Cf. Barry Buzan/Ole Waever/Jaap de Wilde, *Security: A New Framework for Analysis*, London 1998.

example, it promotes structures for dialogue and participation or subsidiarity aimed at giving conflict parties, notably ethnic minorities, a voice in government.

The success of securitization depends on whether the audience addressed accepts the threat scenario. This argument illustrates the importance of anchoring securitizing actors institutionally. Actors, who are to speak credibly on security in public, must be furnished with the necessary authority from a relevant institution. Only then can they expect to successfully transfer a factual issue from the area of normal negotiating processes into that of state-of-emergency measures.⁵ This conferring of authority in turn, depends, among other things, on whether decision-makers and citizens attribute expert knowledge to the institution concerned and consider it trustworthy. The same line of argumentation applies to successful socio-political normalization. From the vantage point of the Copenhagen School of Security Studies, the success of OSCE field missions is dependent on whether they have sufficient symbolic capital, that is, a reputation for expertise and - perhaps even more importantly - whether they can develop a relationship of trust with political actors and the public at large. Only if the missions acquire and maintain symbolic capital in the host country over and above the formal legitimacy conferred upon them by the mandate can they hope that their interventions aimed at normalization, notably their role as a normative intermediary, will be accepted by a sufficiently large audience. In short, the success of any mission depends - this is our hypothesis - on its ability to gain, through public relations work, especially its communication policy, political and public support for its activities.

In the following, we examine whether until the beginning of 2002, the Mission to Croatia relied too much on the formal legitimacy bestowed on it by its mandate adopted by the OSCE participating States and whether it failed to do enough to earn the respect of and be granted authority by national and local governments and citizens.

1996-1999: Frosty Relations

The “Homeland War” (*Domovinski rat*) caused great material destruction and loss of life. Moreover, it left its mark on the psyche of the people, not least because of the brutality with which the Croats and Serbs fought with one another: Massacres of the civilian population, inhumane treatment of prisoners and ethnic cleansing were prevalent. In the eyes of many Croats, the international community had abandoned them in their struggle for national survival against the Yugoslav army and the local Serb units. This experience was interwoven with much older memories of Croatian suffering: “A battle for their

5 Cf. Michael C. Williams, *The Institutions of Security. Elements of a Theory of Security Organizations*, in: *Cooperation and Conflict* 3/1997, pp. 287-307.

own country for centuries, occupation and foreign domination for centuries, the diaspora of millions of people all over the world.”⁶

The Croatian Democratic Union (HDZ), playing the ethnic card, skilfully exploited these sentiments to their own political advantage. This injected a xenophobic and authoritarian note into public life and, especially, into the media.⁷ The party used nationalist war rhetoric and the refugee problem to keep alive images of war and destruction and the related categorization of the Serbs as enemies of the Croats. The HDZ tightened its grip on the country’s economic, political and cultural life.

In this situation, the Mission was set up to implement post-conflict rehabilitation. For the government, the decision to accept the OSCE presence in the country was easy. Due to the fact that the OSCE generally makes decisions by consensus, Croatia - like all the other participating States - has a quasi-veto right in the Organization and there was hope that the Mission would not remain in the country for long. Moreover, the government felt that the OSCE presence was needed to help “Croatia be recognized as a full international partner”.⁸ However, soon the relationship between the two sides soured. The government thought that the Mission had adopted an “antagonistic, a zealous approach”.⁹ It began to accuse it of being partial, unprofessional, untrustworthy and lacking expertise. The Mission headquarters, in turn, failed to design an effective public relations strategy to counter these attacks, despite the intervention of some of the field officers who suggested more should be done to reach out to local authorities and citizens.¹⁰ The upshot of this was that the Mission’s ability in fulfilling a large part of its tasks and contributing to the normalization of Croatia, namely by defusing ethnic tensions between Croats and Serbs, the protection of human rights and guaranteeing the rule of law, was severely hampered.

One of the main criticisms voiced by the government and parts of the media was that the Mission was biased in favour of the Serbs.¹¹ After Prime Minister Zlatko Matesa had made a critical statement to this effect, the daily *Vjesnik* published a series of articles that dealt with the citizens’, the politicians’ and the media’s perception of the OSCE. The thrust of the criticism was that the Mission was not aware of what its effect on the public was. It was argued that this had less to do with whether the Mission was actually pro-Serbian, but more with the interpretation of the Croatian general public of what the

6 Ilija Zirdum, OESS bih htijela da Hrvati zaborave [OSCE Would Like the Croats to Forget], in: *Velebit* of 26 June 1998 (this and all other quotes from foreign language sources are the authors’ translation).

7 Cf. Marcus Tanner, *Croatia: A Nation Forged in War*, New Haven/Conn. 1997, p. 302.

8 Interview with a senior staff member of the Governmental Office for Co-operation with International Institutions, Zagreb, 13 April 2002.

9 Interview with a senior official of the Croatian Foreign Ministry, Vienna, 7 June 2002.

10 Source: Interview with an OSCE Mission Member at a field office, Sisak, 6 June 2002.

11 Cf. Marinko Bobanović, Guldemann: Nismo ovdje zbog nacionalnih manjina, nego zbog Hrvatske [Guldemann: We Are not here because of the National Minorities, but because of Croatia], in: *Vjesnik* of 27 March 1998.

Mission did. "When the Croatian Prime Minister Matesa asserts that the international community, or to be more precise the OSCE, is neither treating all refugees equally nor fighting for their rights with the same vigour, the matter is about impressions, and not facts."¹² Another criticism was that the Mission did not treat Croatia with the respect due to a sovereign country. "The public has the impression that some of the international representatives behave as if they were in their own protectorate."¹³

Both the government and parts of the media were thus actively undermining the authority of the Mission. They described the OSCE in denigrating terms as "a young organization which does not have much experience in the co-operation with states"; everything it does "is a precedent".¹⁴ It aspired to playing the role of "the European UN", but it was "without instruments, institutions and experts, everything (was) an improvisation".¹⁵ Tim Guldemann, the Swiss Head of Mission from 1996 to 1999, was even accused by governmental officials of being "malicious, tendentious and ill-informed".¹⁶ Although the nationalist stance of the government and its successful centralization of power would have made it very difficult for the Mission to win over the central and local authorities and the public at large, we believe that more active public relations work aimed at co-operation would have contributed to breaking through the vicious cycle of mutual recriminations. However, the Head of Mission ignored the advice from the field offices to follow a more assertive public relations strategy. Although, the OSCE held biweekly press conferences from 1998 till the end of 1999, these alone proved inadequate to develop a reputation for expertise and trustworthiness. In short, from 1996 to the end of 1999, the Mission failed to successfully counter the attacks by the government and parts of the media, undermining its authority. As a result, it did not enjoy enough public support to effectively contribute to normalization in the country.

12 Goranka Jureško, *Uvrijeđeni OESS* [Offended OSCE], *Vjesnik* of 28 March 1998.

13 Aleksa Crnjaković, *Guldemann nepoželjan i u Hrvatskoj?* [Guldemann Unwelcome in Croatia as well?], in: *Vjesnik* of 15 May 1998. See also the criticism of the Presiding Judge of the Supreme Court of the Republic of Croatia, Milan Vuković, *Vuković: OESS je pokušao nadzirati hrvatske sudove* [Vuković: OSCE Attempts to Control Croatian Courts of Justice] in: *Vjesnik* of 6 May 1998.

14 Anonymous governmental official, quoted in Marinko Bobanović, *Zloupotrebljava li OESS "specifične ovlasti"?* [Does the OSCE Abuse "Specific Competences"?], in: *Vjesnik* of 24 April 1998.

15 Marinko Bobanović, *OESS - europski presedan preko hrvatskih leđa?* [OSCE - Has Croatia Been Burdened with a European Precedent?], in: *Vjesnik* of 2 May 1998.

16 Igor Alborghetti, *OESS optužuje: Ljerka Mintas-Hodak i Jure Radić su jedini ministari koji neće suraditi* [OSCE Accuses: Ljerka Mintas-Hodak and Jure Radić are the Only Ministers Who Are not Interested in Co-operation], in: *Globus* of 26 May 1999.

The parliamentary and presidential elections at the beginning of 2000 brought a political change. The nationalist HDZ was voted out of office and a new coalition government comprising six parties took office.¹⁷ The OSCE euphorically welcomed the change of government, hailing it as “remarkable progress *per se* in the strengthening of democracy in Croatia”.¹⁸ The new government initiated reforms in the areas of democratization, privatization, freedom of the media and minority issues. For instance, Croatia started co-operating with the International Criminal Tribunal for the Former Yugoslavia (ICTY). Laws regarding the written and oral use of the language of the Serbian minority in public were adopted and the process of privatizing the state-owned Croatian radio and television broadcaster HRT was set in motion. These positive developments induced the OSCE to reduce the number of field offices to 14 and the number of international Mission members to around 175 by the end of 2000 and around 120 by the autumn of 2001.

The government believed that the end of the Tudjman regime would be sufficient reason for the OSCE to quickly end its Mission to Croatia. It tried to persuade Vienna that the country was a mature democracy which no longer needed international observers.¹⁹ The new Foreign Minister Tonino Picula expected to “solve all problems by the end of the year (2000, the authors) and thus to remove all reasons for an extension of the mandate in the following year”.²⁰ As it became clear that this hope was overly optimistic, tensions re-emerged between the government and the Mission. Zagreb criticized that the mission had a “360 degree mandate”, as a result of which “there was always something more to do”. For instance, the government did not understand why the Mission considered media issues to be part of its core mandate. “The media is not related to security. The United Nations, the Council of Europe and Mr Duve should deal with this issue, not the Mission. It is only a minor matter, at best.”²¹

The new government agreed with other participating States such as Russia that OSCE activities were geographically unbalanced. Missions are “aggressive mechanisms” that tackle problems such as trafficking in human beings, drug trafficking or the proliferation of small arms. Countries where problems of this sort do exist but in which there are no missions get off the hook while

17 After the elections in January 2000, a government coalition was formed comprising the following six parties: The Social Democratic Party (SDP), the liberal-conservative Croatian Social Liberal Party (HSLS), the middle-of-the-road/left-wing Liberal Party (LS), the conservative Croatian Peasant Party (HSS), the middle-of-the-road/right-wing Croatian National Party (HNS) and the regional Istrian Democratic Congress (IDS).

18 SEC.FR/156/01, 14 March 2001.

19 Cf. Bruno Lopandić, OESS će produžiti svoju misiju u Hrvatskoj [The OSCE Will Extend Its Mission to Croatia], in: Nacional of 13 November 2001.

20 HRT-News, Minister Picula u Beču, 22 March 2000.

21 Interview with a senior official of the Croatian Foreign Ministry, cited above (Note 9).

countries in which there are missions are “unjustly singled out”.²² Moreover, “the OSCE is perceived (by Croatia, the authors) as a stigma, as a negative mark, because one is identified as being a part of the Balkans”.²³ Yet another complaint was that “OSCE monitoring is an obstacle to foreign investment”.²⁴ In October 2001, Croatia signed the Stabilization and Association Agreement (SAA) with the European Union. Zagreb hoped in the wake of this that the OSCE would primarily “act as facilitator for EU integration”,²⁵ thus speeding up the process of accession. Yet the expected reorientation of the Mission’s activities did not materialize leading to further frustration on the part of the government.

These tensions notwithstanding, the climate between the government and the Mission during 2000 and 2001 was, on the whole, satisfactory. This changed towards the end of 2001, when it became clear that the mandate would again be renewed as a result of the Mission’s assessment that key issues covered by the mandate had remained unresolved. Just as was the case during the Tudjman regime, the OSCE was criticized by the government and parts of the media for “treating Croatia as a country with a high risk of political insecurity and instability”.²⁶ The Mission was once again accused of lacking professionalism and expertise: It was said to be “a frivolous organization using frivolous data, because it does not enter into the merit of the problem”.²⁷

The point is that the change of government in January 2000 had opened up a window of opportunity for the Mission to correct its negative public image and to build up its authority as an institution contributing to normalization. Through a more active and dialogue-oriented communication strategy targeted at both political and civil-society actors at the national and regional level, the Mission could have built up trust and its reputation as a competent institution with expertise. However, the Mission acted as if authority was a formal attribute bestowed on it by its mandate and not dependent on sociopolitical recognition which must be actively obtained. In the end, this misjudgement limited its effectiveness and contributed to the negative reaction by the general public at the end of 2001.

22 Ibid.

23 Interview with a Mission Member at a field office, Sisak, 10 April 2002. The same point was made by one of our Croatian interviewees, cited above (Note 9).

24 Interview with a staff member of the Governmental Office for Co-operation with International Institutions, Sisak, 11 April 2002.

25 Interview with a senior official of the Croatian Foreign Ministry, cited above (Note 9).

26 Vinka Drežga, I dalje pod prismotrom? [And Further under Observation?], in: *Vjesnik* of 16 November 2001.

27 Lovre Pejčović, Deputy Minister for Public Works, Reconstruction and Construction, quoted in V. Resković, OSCE Is a Frivolous Organization Which Confuses the Public with Flat-rate Numbers, in: *Jutarnji list*, 21 November 2001, at: <http://www.osce.org/croatia/documents/articles/page3.php3>.

Since the beginning of 2002, the relationship between the Croatian government and the Mission has clearly changed. A new page was turned in the relations between the two sides due to a great deal more convergence on their expectations about Mission work.²⁸ Henceforth, the Mission gave priority to co-operation with the national authorities. Thus it offered the government a regular dialogue on the implementation of its mandate. Among other things, the Mission declared it would be prepared to disseminate its internal reports to the Croatian government. Moreover, it was agreed that both sides would look for effective ways to reach a solution to outstanding problems. The government, in turn, signalled that it would be prepared to consult the Mission regularly on issues such as the revision of media legislation and the preparation of a new law on minority rights at the constitutional level.²⁹

In the meantime, the government has come to regard the presence of the Mission as a positive influence. At the same time, it believes the OSCE is continually losing importance. First, the EU delegation in Zagreb is a more important contact for the national authorities than the OSCE as accession to the EU is the highest priority for Croatian decision-makers.³⁰ Nevertheless the government is aware that "the road from Zagreb to Brussels goes via Vienna".³¹ On this point, too, the views of Croatian decision-makers and the OSCE Mission converge. According to the new Head of Mission, Peter Semneby, "the unique experience and knowledge that the Mission has accumulated will give Croatia and its future EU partners essential inputs in preparing Croatia for eventual EU membership".³² Second, in the opinion of the government, the important political items on the agenda related to the Mission mandate were "off the desk".³³ Thus, in this view, the problem of the return of refugees had already been solved politically in 1998. Only administrative and technical problems remained, mainly at the local level. In addition, extensive OSCE monitoring of the legal system no longer had any justification - the government no longer saw any indications of a biased judiciary. The remaining problems were limited to the dispensation of justice at the regional level.³⁴ In addition, the government actively promoted co-operation

28 Cf. interview with a senior official of the Croatian Foreign Ministry, cited above (Note 9). See also the article by Deputy Head-of-Mission Robert Becker in: *Courier. The Newsletter of the OSCE Mission to Croatia* 102/2002, pp. 2-3.

29 Cf. Status Report No. 10, cited above (Note 3).

30 Cf. interview with a senior staff member of the Governmental Office for Co-operation with International Institutions, cited above (Note 8).

31 Interview with a senior official of the Croatian Foreign Ministry, cited above (Note 9). Another strategic goal of Croatia's foreign policy is admission to NATO.

32 *Courier. The Newsletter of the OSCE Mission to Croatia* 103/2002, p. 1

33 Interview with a senior official of the Croatian Foreign Ministry, cited above (Note 9).

34 Interview with a senior staff member of the Governmental Office for Co-operation with International Institutions, cited above (Note 8).

with the United Nations Criminal Tribunal in The Hague.³⁵ It did not see any danger of ethnically motivated violence in today's Croatia.³⁶

Although Zagreb considers the OSCE as an international partner of secondary importance, the government would like to see the Mission adopt a more forward-looking approach by, for instance, expanding its Democratization Programme, which has been in existence since 1999 and which assists in building a civil society.³⁷ Another important issue, on which the government wants the international community, including the OSCE, to get more involved is the integration of Croat refugees from Bosnia and other parts of the former Yugoslavia. With regard to this, the government complains that it is in a catch-22 situation: On the one hand, international financial institutions like the International Monetary Fund are calling for tough budgetary constraints and, on the other, the OSCE is demanding the funding of repossession programmes.³⁸

All in all, the government expects the Mission to pay more attention to the advisory part of the mandate and less to monitoring. In this sense, Zagreb would like the Mission to do more on the economic front, for instance by helping it approach economic and financial organizations in order to support the economic development of the country.³⁹ Although there have been some initiatives in this direction like the organization of an economic forum in the border town of Hrvatska Kostajnica, which had sustained major damages during the war, there are complaints that often the economic role of the Mission is limited to facilitating a few private contacts. Thus there have been occurrences of Mission members that have acquaintances or friends from their home country who are interested in investing in Croatia being helpful in establishing contacts with local businessmen.⁴⁰

As for the political opposition, they are very critical of both the Mission and the government. They highlight in particular that "the Croats need someone to help them financially. In Croatia, much has been destroyed, houses and industry and the country urgently needs active assistance, but not the OSCE."⁴¹ The government has been criticized for giving way too readily to

35 Cf. interview with a senior official of the Croatian Foreign Ministry, cited above (Note 9).

36 Cf. interview with a senior staff member of the Governmental Office for Co-operation with International Institutions, cited above (Note 8).

37 This expectation constitutes a severe problem for the Mission, which already has to deal with the impression that the OSCE as opposed to the Red Cross or the EU "does not have anything to offer". Interview with Stevo Tomic, Serb member of the Municipal Council in Petrinja and a member of the independent list "Petrinja for the Petrinjer", Petrinja, 6 June 2002. The backbone of the Democratization Programme of the Mission to Croatia is the Democratization Project Fund, which is used, *inter alia*, to allocate money to non-governmental organizations. In the last two years, the participating States were not in agreement on the financing for this fund let alone on its enlargement.

38 Cf. interview with a senior official at the Croatian Foreign Ministry, cited above (Note 9).

39 Cf. interview with Andrea Feldmann, International Relations Secretary of the Liberal Party (LS) and advisor to the LS faction in the Croatian Parliament (Sabor), 5 June 2002.

40 Cf. interview with a staff member of the Governmental Office for Co-operation with International Institutions, cited above (Note 24).

41 Interview with Mirko Putric, former HDZ Mayor of Gvozd, Petrinja, 6 June 2002.

the demands of the international community. Croatia should stop “dancing to the music of international organizations like the OSCE”.⁴² Some critics even go as far as claiming that the public perceives the OSCE as “a sign for the protection of *četniks*. People think that the OSCE is bringing the murderers back.”⁴³

In general one could say that the Croatian government believes that Croatia is well on its way towards transforming itself from a potentially unstable country into a guarantor of regional stability and an established democracy that no longer requires monitoring.⁴⁴ With the task of political normalization well under way, economic issues are now prominent for Croatia in its co-operation with international organizations. Promoting investment and creating jobs is now of central importance. In this regard, of course the EU has much more to offer than the OSCE. Although, from the Croatian viewpoint, the OSCE can be of assistance in overcoming future challenges that are above all economic in nature, the government is convinced that “the co-operation with the OSCE belongs to the past, while the co-operation with the EU belongs to the future”.⁴⁵ Although the Mission does not fully share this optimistic assessment of Croatia’s progress, this dissonance does not affect its meanwhile productive co-operation with the government negatively because changes in the way the two sides communicate and interact with each other introduced at the beginning of the year enabled them to finally develop a (stable?) relationship of trust.

Conclusion: Why the Mission Has not Been More Successful

The Mission’s limited success in carrying out its mandate can be explained, to a large degree, by its lack of authority and public awareness in the country. It failed to do enough to reach out to political authorities, notably at the local level, and the population at large in order to develop relationships of trust, just as it was unable to acquire a good reputation through its expertise. As a result, “people do not know much about the mandate (...) neither the government nor the OSCE made enough effort to explain the mandate. The OSCE does not have any presence, for example, on the radio, on television or in the press (...) The problem is that there is an *a priori* negative perception of the Mission. The OSCE is an unwelcome guest. Maybe this is because

42 Ibid.

43 Interview with Gordana Dumbovic, Deputy Mayor of Petrinja and member of the Croatian Party of Rights (HSP), Petrinja, 6 June 2002.

44 Cf. interview with senior staff member of the Governmental Office for Co-operation with International Institutions, cited above (Note 8). However, the government admits “it has fallen behind in the implementation of certain matters that fall under the OSCE mandate”. Interview with a senior official of the Croatian Foreign Ministry, cited above (Note 9).

45 Interview with a senior staff member of the Governmental Office for Co-operation with International Institutions, cited above (Note 8).

there is no proper communication policy.”⁴⁶ One local politician interviewed by us told us that “the OSCE should have organized meetings and seminars for ordinary people, instead of just coming to town halls and talking to the mayors and the presidents of the village-councils (*vijeće*)”.⁴⁷ OSCE field officers’ experiences confirm this criticism: “Local authorities do not even know what the Mission’s intentions are, they do not know what the Mission expects from them.”⁴⁸

Up to now, we have only highlighted the lack of an effective public relations strategy as a major reason for the until recently modest and uneven progress in the normalization of Croatia and the often difficult relationship between, on the one hand, the Mission and, on the other, the government and the public at large. However, another problem is related to the political decision-making level from which measures initiated by the OSCE must be implemented. The Mission waited too long to refocus its activities from the national to the regional and local level, although it was aware of the fact that local authorities are often to blame for the inadequate implementation of mandate tasks.⁴⁹ “Here in the field nothing changed much after 2000. Conservative politicians and the HDZ are still ruling at the local level, even the same persons are in power. They oppose the OSCE and its mandate or in most cases they just ignore it.”⁵⁰ Furthermore, there are complaints that the decision-makers at the municipal level see the OSCE as an Organization that interferes “in their internal affairs”.⁵¹ They say, it merely helps the Serbs and does nothing more.

The point to be made here is that the Mission should have responded more quickly in 2000 to the positive political developments at the national level and devoted its attention to the implementation problems at the sub-national level. This would have been facilitated if the field offices, which were aware of these problems, had had more input into Mission policies.⁵² However, field officers had the impression that their proposals did “not play a role at all in the decision-making process within the OSCE”. Some of the Mission members see this as a key reason why the Mission displayed “a certain lack of engagement”⁵³ when it came to responding to problems at the regional and local level.

In sum, while the Mission operated in an often difficult political environment, our contention is that if it had made internal reforms and adjusted its

46 Interview with Stevo Tomic, cited above (Note 37).

47 Interview with Mirko Putric, cited above (Note 41).

48 Interview with an OSCE Field Officer, cited above (Note 23).

49 Cf. Snježana Herek, *Lokalne vlasti koče povrtak imovine* [Local Authorities Impeding Property Repossession], in: *Večernji list* of 8 December 2000.

50 Interview with Stevo Tomic, cited above (Note 37).

51 Ibid.

52 In the meantime, the Mission headquarters has recognized this problem. Field officers have been called upon to “put forth excellent recommendations in their reports on how the remaining post-conflict (...) difficulties can be solved”, in: *Courier. The Newsletter of the OSCE Mission to Croatia* 101/2001, p. 2.

53 Interview with an OSCE Field Officer, cited above (Note 23).

communication strategy earlier, it would have gained greater authority. What is more, a Mission recognized as an authority would with all probability have been able to make demands on national and local decision-makers more effectively on the implementation of measures related to its mandate.

The Stability Pact for South Eastern Europe: Achievements and Future Challenges

It has been a good three years since the launch of the Stability Pact for South Eastern Europe in June 1999. The political leaders of the region and the international donor community came together to signal their political commitment to reforms, regional co-operation and continued financial support for South Eastern Europe, with the ultimate aim of establishing a politically and economically stable environment in the region.

Today, we are much closer to this goal than three years ago.

At the time of our initiative's inception, the war in Kosovo had just ended, and with more than two million displaced people in the region, Europe faced the most dramatic humanitarian crisis since the Second World War. The international community had previously reached a consensus that military intervention in Kosovo was necessary to prevent further suffering of the people. But despite the NATO intervention, Yugoslavia was still ruled by a dictatorial regime, which was a destabilizing factor for the entire region.

It was under these difficult conditions that the international community came together to decide on a multilateral strategy synchronized with the US for stabilizing the conflict-ridden region. The main lesson learned through the Yugoslav wars was that ethnic rivalries, refugee flows and unstable economies can and will adversely affect Europe's progress.

The Stability Pact represents the first coherent long-term strategy to bring stable and long-lasting peace to this conflict-ridden region through integration into the European community. Through the Stability Pact, more than 40 signatory countries and organizations have committed themselves to helping the countries in the region "in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole region".¹ It is based on the key lessons and experience of international crisis management and addresses, for the first time, a comprehensive approach to the political, economic and structural deficits of the countries in the region.

In fact, the shift from inter-state conflicts to intra-state conflicts since the end of the Cold War has resulted in a wide range of new threats. As a consequence, security is now no longer defined from a narrow perspective. Today, we need to go beyond the traditional understanding of security, which is derived from a negative definition, e.g. security as the pure absence of an armed conflict. In contrast, the modern conception of security encompasses a wide

¹ 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. 552.

range of dimensions, e.g. the political, economic, social, personal, food, health, environmental and military.² Equally, the state as the major referent object of security gives way to the emergence of other new referent objects in their own right: to communities and individual citizens who can be subject to a wider range of threats than those purely military. Many have termed this “human security”.

A Multi-Dimensional Concept of Security

From this perspective, the Stability Pact perceives human security as a multi-dimensional concept and approaches it in a comprehensive way:

Rather than reacting to crises after they have already broken out, our aim is to proactively bring political and economic stability to the region by taking action in three key sectors: creating a stable security environment, establishing democratic structures and promoting economic reconstruction and co-operation. This comprehensive approach is based on the understanding that these three objectives are closely interlinked and can only be reached if progress is achieved simultaneously in all three areas. The creation of transparent, democratic and accountable institutions and the establishment of the rule of law is the *conditio sine qua non* for attracting investors and strengthening the economic situation in the region. By the same token, experience shows that economic decline gives rise to social tensions which, in view of the ethnic diversity of the region, can become an explosive mixture if not counteracted in an effective and timely fashion. In this endeavour, and modelled on the CSCE process, three Working Tables have been established:

Working Table I deals with “Democratization and Human Rights”, Working Table II with “Economic Reconstruction” and Working Table III with “Security Issues” (whereby one Sub-Table centres on “Security and Defence Issues” and the other on “Justice and Home Affairs”).

Moreover, this comprehensive approach is reflected in the fact that the initiative unites the international community: The EU, G8, OSCE, Council of Europe, NATO, international financial institutions (IFIs), all the countries in South Eastern Europe and their neighbours as well as Japan and Switzerland have joined forces to tackle the causes of conflict in the region. Each partner involved contributes to the sector where he possesses specific expertise, hence bringing added value to the initiative. In addition, the transfer of knowledge from neighbouring countries like Slovenia or Hungary, which have had recent experience in political and economic transition, is a vital contribution to the goals of the Stability Pact. From this perspective, the re-

2 In line with this, the United Nations Development Programme (UNDP) approaches the concept of security in a comprehensive manner, identifying seven components or values of “human security”: political security, economic security, community security, personal security, food security, health security and environmental security. Cf. Overview of Human Development Report 1994, at: <http://www.undp.org/hdro/e94over.htm>.

cent accession of the Czech Republic, Slovakia and Poland to our initiative enriches the Pact.

As the principal “owners of the stabilization process”, the countries in the region are fully involved in the initiative on an equal basis. It is obvious that the Stability Pact can only be a successful instrument of conflict prevention as long as it remains fully relevant to regional needs and priorities and as long as the direct involvement of the recipient countries in the planning and implementation of the various projects is ensured.

The European Union's Role in the Stability Pact

The EU which maintains a leading role in the initiative and which, together with its member states, represents the biggest donor in the region, has committed itself to drawing South Eastern Europe “closer to the perspective of full integration (...) into its structures”.³ In addition to Romania and Bulgaria that are already EU candidate countries in their own right (perspective 2007), all South Eastern European countries have been recognized as potential candidates for EU membership in accordance with the Feira, Zagreb and Copenhagen conclusions. This approach is based on the assumption that the perspective of full membership exerts a stabilizing effect on the whole region and that it strengthens the resolve of political leaders and the general population to implement and sustain the often painful reforms.

The key element of this strategy is the Stabilization and Association Process (SAP) incorporating five countries in the region (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, and the Federal Republic of Yugoslavia).

The Stability Pact can be described as a two-way street: It establishes conditionality between, on the one hand, reforms and regional co-operation and, on the other, outside (financial) assistance to these efforts (in the form of loans, grants, investment or trade preferences) as well as a confirmed EU perspective. This *quid pro quo* is part of the political bargain. For instance, in the framework of the Anti-Corruption Initiative or the Initiative for the Fight against Organized Crime, various countries in the region have committed themselves to introducing measures and reforms following an agreed timetable. They have done so in order to effectively combat corruption and organized crime, which currently represent two major obstacles to the establishment of rule of law and to economic stabilization of the region.

Regional co-operation is the centrepiece of the 244 projects in the framework of the so-called “Quick Start Package” (approved at the Regional Conference in Brussels in March 2000) and the subsequent 27 infrastructure projects that international donors agreed upon at the second Regional Conference (October 2001). This means that the vast majority of the projects involve several

3 Stability Pact for South Eastern Europe, cited above (Note 1), p. 556.

countries and contain a regional dimension. The aim is to boost cross-border co-operation among the countries in South Eastern Europe. In this way, the very essence of Western Europe's post-Second World War reconciliation and decades-long restructuring and economic growth process can be transferred to South Eastern Europe, hence effectively preparing the countries in the region for their integration into Euro-Atlantic structures.

Which Lessons Can Be Drawn from Three Years of the Stability Pact?

The prospect of EU membership has undeniably spurred the reform process in all countries of the region, even though much remains to be done. Romania and Bulgaria are already negotiating their accession to the EU, and Croatia and Macedonia have both signed Stabilization and Association Agreements (SAA) with the Union. A vital achievement in this context has been the democratic change in the Federal Republic of Yugoslavia (FRY), a development that has been encouraged and supported by the Szeged Process, a Stability Pact initiative that supported Serbia's democratic forces and the independent media even prior to the downfall of Milosevic. In the meantime, democratically elected governments are in place throughout the whole region and they represent a basic prerequisite for a sustainable reform process and the stabilization of South Eastern Europe.

Moreover, regional co-operation, which is a qualifying element for EU membership, has improved considerably over the last two years. It has become an established feature of the regional intergovernmental dialogue: The "familiarization process" and the ability to have "all the actors around one table" is crucial to ensuring increased understanding among former adversaries, and is the only way to replace mistrust with confidence.

Enhanced regional co-operation has found expression in concrete initiatives such as the Memorandum of Understanding on Trade Liberalization and Facilitation signed in June 2001 by seven countries in the region (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Romania and the FRY; Moldova has signed a statement expressing its intention to join the process). Another important achievement in this context is the "Agenda for Regional Action" for refugees and displaced persons that the governments of Bosnia and Herzegovina, Croatia and the FRY adopted on the same day. It encompasses various key initiatives for refugees, including reconstruction programmes, social housing and social security.

Successes and Future Challenges

The Stability Pact is by now a mature operation. Its first phase was aimed at setting in motion a broad-based political process along the lines of the CSCE Helsinki process, drawing the countries of the region towards Europe. It functioned on the essential assumption that the international community will support the South Eastern European countries in their attempt to accelerate reforms and enhance regional co-operation. However, the Pact has now entered a new phase that requires redirecting and refocusing its actions.

Against this background, in early 2002, the Stability Pact conducted a thorough review of a large number of its initiatives and activities. I have widely consulted with its main partners, including EU and non-EU members, on how to streamline this operation and how to improve its working methods. The recommendations submitted to and approved by the EU Foreign Ministers on 11 March 2002 refer to the need to enhance complementarity with other EU processes, setting priority objectives and improving working methods, and fostering regional ownership.

Accelerating EU Approximation - A Clear Road Map to Integration

The efficiency and effectiveness of the Stability Pact operation will continue to depend on the leading role of the EU if our common goals in the region are to be achieved. Against this background, complementarity between the Stability Pact and the two main EU strategies towards the region, namely the Stabilization and Association Process for the "Western Balkans" and the accession process for candidate countries that also participate in the Stability Pact, e.g. Rumania and Bulgaria, needs to be enhanced.

The Stability Pact remains committed to coherence and mutual support in both processes. It will be aimed at promoting the objectives of these processes and will assist countries in the region to make full use of their instruments.

In order to enhance complementarity and information exchange between EU institutions and the Pact, an Informal Consultative Committee (ICC) was established at the beginning of 2002. One of our aims is to ensure the necessary co-ordination between assistance programmes, such as CARDS, PHARE/ISPA and TACIS, with a view to enhancing cross-border co-operation.

However, there is still a clear need for the EU to elaborate its strategies towards the region and link them with each other. The enlargement strategy has to be reconsidered with a view towards providing clear prospects of accession to all those countries that will not be accepted in the 2004 round of EU enlargement. By the same token, in order to prevent further destabilization of the South Eastern European region, it is of utmost importance to prevent a widening of the political and economic gap between the Central Eastern

European countries which are heading towards EU accession and their neighbours in South Eastern Europe. There is a need for a clear road map to integration. As with EU integration, the Stability Pact can act as a bridge between various enlargement processes that proceed at different speeds, for example also with regard to NATO enlargement.

“Fewer Meetings, More Action”

In order to reduce the number of Stability Pact meetings and rationalize Stability Pact structures a number of organizational changes will be undertaken. The aim is to strengthen co-ordination and co-operation among task forces and initiatives that work on related subjects, e.g. the Migration and Asylum Initiative, the Initiative for Social Cohesion and the Refugee Return Initiative, and between the initiatives on trafficking in human beings, police co-operation and anti-corruption.

Greater emphasis will be laid on increasing the visibility of Stability Pact actions on the ground and raising public awareness of our achievements, also within the donor community. In view of the shift in geopolitical priorities since the events of September 11, we need to make sure that, despite new foreign policy objectives, South Eastern Europe remains on the agenda of the international community.

The EU has asked the Stability Pact to focus on five to six priority objectives to be achieved within the year 2002. The following objectives, limited in number, have been chosen; these are a further elaboration of the strategies and priorities established by the Regional Table in June 2001.

Trade and Investment

Liberalizing trade is of critical importance to the economies of South Eastern Europe and excellent progress was made in the past year. A Memorandum of Understanding was signed at ministerial level in Brussels on 27 June 2001. It foresees the conclusion of 21 bilateral Free Trade Agreements (FTAs) by the end of 2002 (as of December 2002, 19 negotiations were completed), creating a market of up to 55 million consumers. The FTAs will be fully in line with World Trade Organization (WTO) rules and with the commitments in the framework of EU accession or the SAP. Let us be reminded that Western Europe's unprecedented growth after the Second World War was not due to government money but due to exports and free trade!

In view of the enormous structural deficits in the region, the money raised to date in the framework of the Stability Pact can be only catalytic in nature, psychologically designed to mobilize and attract complementary private investors. Hence, an essential objective of our initiative lies in preparing the ground for private investment in South Eastern Europe. In this vein, the in-

vestment climate needs to be improved. Credits from Western banks to the local banking and private sector are still critical. The Stability Pact will put an even stronger emphasis on the Investment Compact, which tries to help countries eliminate investment barriers and attract more investments. We aim to remove obstacles to private investment and monitor the overall investment climate by focusing the Investment Compact on a limited number of policy areas in each country, downsizing the number of regional flagship initiatives and promoting a regional investment space.

Infrastructure (Including Energy)

Since its creation, the efficiency and credibility of the Stability Pact has suffered from a gap between political commitments made by Stability Pact partners, on the one hand, and progress on the ground, on the other. Generous announcements by the donor community created high and sometimes unrealistic expectations in the region. But delays in disbursement and implementation have often generated disappointment. It should be noted, however, that weak implementation is, in most cases, not due to a lack of political will, but to long bureaucratic procedures or structural limitations.

Yet, given the fact that unfulfilled promises are a powerful source of disappointment that put the credibility of the international community at stake, the Stability Pact seeks to ensure the timely implementation of the two agreed sets of infrastructure projects for the region in close co-operation with the EU, the IFIs and the beneficiary countries. Issues to be addressed by the Stability Pact partners include finalizing and implementing regional strategies in the specific sectors and removing obstacles to implementation. The role of the Infrastructure Steering Group in selecting priority infrastructure projects will be expanded. Regional energy co-operation will be strengthened particularly in the field of electric power. The Stability Pact welcomes the commitment reached within the South Eastern European Co-operation Process (SEECP) to bring about a regional energy concept.

Refugee Issues

The "Agenda for Regional Action" clearly demonstrates the extent to which today's emergency situations, often characterized as "complex humanitarian operations"⁴, call for the co-ordination of different sectors of activity by different actors in the short, medium and long-term. Now that the refugees and displaced persons emanating from the wars in ex-Yugoslavia have been provided with immediate assistance, the second step consists of developing sustainable, long-term solutions for these people.

4 Cf. Jean-Claude Concolato, *Vers un tournant de l'action humanitaire*, in: *Esprit* 7/1994, pp. 72-75.

In the framework of the Stability Pact, Croatia, Bosnia and Herzegovina and the FRY reached a historical agreement on the unresolved situation of 1.2 million refugees and displaced persons. By adopting the “Agenda for Regional Action”, the three governments, together with donors, undertook to implement a detailed work plan covering issues such as reconstruction, housing, loan schemes, property legislation, pensions and social security. In 2002, we have been working on providing sustainable solutions for at least 100,000 refugees and displaced persons by increasing the level of return and integration assistance and credits for self assistance, accelerating the repossession of properties (both by private owners and tenancy right holders), decreasing the number of beneficiaries of humanitarian assistance, and adapting the overall level and timing of available financing in refugee-related activities to needs (e.g., for 200,000 housing units needed in the next three to four years). Particular attention is being given to resolving outstanding regional issues (concerning, e.g., pension payments, social rights, private property and tenancy rights).

Sub-Regional Co-operation

Efforts within the Stability Pact to contain potential conflicts focus primarily on resolving the tension between the nation-state principle and multi-ethnicity. Rather than changing existing borders, which would merely create new minorities, special legal protection and rights of participation must be enforced for the ethnic minorities in the various states. By the same token, concrete possibilities need to be developed for the cross-border coexistence of ethnic groups. For this reason, the Stability Pact intends to start up an informal sub-regional dialogue and co-operation process between representatives from the FRY (Serbia, Montenegro), Albania and Macedonia as well as with UNMIK regarding Kosovo on functional cross-border issues like energy, infrastructure or border management etc.

Small Arms and Light Weapons (SALW)

The uncontrolled proliferation of small arms and light weapons throughout the region represents a serious danger to peace and stability. On the basis of the Regional Implementation Plan on Small Arms, participants from South Eastern European countries have embarked on joint project proposals to control the spread of small arms and light weapons throughout the region as well as on enhanced information sharing on weapons trafficking and border strengthening efforts. In light of this achievement, a “Regional Clearing-house” was established in Belgrade in May 2002 under the auspices of the UNDP. The aim of the initiative is to develop and implement projects focused on reducing the excess supply and illicit trafficking of small arms and light weapons throughout the region.

Organized Crime

In an attempt to streamline ongoing initiatives to fight organized crime, we will establish an executive secretariat for the Stability Pact Initiative to fight Organized Crime (SPOC) at the SECI Transborder Crime Centre in Bucharest to cover the region. The secretariat is to strengthen co-operation between the regional Crime Centre, Europol and Interpol as well as assessing the legal, institutional and technical conditions for the exchange of information.

Enhancing Regional Ownership

Viable solutions can only be achieved through enhanced local ownership. The active role of South Eastern European countries in the Stability Pact's initiatives will be the main recipe for success. We aim to transfer more functions to the region, and to reflect the ownership principle in our staffing procedures. South Eastern European countries are to be more closely associated with the decision-making process. The Stability Pact will develop closer links with the SEECP and encourage the upcoming chair to strengthen and enhance its structures and to act as a co-ordinated regional voice and a forum for regional co-operation.

Enhancing regional ownership also helps to reduce the dependency syndrome. The "ownership principle" implies that the countries in the region carry the main responsibility for the success of the current reform process. It is therefore imperative to further strengthen the efforts in the region to effectively address the challenges that continue to represent a key obstacle to political security and sustainable economic development in the region.

Conclusion

The Stability Pact fulfils a bridging function, in the sense of post-conflict peace-building, between a situation immediately following armed conflict and the region's eventual integration into Euro-Atlantic structures. It is based on a coherent understanding of security, encompassing various interdependent components. The initiative works on the assumption that a sustainable stabilization of the South Eastern European region can only come about by ever-increasing interaction among the countries on the political, legal, economic, societal and security level.

Therefore it is essential for the countries in South Eastern Europe to further strengthen regional co-operation, that is co-operation in areas where value added is to be extracted through a common approach to problems and challenges that are of a transnational nature - like environmental concerns or migration issues. Rather than tackling these issues in an isolated manner, the

exchange of experience and expertise is vital in an increasingly globalized and interdependent world. Thus, regional co-operation among the countries of South Eastern Europe as well as between them and the EU (and Eastern European states) replicates the mechanism by which the European integration process has been driven so far. Thus, South Eastern European countries are preparing themselves in an effective manner for integration into Euro-Atlantic structures. In this sense, regional co-operation in the framework of the Stability Pact represents an accelerator for membership in the European Union. Hence, the Pact's founding principle and its basic cornerstone, namely support by the international community in exchange for reforms and regional co-operation, is the correct line to follow, and one to which there is no alternative.

The OSCE Missions to the Baltic States¹

Shortly after Estonia and Latvia regained independence, upon the invitation of both countries, the OSCE set up missions there. The Mission to Estonia began operations on 15 February 1993 and the Mission to Latvia on 19 November of the same year. The mandates of both Missions called for giving support to each host country primarily in integrating the Russian-speaking population into Estonian and/or Latvian society. This task was achieved at different points in time with varying degrees of success; an examination of the causes of these differences is beyond the scope of this article. However, one must emphasize here that the Missions to the Baltic states contributed frequently - very often behind the scenes - with constructive criticism to the fact that in a short period of time Estonia as well as Latvia made remarkable progress.

The mandates of both OSCE Missions to the Baltic states expired on 31 December 2001. In the Permanent Council meeting on 13 December 2001, Ambassador Doris Hertrampf² reported on the situation in Estonia for the last time and recommended that the Permanent Council see the mandate to the Mission to Estonia as fulfilled.³ The Head of Mission in Latvia, Ambassador Peter Semneby⁴, issued a similar recommendation on the Mission to Latvia on 18 December.⁵ The Romanian Chairmanship concluded from the reactions of the delegations that a large majority of the participating States approved these recommendations; thus there were no steps taken to renew the Missions' mandates whose extensions had both been due at the end of 2001. In Estonia, there followed a two-month administrative closure period, in Latvia, five months were scheduled for the administrative closure process (which can be attributed primarily to the continuation of projects already begun), so that the Mission was finally closed at the end of May 2002.

In articles in earlier editions of the OSCE Yearbook on the Missions to the Baltic states,⁶ it had already been pointed out that Estonia and Latvia even

1 The opinions and views in this article do not reflect the official standpoint of the OSCE, but are exclusively the personal observations and evaluations of the author.

2 The German diplomat Doris Hertrampf was appointed Head of Mission in Estonia in February 2000.

3 Cf. PC.FR/53/01 of 7 December 2001.

4 Peter Semneby comes from the Swedish Ministry of Foreign Affairs and took on his post as Head of Mission in Riga on 2 October 2000.

5 Cf. PC.FR/54/01 of 14 December 2001.

6 Cf. the articles by Falk Lange, *The OSCE Missions to the Baltic States*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1997, Baden-Baden 1998*, pp. 115-121, here in particular p. 121, and by Undine Bollow, *The OSCE Missions to Estonia and Latvia*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1999, Baden-Baden 2000*, pp. 169-178. Falk Lange points out that since 1995, the concept of an "exit

just a few years after the establishment - at their request - of the OSCE Missions, began striving for their closure, and a debate on the end of the OSCE presence had already begun in 1996. In the spring of 1999, the Estonian President Lennart Meri caused a sensation when he publicly spoke out for transforming the Mission to Estonia, as it had fulfilled its mandate, into a research institute. There is even an explicit reference to the temporary character of the Mission to Estonia in the mandate itself. From the beginning, it was to, "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".⁷ In contrast, the Russian Federation repeatedly pointed out the continual problems which the Russian-speaking minorities were confronted with in both states.

Because of these developments and after consultations with both Baltic countries, the Austrian Chairmanship strove to reach a compromise solution right at the beginning of the year 2000. The Chairmanship endeavoured, without a formal change in the mandate, to set up criteria that would allow the Permanent Council to determine whether both mission mandates had been successfully fulfilled. The generalized wording of the two mandates made it difficult to ever evaluate objectively whether they were implemented fully.⁸ On the other hand, it was unanimous among participating States that the OSCE Missions to the Baltic states had not been designed to be maintained for a long period of time, but were of a temporary nature and that the OSCE was to take the desires of the host country into consideration.⁹

In the first half of 2000, the Austrian Chairmanship requested that both Missions report on how they evaluated the situation in the field with respect to whether the mandate had been fulfilled. Ambassadors Hertrampf and Örn¹⁰ submitted confidential reports to the OSCE Chairmanship. Based on these two reports, certain areas were pinpointed for the Missions to Estonia and Latvia that were to be monitored with special care. After exhaustive consultations with both host countries, the Missions, all interested OSCE participating States and the OSCE High Commissioner on National Minorities

strategy" had begun to appear in the discussions about OSCE missions, which had been led since then with differing intensity, and that already for some time, in particular in Estonia and Latvia, emphasis was placed on the temporary nature of these Missions as well as the fact that their mandates had been fulfilled.

- 7 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, here: p. 988.
- 8 The mandates of both Missions are worded very generally. They make it a Mission task to maintain contacts with the authorities responsible for citizenship, language questions and social topics and to support building a civil society. The mandates of these two Missions can be accessed at: <http://www.osce.org/publications/survey/>.
- 9 Cf. Activity Report No. 67 of the Mission to Latvia of 27 October 2000 (SEC.FR/593/00). At a Mission event on 29 September 2000, the Latvian President Vaira Vike-Freiberga expressed her opinion that thanks to the fruitful co-operation between Latvia and the OSCE Mission, the end of the Mission was foreseeable in the near future.
- 10 In 1999, Ambassador Torsten Örn of Sweden succeeded David Johnson of Britain as Head of Mission in Latvia.

(HCNM), the Austrian Chairmanship formulated the so-called “Guidelines” for both Missions. The then Chairperson-in-Office, Foreign Minister Benita Ferrero-Waldner, forwarded these Guidelines to her colleagues in Estonia and Latvia; in this manner, both governments were informed officially on the areas in which the OSCE still expected progress before the Mission mandates could be considered fulfilled. A copy of the letters from Foreign Minister Ferrero-Waldner to both Missions containing the Guidelines was dispatched to each participating State for their information.¹¹

For Estonia, the catalogue covered five areas. Essentially, these included secondary language legislation, the electoral laws, the creation of the office of an ombudsman in Narva, the creation of a stable framework for and progress on the integration of the Russian-speaking population into Estonian society as well as questions in connection with the aliens law and the naturalization of stateless persons.

The Guidelines for Latvia were formulated more broadly, on the one hand, because the Mission mandate in Latvia was expressed differently and on the other, because the Chairmanship had oriented itself to the evaluation report of each Head of Mission, which of course were worded each in their own way. The Mission in Riga was to devote its greatest attention to four points: citizenship questions, language and educational affairs, the social integration programme and setting up an ombudsman institution.

Both countries chose completely different approaches to fulfil the concrete tasks facing them. While in Riga the Guidelines were discussed in public, the coalition government in Tallinn dealt with these points confidentially and requested that the OSCE Mission there follow this confidential line.

In the following, I would like to go briefly into the reasons why, at the end of 2001, Ambassador Hertrampf and Ambassador Semneby recommended to the Permanent Council that the mandate of both Missions be regarded as fulfilled.

The OSCE Mission to Estonia

Since 1999, the activities of the Mission to Estonia had changed fundamentally. Since that year, the two offices in Narva and Jõhvi near the industrial centre of Kohtla-Järve were no longer permanently staffed; all international Mission members were stationed in Tallinn. However, at least once a week, there was an international Mission member in the field office in Narva who was available for the local population during office hours. In Jõhvi, consultations were now by appointment only. A local Mission member manned the office once a week to take complaints or make and keep appointments. During the last three years, activities were concentrated in the capital, Tallinn, as

11 On Estonia see: CIO.GAL/112/2000 of 30 October 2000; on Latvia: CIO. GAL/132/00 of 24 November 2000.

the essential point was to strengthen the legal framework for the integration process.

During the last three years of its existence, the Mission to Estonia reported more and more often on positive developments in the area of the rule of law and the independence of the courts as well as testifying to successes in the development of a legal framework for the right of naturalization and the right of permanent residence for the Russian-speaking minority in the country.

In mid-1999, an ombudsman institution was created, which the Legal Chancellor was to perform as a second function. Unfortunately, starting in June 2000, this post was vacant for almost seven months. On 15 February 2001, the Parliament elected Allar Jõks as the new Ombudsman for seven years and on 1 March 2001, he set about tackling the task at hand with new vigour. The Mission had very close contact with him and his office up till the end and with the agreement of the persons involved transferred a number of individual cases to his office for further management and/or monitoring.

On 6 June 2001, field offices of the office of the Legal Chancellor and the Ombudsman were opened in Narva and shortly thereafter in Jõhvi. Igor Alyoshin, an Estonian lawyer whose native language is Russian, was appointed the representative of the Legal Chancellor and Ombudsman in Ida-Virumaa. It was particularly important to the Mission that in the north-east of the country where there is a large Russian-speaking minority a contact point be created for persons having problems with the naturalization process and residence permits.

On 1 October 2001, the decree to the Language Law on the use of Estonian in the private sphere, which had been amended on 14 June 2000, entered into force. For this reason, in November 2001, the OSCE Mission in co-operation with the Estonian Language Inspection Board (under the Ministry of Education) organized a seminar on the implementation of this decree. This seminar, at which international language and legal experts from the office of the HCNM, from Wales and South Tyrol as well as representatives from Estonian ministries and other state organs participated, was particularly important because together with its follow-up events it created a mechanism that was to be continued after the Mission's activity in Estonia ended. It was decided that also the minority groups involved would take part in the follow-up events in this area.

On 21 November 2001, the Riigikogu (the Estonian Parliament) adopted amendments to the electoral laws, which President Arnold Rüütel, newly elected in September 2001, signed on 6 December 2001. The amendments, which had provoked intense public debate, involved repealing the provision that Estonian citizens who run for office in national or local elections must have a certain proficiency in the Estonian language. The Mission and the HCNM had repeatedly criticized this provision because it was not in compliance with Estonia's international commitments (for example, it went against Article 25 of the UN Covenant on Civil and Political Rights).

With regard to the implementation of the State Integration Programme, the Head of Mission, Ambassador Hertrampf, recommended that also in this area one could view the mandate as being fulfilled because in addition to several positive evaluations, national and international financing for the further implementation of the State Integration Programme was guaranteed. The Mission repeatedly applauded the role of the then Minister for Population and Ethnic Affairs, Katrin Saks.

There was also progress during the reporting period on questions of nationality and the right of permanent residence in Estonia. At the end of 2001, over 80 per cent of stateless persons and citizens of third countries had a permanent residence permit in Estonia. Since the year 2000, the Citizenship and Migration Board had under a new director¹² developed a new policy and, in particular, addressed the registration of so-called “illegals” (persons without valid documents). Another concern of the Mission, the removal of family reunification from the immigration quota,¹³ was not made law, but was implemented *de facto*. In the years 2000 and 2001, not a single resident permit was refused on the grounds that the immigration quota had been exhausted. As in the years before, the number of persons naturalized in the year 2001 was very low (according to official information from the Ministry of the Interior, 172,669 stateless persons were living in Estonia on 1 November 2001). However, the Estonian government has endeavoured to improve the situation and has made this intention very clear by the fact that they pay special attention to the youth of the country. Since the start of the school year 2001/2002, school graduates have been able to apply not only their language examinations (this was already made possible in March 2000), but also those in civics towards certification for the naturalization process. In this manner, school graduates do not have to take any additional examinations to apply for Estonian citizenship.

As a result of these positive developments as well as because of a commensurate number of Russian-speaking Members of Parliament and the fact that there were a series of active NGOs in the country, the Mission came to the conclusion that one could with good conscience recommend to the Permanent Council that the mandate be seen as fulfilled. The most urgent task of the Mission was considered accomplished, namely, putting the country in a position in which - by including its minorities - it could solve existing problems on its own based on the OSCE canon of values. In the meeting of 13 December 2001, all delegations supported this recommendation with the exception of the Russian Federation, which did not agree with the assessment of the Head of Mission and the other delegations and demanded that their declaration be included in the Journal of the 373rd Plenary Meeting of the Perma-

12 Mari Pedak assumed office as the new Director in January 2000.

13 Since 1998, the yearly immigration quota has been 0.05 per cent of the population (citizens and all persons with a permanent residence permit), about 700 people per year.

nent Council.¹⁴ At this meeting, the Estonian Ambassador to the OSCE, Tiina Intelmann, emphasized the joint success of the OSCE and her country. She pointed out that Estonia would continue to co-operate with the OSCE and all its institutions and in particular underlined the important role that the High Commissioner on National Minorities played.¹⁵

The *OSCE Representative to the Estonian Government Commission on Military Pensioners*, German Navy Captain Uwe Mahrenholtz, assumed his post in Tallinn in 1994. This Commission makes recommendations on the issuance of residence permits to former members of the military and their families. Because the issuance of permanent residence permits for former members of foreign armed forces and their families is impossible according to Estonian law, for all practical purposes, the Commission will remain in existence until this legal position has been changed. Because the mandate of the OSCE Representative is linked to the existence of the Government Commission, it is open as to how long Uwe Mahrenholtz will exercise his mandate.

The OSCE Mission to Latvia

For the Mission to Latvia, questions relating to citizenship and naturalization have always been at the centre of its activities; even today, there are over a half a million people who do not have citizenship in Latvia. This was also taken into account in the wording of the Guidelines, which focused on this subject area.

On 18 December 2001, Ambassador Semneby reported in great detail to the Permanent Council on the progress that his host country had made in the area of citizenship. In his report, he dealt in particular with the steps forward Latvia had made since the Mission was established in 1993 as well as positively highlighting the role of the Naturalization Board established under the direction of Eizenija Aldermane in 1995. According to his report, the most important obstacles to achieving higher rates of naturalization in Latvia are: too little information linked with too little interest, the expenses incurred before a Latvian passport is actually issued and the lack of understanding that learning Latvian is a necessity.

The Mission supported Latvia in all three areas. A survey commissioned by the Mission in 2001 showed that a considerable number of people would like to try to obtain citizenship. To tackle the first problem, the Mission, in conjunction with the Naturalization Board, the Ministry of Justice and the UN Development Programme (UNDP) conducted a widespread publicity cam-

14 Cf. PC.JOUR/373 of 13 December 2001, Annex. The Russian Federation acknowledged much of the progress made, but pointed out that neither the mandate nor the Guidelines of the Austrian Chairmanship had been fulfilled and that a "decision of this kind would be tantamount to an incorrect and unduly optimistic signal to the Estonian authorities and would cause serious disappointment among at least a third of Estonian society".

15 Cf. PC.DEL/1000/01 of 14 December 2001.

paign, which was directed at changing negative attitudes towards the naturalization process. On 5 June 2001, the Latvian government issued several measures to simplify naturalization (graduates who had successfully passed a language examination at school were exempted from language examinations, the fees were lowered and obtaining an exemption from fee payments was made possible for some applicants) and thus sent a signal to stateless persons that Latvia wanted to welcome them as citizens. A joint project by the Mission and the Naturalization Board, which offers free language courses to candidates for citizenship, can be described as highly successful.

In the autumn of 2000, there was intense discussion on integration issues in Latvia. This is to be seen in connection with the Programme on Society Integration that was submitted to the government for approval at the end of 2000 after exhaustive public discussion. On 6 February 2001, the government adopted this Programme in which is explicitly stated that naturalizing stateless persons in the country is a priority. However, following this, there were problems in setting up the required financial support to implement the Programme and it took until the autumn of 2001 before a fund was established which is to provide for implementation (a similar fund has existed in Estonia for several years already).¹⁶

On 22 August 2000, the governmental regulations on the Language Law were issued and they entered into force on 1 September 2000. The HCNM described these regulations as being “essentially in conformity with both the Law and Latvia’s international obligations”.¹⁷ Certain improvements in other laws were also necessary, especially to be able to implement the recommendations of the HCNM. Among others, the draft of the law on administrative offences had to be adapted, and furthermore, as was similar in Estonia, the Guidelines demanded a change in the electoral laws. During the year 2001, the Mission in Riga primarily monitored the implementation of the Language Law and informed the Permanent Council on this in its monthly reports. Among others, the Mission encouraged a project in which the publication of a handbook for language inspectors is planned. After the closure of the Mission to Latvia, other OSCE institutions have continued this long-term project. Another important point to be mentioned is educational reform, initially implemented in elementary schools (grade 1 to grade 9). The plan is that starting in 2004, predominantly Latvian will be the language of instruction after grade 9. The discussion on the length of the transition phase continues and it will now depend on the decision-makers involved to see that the process runs as smoothly as possible. The Mission commissioned a comprehensive examination of the current status and certain individual points of this reform.

16 The law on the Social Integration Fund was adopted by Parliament on 5 July 2001 and entered into force on 1 September 2001.

17 HCNM, Press Statement of 31 August 2000, at: http://www.osce.org/news/generate.php3?news_id=985, and Spot Report No. 42 of the Mission to Latvia of 5 September 2000, SEC.FR/480/00.

Another task for the OSCE Mission was to support the host country in establishing an ombudsman institution. In co-operation with the UNDP, the Mission commissioned a study that was presented to the President at the end of May 2001 and communicated to the public at a seminar on 2 June 2001. In this report, there are recommendations for measures to strengthen the National Human Rights Office in Latvia and to develop a long-term and well-functioning legal protection system.

In the Guidelines for Latvia, it was specifically mentioned that language requirements for candidates in local or national elections would have to be removed from the corresponding laws. This had not occurred by 31 December 2001. However, President Vaira Vike-Freiberga and other politicians including Foreign Minister Indulis Berzins had clearly stated at the beginning of December that they were in favour of removing these requirements from the laws. The Foreign Minister had even sought the expertise of the HCNM.¹⁸

When Ambassador Semneby submitted his recommendation on 18 December 2001 in Vienna that the Guidelines be seen as fulfilled, he pointed out integration matters were never static but it was important that developments moved in the right direction.¹⁹ The Head of the Latvian Delegation, Ambassador Edgars Skuja, commended the co-operation between the OSCE and his country and made reference to the expert group which had been set up by the President on 6 December 2001 and was to conduct a legal analysis of the electoral laws. Other delegations subscribed to Ambassador Semneby's evaluation that the trends were going in the right direction, but also called for a change in the electoral laws and emphasized that Latvia would have to continue following the path chosen. Canada spoke out against declaring the mandate fulfilled,²⁰ as did the Russian Federation - albeit in a much sharper tone. The Russian Federation expressed "its categorical disagreement with the proposal to close the OSCE Mission to Latvia"²¹ and had its Statement included in the Journal of the 374th Plenary Meeting of the Permanent Council. In its Statement, the Russian Federation spoke of a "serious malady of double standards from which the OSCE has been suffering for a long time (...) Imposition of the political will of one group of countries and deliberate efforts to cover up the glaring problems affecting other States are corroding the body of the OSCE from within."²²

18 On 9 May 2002, the Latvian Parliament finally adopted the corresponding amendments in both electoral laws, which among others, also the HCNM welcomed.

19 Cf. PC.FR/54/01 of 14 December 2001.

20 Cf. PC.DEL/1009/01 of 18 December 2001.

21 PC.JOUR/374 of 18 December 2001, Annex: "(...) our Organization and, indeed, those among our western partners who advocate such a decision, are doing the Latvian authorities an extremely dubious favour by supporting their steadfast refusal to accept the proposal to extend the Mission's mandate."

22 Ibid., p. 3.

Until 1 February 2000, independent of the OSCE Mission there was another OSCE representation in Latvia. Within the framework of the Soviet/Russian troop withdrawal, disconnecting and the dismantling of the Skrunda Radar Station were arranged in a separate Agreement signed on 30 April 1994. The last person to oversee compliance with this Agreement was Colonel Jürgen Hübschen (of Germany). The Station was disconnected according to schedule at the end of August 1998 and was even dismantled before the agreed date of 28 February 2000. On 1 February 2000, the mandate of the OSCE Representative to the Joint Committee on the Skrunda Radar Station was officially ended.²³

Will It be Possible in Future to End OSCE Missions Successfully?

I would like to make some concluding remarks about this question and also try to answer it positively. From the beginning, the Guideline process was thought of as a compromise and it took advantage of the OSCE's flexibility. One assumed that if each of the two governments concerned tackled or implemented the outstanding measures in the Guidelines (and the Missions had very high standards for seeing that this was accomplished), the Missions could be ended successfully, as in such a case, the decision not to extend the Missions' mandates would have the large support of the participating States. In the case of Estonia, the individual points of the Guidelines were fulfilled, while in Latvia this was questioned by various countries on the grounds that one criterion which was explicitly stated in the Guidelines (the change in the electoral laws) had not been fulfilled by 31 December 2001. Because of this digression from the criteria and the change of direction to a political decision through a new interpretation, the Guideline process became damaged as a model for future mission closures.

Nevertheless, one can make the point that the co-operation between the OSCE Missions to the Baltic states and each of their host countries, in both cases brought about many positive effects and a series of tasks that the Missions had taken on at the beginning of their deployment are now being dealt with by the government or civil society in Estonia and Latvia. Unfortunately, particularly during the past few years, the perception of OSCE missions as a "stigma" has been emphasized and this often caused positive achievements to be forgotten. In my opinion, the work of the Missions to the Baltic states was a huge success which in the end inevitably had to lead to the closure of the

23 Cf. PC.DEC/337 of 27 January 2000. On this see also Jürgen Hübschen, *The Skrunda Agreement and the OSCE's Involvement - An Example of Conflict Prevention and Confidence-Building*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE-Yearbook 1999, Baden-Baden 2000*, pp. 179-184.

Missions - in any case, as has already been mentioned, the Missions were not designed to be permanent. Today, it is the Estonian and Latvian ministries who introduce many amendments to laws or start legal initiatives, and an active civil society is making efforts in both countries to meet new challenges. The OSCE, with its institutions, will also continue to try to give support to the Baltic participating States.

If other OSCE missions are to be successfully closed, one will have to search for new ways to deal with this. If one, however, intends to repeat the Guideline process, it will have to be adapted to the prevailing circumstances and followed through to the end, in order to give credibility to applying it once again. In this kind of situation, the creativity of the Chairmanship will be tested and of course, it will depend on the 55 participating States as to how they evaluate the implementation of established criteria and how a closure will be handled in each individual case.

Democratic Civil Society - An Alternative to the Autocratic Lukashenko Regime in Belarus

*The Work of the OSCE Advisory and Monitoring Group in Belarus 1999-2001*²

In the past six years, the three major European institutions - the OSCE, the Council of Europe and the European Union - have promoted the development of democratic structures in Belarusian civil society as a political alternative to the autocratic Lukashenko system imposed on the country through a constitutional *coup d'état* in November 1996. Since then, the Lukashenko regime has been backed politically and economically by the Russian Federation.

Testing the Ability of the Lukashenko Regime to Reform

After the failure of the alternative presidential elections of May 1999³ Alexander Lukashenko had nothing to fear immediately from the West's reaction to the loss of his democratic legitimization. However, he suffered a painful defeat in another field, which he hoped to compensate for by opening doors to the West: At literally the very last minute, Boris Yeltsin, due to the interventions of influential Russian political circles (among others, Anatoli Chubais), evaded Lukashenko's plan in the summer of 1999 to conduct direct elections for the offices of President and Vice-President of the Union between the Russian Federation and Belarus, in which Yeltsin was to run for President and Lukashenko for Vice-President. The elections were to take place simultaneously in Russia and Belarus. In view of his popularity in Russia, which he had gained by systematically travelling there, Lukashenko could, also in Russia, certainly have won the vote for the Vice-Presidency of the Union with a large majority. Lukashenko felt betrayed and drew nearer to the West - for tactical reasons, as one was to discover later.

1 Ambassador Dr Hans-Georg Wieck was the Head of the OSCE Advisory and Monitoring Group in Belarus from December 1997 until December 2001. This article reflects the personal opinions of the author.

2 On 18 September 1997, the OSCE Permanent Council passed the decision to establish the Advisory and Monitoring Group in Belarus. The Group was mandated with assisting the Belarusian authorities in promoting democratic institutions and complying with OSCE commitments and with monitoring both these activities. Cf. OSCE, Permanent Council, Decision No. 185, PC.DEC/185, 18 September 1997. On the period between 1997 and 1999 see Hans-Georg Wieck, *The OSCE Advisory and Monitoring Group in Belarus*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 185-193.

3 Cf. *ibid.*, p. 191.

In the face of the domestic confrontation in Belarus, the *ad hoc* working group of the OSCE Parliamentary Assembly under the direction of the former Romanian Foreign Minister Adrian Severin and the OSCE Advisory and Monitoring Group in Belarus made efforts to build bridges leading to new negotiations between the government and the opposition on a limited reform programme. This was achieved after an informal conference lasting several days attended by high-ranking representatives of the opposition and non-governmental organizations with the collaboration of the OSCE and the Council of Europe, which took place at a health resort near Bucharest from 11-14 June 1999. In the end, the government did not participate in the discussions, but ultimately was in agreement with the results, a fact that Adrian Severin and I, in my position as the Head of the OSCE Advisory and Monitoring Group, were able to ascertain on 15 July 1999 in a conversation with President Lukashenko lasting several hours.⁴

After building a “Consultative Council of the Political Parties in Opposition”⁵ with a rotating chairmanship and the appointment of expert groups on issues pertaining to negotiation procedures, parliamentary rights as well as the electoral law and media problems, preliminary negotiations on confidence-building issues were agreed, which began in September 1999 with the collaboration of the OSCE Group as advisors and observers. They had the task of regulating opposition access to the state media for the period of the negotiations. For these preliminary negotiations, the President appointed his closest aide, Mikhail Sasonov, who had already conducted the negotiations with the Russian Federation on the Union Treaty. These negotiations, which on the side of the opposition were conducted by the head of the “Media” expert group and former judge of the Constitutional Court, Mikhail Pastukhov, yielded a satisfactory preliminary result surprisingly quickly. It gave the opposition regular and uncensored access to state-controlled electronic and print media. On 29 October and 5 November 1999 - in good time before the OSCE Istanbul Summit Meeting of the Heads of State or Government on 18-19 November 1999 - the protocol and an

4 Lukashenko accepted the fact that, under the auspices of the OSCE, discussions with the opposition would be held on free and fair parliamentary elections in the year 2000 as well as on resolving the questions connected with these.

5 The parties included were: the Communist Party of Belarus (Chairman Sergei Kalyakin; there is also a pro-Lukashenko Communist Party chaired by Viktor Chikin), the Social Democratic Party Hramada (Chairman Stanislav Shushkevich; Chairman of the 12th Supreme Soviet and thus President of the State from 1990-1994), the Social Democratic Party National Hramada (Chairman Nicolai Statkevich), United Civil Party (Chairman Stanislav Bogdankevich, former President of the National Bank; in the year 2000, he was followed by Anatoli Lebedko as Chairman), the Belarusian Popular Front (BNF; established by Zianon Paznyak in 1998, in exile since 1994; the party was divided in the year 2000; the Conservative Christian Party was led by Paznyak in exile; the BNF itself was then headed by Vintsuk Vyachorka), the Labour Party (trade unions party close to the Social Democrats; Chairman Leonid Lemeshonok, later Alexander Bukhvostov), Women’s Political Party “Nadzeya” (close to the trade unions; President Valentina Polevikova), and the Liberal Democratic Party. The Democratic Party Yabloko was not admitted to the Consultative Council because it is not registered in Belarus as a party.

additional technical agreement were signed on opposition access to state-controlled mass media, which it was assumed the President would approve. Just after the OSCE Summit, however, it became clear that there was decisive resistance to this agreement within the Lukashenko system - especially from journalists of the state press and the associations of war veterans. Lukashenko rescinded his agreement with the results of the negotiations and in the end did not approve them. In retrospect, it is permissible to pose critical questions on and place in doubt the seriousness of the Lukashenko regime's intention and willingness to negotiate at all. In view of Mikhail Gorbachev's destiny after his "Glasnost" campaign, the catastrophic effects of a period of openness were all too familiar to the representatives of the authoritarian state.

In the following period of government-controlled "Public Political Dialogue" (February - May 2000), there were unexpected - at least by the government - confrontations between non-governmental organizations and representatives of the regime on freedom of the press and opposition access to the state-controlled media, although the opposition parties and those non-governmental organizations representing a European concept of democracy were only marginally involved if at all. The Chairman of the "Public Political Dialogue", Deputy Head of the Presidential Administration Vladimir Rusakevich, agreed to the proposals by the OSCE Advisory and Monitoring Group to conduct separate talks, at the periphery of the public dialogue, between the Presidential Administration and the Consultative Council of the Political Parties in Opposition on steps towards reform. After several preliminary talks between both sides to sound things out - with the collaboration of the OSCE Mission - Rusakevich was discharged from his office and sent to Beijing as ambassador. This exemplifies how nervously the President was reacting to any development leading to new negotiations with the opposition on steps towards reform. A similar situation occurred with another of his closest aides, Sergei Posokhov, after the 2001 presidential elections.

In the final debate of the "Public Political Dialogue" on 30 May 2000 in the Palace of the Republic, chaired by Lukashenko and attended by representatives of 110 organizations, the President's and the Head of the OSCE Mission's positions were diametrically and irreconcilably opposed. This dispute was carried out in all candour.

Thus, the short but intensive period of co-operation between the government, the opposition and the OSCE Mission came to an end - a co-operation which had found a clear expression in the very positively and constructively drawn up paragraph 22 of the common Summit Declaration, which the Heads of State or Government including Lukashenko adopted on 19 November 1999 at the Istanbul Summit.⁶

6 "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

The Istanbul Declaration served as a foundation for the active structuring of consultations in mainly parallel processes with the government and with the opposition parties, but also with numerous non-governmental organizations, in preparation for the parliamentary elections on 15 October 2000 and the presidential elections on 9 September 2001. The Istanbul Declaration emphasizes the positive role of the OSCE Mission to Belarus as a result of its direct contacts with the government, opposition and non-governmental organizations and sees these contacts as a foundation for a fruitful dialogue which should lead to free and democratic elections as well as surmounting the constitutional conflict.

After the parliamentary elections in the year 2000, in which very effective independent domestic election observation was implemented, President Lukashenko realized the dangers for his regime which was suddenly faced with a civil society that with the collaboration of international organizations (the OSCE, Council of Europe, European Parliament) was emancipating itself from the authoritarian regime and building up its own political structures that were not only able to escape the control and influence of the authoritarian regime, but also to act effectively.

Since November 2000, the Lukashenko regime had been fighting against the activities of the OSCE Mission, which was able to rely on the official interpretation of the 1997 mandate by the Heads of State or Government in the Istanbul Declaration of 19 November 1999. This interpretation could only have been corrected in a new OSCE Summit Decision.

In preparation for the 2000 parliamentary elections, the OSCE Mission supported the establishment of a nationwide network of non-governmental organizations to carry out comprehensive domestic election observation including all phases of election preparations. Governments of European OSCE participating States and the European Commission of the European Union provided the not inconsiderable funding which was necessary for the construction of a nationwide network with the corresponding technical equipment, training and introduction to the various tasks involved like reporting, initiating the relevant legal steps (complaint, appeal) and media work. Between January and October 2000, over 6,000 volunteers were trained by the non-governmental organizations involved. These included the Belarus Helsinki Committee, the Republican Club of Voters, the free trade unions, a women's organization, the Lev Sapiega Foundation, which is active regionally, as well as the unregistered voters organization "Democracy and Free Elections" that was headed by the chairman of the Central Co-ordination

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." Istanbul Summit Declaration, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 413-424, here: p. 419.

Council, Mecheslav Grib. In connection with the elections, for the first time in a Soviet successor state, a comprehensive organization has through the OSCE Mission carried out a public task within a developing civil society with the goal not to ascertain the vote for specific candidates, but to achieve objective reporting on how national elections controlled by the state had been conducted. Observers also had the task of introducing appeal and complaint procedures in cases in which the laws and regulations had been violated in connection with the election process. The results of the comprehensive election observation were documented and published in Russian, Belarusian and English.⁷

From the viewpoint of the OSCE Mission, the greatest significance of the development of a nationwide domestic independent network of trained and motivated election observers lies in the creation of grassroots democratic structures in which democracy is not only preached and expressed by avowals, but in which also a visible contribution to control the actions of the authoritarian state in the most important area - the elections - is made, a contribution which demands courage and engagement and which is also concrete. Quite directly, in a specifically tangible manner, a credible alternative to the authoritarian state emerges. Naturally, these structures are vulnerable and have to be renewed repeatedly. It has been shown that to an increasing degree, youth organizations have seen a rewarding, constructive field of activity in this area. Thus, a new generation, full of hope, is coming of age. After the elections in September 2001, President Lukashenko stated he knew that it was the youth that had lost him the election.

Supporting Political Structures of the Civil Society through European Institutions - an Indispensable but Controversial Strategy

In states that have refused to implement democratic reforms according to OSCE standards, OSCE institutions, especially the Office for Democratic Institutions and Human Rights (ODIHR), have been reserved in systematically

7 In several other countries, the American non-governmental organizations NDI (National Democratic Institute) and IRI (International Republican Institute) had given their support to independent domestic election observation. However, in Belarus, the US advocated a boycott of the parliamentary elections in 2000 and thus did not organize domestic election monitoring.

Nevertheless, subsequently, in the presidential elections in September 2001, there was on the whole satisfactory co-operation between the OSCE Mission to Belarus and the NDI on planning and implementing election monitoring by domestic non-governmental organizations. Over 20,000 Belarusians were trained for this operation; 4,000 of these withdrew due to pressure from the state apparatus. Several thousand observers had their election observation licences taken away the night before the elections. Because the Belarusian Central Electoral Commission, in face of the bad experiences in the parliamentary elections in 2000, had the local electoral commissions forge the vote count in each individual constituency before the election results were announced, the independent election observers were only able to find visible manipulations but not manipulation in the count itself.

promoting non-governmental organizations dealing with election monitoring. Belarus is the exception to this rule. Usually, the OSCE only deals directly with steering these processes in those countries where after the formation of democratic governments domestic election observation is to be organized as well, like for example, Croatia, Bosnia and Herzegovina or Kosovo.

However, another problem emerges in connection with the development of democratic structures in civil society in transition countries: Whoever has had the opportunity to participate in an international conference of donor organizations, has had to recognize that Western Europe's and North America's praiseworthy, valuable and also irreplaceable support for these many groups in each transition country does not appear as a coherent concept, but is a confused muddle of well-meant often overlapping initiatives that can be helpful but that lack a comprehensive political strategy. Occasionally, contradictory political strategies emerge, e.g. for or against a boycott of national elections or for or against allowing government officials to become involved in programmes of international donor organizations. This is understandable, but inevitably also evokes a call on the European institutions and the Transatlantic partners for a consistent political concept. Here, opinions differ - better said, opinions differed in the past. While national governments - and also the department of the European Commission responsible for promoting democracy - did not have any difficulty in providing funding for the construction of nationwide civil society structures for the implementation of independent election monitoring, it is another story regarding the crucial question: Are the European institutions and/or the governments of their member states willing to systematically finance the democratic alternative to an authoritarian regime within civil society - or at least their international activities and common domestic actions like conferences and congresses on factual issues with the interested social structures of the country where the large majority of voters is located organizationally? One should recall the historical examples, especially the support during the 1970s granted to the democratic "alternatives" in the authoritarian Mediterranean states of Spain, Portugal, Greece (during the rule of the colonels) and in Turkey (during the period of the military dictatorship) as well as more recently Yugoslavia, during the period Milosevic ruled. In the face of the undisputed fact that in the presidential systems of the successor states of the Soviet Union at best a state-controlled civil society has been desired and thus promoted, but that (perhaps, just perhaps with the exception of the Russian Federation and naturally the Baltic republics, who, however, "play in another league") a civil society has almost never been supported officially which finances its political structures independent of the state and represents a credible political alternative for the voter, the question must be asked whether, and as the case may be, in what form, international organizations, predominantly, however, the European institutions, can promote building civil society structures capable of taking political action which are committed to democracy as a system of values. Only when we can ob-

serve the development of political structures in the civil societies of the successor states of the Soviet Union which are capable of taking action and can send a common candidate to the all-decisive presidential elections and which plan their participation in the parliamentary elections with an optimal strategy each time, will one have good reason to say that the integration of democratic structures in the successor states has been sustainable. Until then, a "presidential democracy" will rule which has a tendency to be authoritarian and is formed by the "party of power", the presidential system itself, and co-opts the forces in the country and builds up successors from its own ranks. In this kind of a constellation, the judiciary is in danger of being compromised by the executive branch. The legislative branch is in danger of becoming the lackey of the executive branch or continuing to remain in this role. It is obvious that the task of supporting the political emancipation process of civil society from the authoritarian state cannot be fulfilled by the numerous non-governmental organizations and foundations operating internationally or based nationally. Also the OSCE, which (with few exceptions) is dependent on the consensus of all those involved, is not in a position to do this - at least not as a rule. The European institutions - the European Union and the Council of Europe as well as the OSCE Parliamentary Assembly - must jointly and in co-ordination make this task a priority and implement it in co-operation with the corresponding structures in the US and Canada. Of course, governments and institutions will not act as agencies in and of themselves. Intermediary structures are required here.

Under the exceptional circumstances during the period from 1997 to 2001, the OSCE Advisory and Monitoring Group in Belarus was able to a large extent to fulfil this function.

Certainly, it should be critically questioned whether international funding of a political alternative should be taken into consideration at all in an authoritarian state that bends the law as is the case in Belarus. However, encouraging people and organizations to become actively involved for democracy without giving them the means to build structures capable of acting and to finance programmes must, from a moral and ethical point of view, be seen as doubtful and in a practical sense unproductive. Democracy is not only a question of avowal, it is the guideline for practice to bring justice to bear, to put a stop to the misuse of power, to make the exercise of power a matter of confidence based on control and on free and fair elections and to win people over to becoming actively engaged in the municipalities, regions and nations and beyond.

In particular, when this funding is provided by European institutions, that is, not national power politics but the demand for regional co-operation based on documents which all countries - also Belarus - have made their own are behind this, the asserted doubts must be rejected as unfounded. Neither does the authoritarian state hesitate to use state funds for its own purposes without

budgetary control and to allow international as well as domestic companies to share in financing the presidential election campaign.

It is proven that the international funding placed at the disposal of the Belarusian election monitoring organizations in the years 1999-2001 was processed correctly. An overwhelming amount of documentation on the implementation of election monitoring and the observations made (violations of the election campaign rules and regulations and manipulation of the results) is also available for the parliamentary elections in 2000 and the presidential elections in 2001 as well as for the municipal elections of 1999, for example. In 2000, in the parliamentary elections there was evidence that in over 30 constituencies the required turnout of 50 per cent of registered voters to make the vote valid had not been reached. The government and/or the Central Electoral Commission had ascertained this for only 13 constituencies.

Domestic opponents, thus also the government, questioned whether the international funds received in 2001 by the election campaign organization of Vladimir Goncharik, the common presidential candidate from the broad democratic coalition, had been employed according to the regulations. Improper use of funding can never be excluded. Assessments made by the OSCE Advisory and Monitoring Group indicated, however, that they had been used according to regulations. Because in one case the funds pledged were not allocated, the financial commitments towards election campaigners could not be met rapidly. That caused bad blood and placed doubts on whether the funds were being processed correctly. However, the reproach of "improper use of election campaign funding" also occurs in political battle even when there is no evidence that it is justified.

The position of the opposition parties towards European institutions remained ambiguous for a long time. On the one hand, the regular and sustained co-operation between the parties in the Consultative Council of the Political Parties in Opposition created a minimum of mutual trust and a platform for producing agreement on their positions with respect to Belarusian state structures as well as their stance towards European institutions. On the other, the parties did not consider this framework adequate for co-ordinating their domestic policy strategies and representing these publicly with the participation of delegates from all parts of the country. This purpose was served by the "Council of Democratic Forces", in which parties like the Belarusian Popular Front and the United Civil Party as well as non-governmental organizations like the Charter 97 and the Assembly of Democratic Non-governmental Organizations have the most say, and who, for example, pushed through the boycott of the 2000 parliamentary elections. Some representatives of the United Civil Party (Vladimir Novisiad, Chairman of the youth wing of the United Civil Party) and the Social Democrats under the leadership of Nicolai Statkevich evaded this pressure. Alongside this, a large number of respected or ambitious citizens applied for an "independent" candidacy in the parliamentary elections in order to eliminate the representatives of state power. In

many cases, the state authorities forced them to abandon their endeavours by threatening negative consequences to their professional positions - among them were teachers, entrepreneurs, doctors and workers.

In the 2000 parliamentary elections, all parties were losers. Lukashenko did not honour the courageous step that the Social Democrats and the Liberals had made, who had decided against the prevailing opinion of the more radical opposition to take part in the elections as had numerous independent candidates not bound to a party who were running for candidacy against the state apparatus. Over 200 independent candidates, in the truest sense of the word, and most of the candidates belonging to democratic parties were eliminated either during the registration phase based on lame justifications or during the vote count through manipulations. In this manner, Lukashenko gambled away his chances of obtaining a Parliament that would have contained about 15 to 20 per cent opposition members and therefore would have gained a considerable amount of recognition and encouragement at the international level.

The rift between the advocates and the opponents of the boycott of the parliamentary elections was also not surmounted completely in the 2001 presidential elections, in which, nevertheless, all parties participated actively either by supporting their own candidate or the candidate determined jointly by the coalition. After the presidential elections, a heated debate broke out between the political parties on who was to blame for the alleged defeat. This was rather odd, as everyone knew that the official election results had been grossly falsified and that according to the polls, the common presidential candidate of the political and social opposition held 30 to 40 per cent of the vote.

The repeatedly demonstrated lack of willingness of the Lukashenko regime to introduce a reform course pointing in the direction of the European "democracy model" is certainly not only attributable to the inherent striving of an authoritarian regime to maintain power, but also reflects the still fostered objective to see authoritarian systems established in the other successor states of the Soviet Union as well, which - supported by central economies - could re-establish an internationally relevant politically powerful bloc having independent importance - also as a counterweight to Western interests. Lukashenko knows he is in agreement with the nationalist and communist elites in the Russian Federation who view President Putin's political course with suspicion - a course towards the West whose goal seems to be to gain status and importance in the Western world through competitiveness and indispensability, but at the same time to develop the economic and social potentials of Russia and to bring about prosperity.

Also in relation to Russia, Lukashenko has not shown any willingness to reform on economic and monetary issues. The necessity for harmonization in economic and monetary policy is repeatedly referred to in the Union Treaties and the corresponding individual agreements, however this fails in imple-

mentation (privatization, market economy reforms, production of goods not oriented to target figures, price liberalization for agrarian products, creating legal certainty on the market and for economic processes).

Lukashenko repeatedly - before and even after the presidential elections - announced the liberalization of the political system and economic policy, however these remained verbal promises. The substance of the economy, its stock of capital goods, has not been renewed. The same is true for the lack of orientation to the market - i.e. doing without new products. The Belarusian economy lives off its substance and from Russian subsidies, primarily in the energy sector.

One can draw the following conclusion: The Lukashenko model of an authoritarian state, a state-governed society and a state-controlled citizen has up to now not passed the test of its ability and willingness to reform and transform. The political viability of this system depends on sustained toleration by and support of the leadership of the Russian Federation and other CIS countries as well as the determination of the Lukashenko government to also continually implement the instruments of power of the state and economy to suppress democratic development.

The Emancipation of Civil Society and the Citizen from the Authoritarian State in Belarus

The 12th Supreme Soviet of the Republic of Belarus was elected still under the framework conditions of President Gorbachev's reform system in 1990. A certain number of its Deputies were elected in the constituencies - without disclosing their party membership -, i.e. they were "independent candidates" who had to obtain a predetermined number of signatures to run for election. Other Deputies were sent to Parliament by the mass organizations, among others, by the parties, but also by the Russian Orthodox Church, the trade unions, the armed forces and youth associations. The Communist Party had lost its monopoly.

After the collapse of the Soviet Union, the structures of the Communist Party and the mass organizations as well as the state control of enterprises remained intact. The Chairman of the Presidium of the Supreme Soviet exercised the function of Head of State, however, without having control over the executive branch, which - represented by the Prime Minister - required a parliamentary majority. In Parliament, there was a *de facto* communist majority along with several other parties, the most important of which in the initial years of Belarusian independence was the Belarusian Popular Front under Zianon Paznyak, which followed an anti-Russian course. The state emblem and state flag were commensurate with the symbols of the earlier White Russian-Lithuanian state that had existed for a short time in 1918. With the collapse of the Soviet Union, the Belarusian industry, which was closely inter-

locked with and dependent on the Russian economy, became subject to a decline; in the West, Belarus was an object of interest only in connection with arms control and disarmament measures (removal of all nuclear weapons on Belarusian territory/START I, Lisbon Protocol; limiting conventional armed forces/CFE Treaty).

Nevertheless, in 1994, a constitution according to the CSCE standards of the Copenhagen Document (Copenhagen Meeting of the Conference on the Human Dimension, June 1990) and the Charter of Paris (Summit Meeting of the Heads of State or Government, November 1990) was adopted, which introduced and anchored the principle of separation of powers, above all the independence of the judiciary, and the principle of the media free from monopoly in Belarus. However, this constitutional precept was not implemented in the electronic media. In the following presidential elections in June and July 1994, Lukashenko prevailed in the second ballot. He declared he would fight corruption in the state and promised a decisive pro-Russian policy. Russian became the second official language and after the constitutional coup in 1996, a flag adapted from the Soviet state emblem (without the hammer and sickle) and a corresponding state emblem with motifs from folk art were introduced.

In the struggle over the so-called *Kompetenzkompetenz*, i.e. the competence to delineate competencies, with the Supreme Soviet (the 13th Supreme Soviet was elected in 1995/1996), Lukashenko only prevailed through a manipulated referendum on his own constitutional draft and that of a majority of the 13th Supreme Soviet in November 1996. Without wasting any time Lukashenko - backed at the foreign policy level by the Russian Federation - replaced the democratic state based on the 1994 constitution with an authoritarian state. In his relations with the European institutions, the only thing that mattered and still matters the most to Lukashenko is the recognition of this state, its constitution and the political status quo, that is the recognition of this authoritarian model, at best a model of a people's democracy, as a democratic order acceptable to European institutions (acceptable in the sense of the criteria in the Copenhagen Document on the Human Dimension and the Charter of Paris for a new European order after the Cold War). Lukashenko draws support from the nomenklatura of the vertically constructed state apparatus and the state industrial enterprises. Analogous to this, there are kolkhoz enterprises in rural areas whose directors are appointed by the state. In addition to this, social mass organizations exist in which consistent with Soviet tradition all citizens are formally organized according to profession or status and on special occasions (elections, organized demonstrations) receive instructions, which they follow - most often without inner conviction. Likewise, there are workers collectives and agrarian collectives. The latter emerged in the Soviet Union during the Gorbachev era and were to create a counterweight to the trade unions.

Due to the legal regulations on the registration of social organizations, including political parties, trade unions and classical non-governmental organizations with specific, self-elected tasks - whether these are human rights organizations, sports clubs or stamp collectors -, the state authorities have it in their grip to stop or restrict alternative political structures as well as preventing their nationwide enlargement. Because of the abundance of formal requirements to be fulfilled and in face of the difficulties in obtaining funding, these structures remain in administrative dependence on the authorities or are forced to take actions that are illegal in the eyes of the authorities. It is made clear to hotels and landlords - often state institutions - that they must not give certain parties and associations access to conference rooms or that they must not rent office space to them. Factory directors have been dismissed because they have given the opposition candidate the opportunity to speak to their workers.

Against this background, the political parties "went to the streets" to demonstrate against the arbitrariness of the state - but they were not joined by the masses as these were guided by state-controlled organizations which also have an influence on whether people in state structures would continue to be employed. As, logically considered, there is no room in the thoroughly organized authoritarian state for political parties and thus also no room for political opposition, or at best for a constructive form of opposition within the existing social structures, every attempt to create these kinds of political structures will lead to those political parties and associations outside the state and state-social framework being declared as enemies of the state or maligned as being a sect without public support.

The government had expectations that the OSCE Advisory and Monitoring Group would make proposals for adjustments to the existing state structure, however, it did not expect proposals in the sense of the 1990 Copenhagen Document on the equality of political parties having a democratic orientation with the social institutions created by the state as a vehicle for the political formation of public opinion in the country and in Parliament.

In face of the fact that it was impossible to reach state reform through a "mass rebellion in the streets" or direct international pressure, political parties - in accordance with the recommendations of European institutions - drew the conclusion that targeted political and legal changes would have to be achieved primarily through elections. The efforts of the European institutions and the OSCE Mission on site were directed towards improving framework conditions for elections, building a network of effective domestic election observer structures as well as developing organized international election monitoring that was prepared by European institutions. The Association of Central and Eastern European Election Officials (ACEEEO), an association of representatives of national election commissions from over a dozen Central and Eastern European states, including the Russian Federation, first or-

ganized this kind of election monitoring during the 2001 presidential elections and published an unquestionably critical report on these.

For a long time now, the Belarusian government has tried to persuade the ODIHR to undertake a comparison of the electoral laws of all OSCE States, in the hope that this would give evidence that its own electoral law has a democratic character. However, it is an undisputed fact that the nature of the elections is the deciding factor in determining the democratic character of an election.

Preparing an election and the election campaign are legitimate means for the political parties to approach the citizen and try to influence public opinion. Although the funds available for this purpose are modest, there are a number of ways to evade these limitations. Sometimes, however, this does not work. In face of the dominance of the state television and broadcasting company as well as the state press - compared to the small-scale print runs of the independent press, which must for all intents and purposes be attributed to the opposition - there are normally only limited possibilities to reach the state-organized voter. Of great psychological significance here is the way the Russian television stations, which enjoy a relatively high standing in Belarus, do their reporting - in any case they are more popular than Belarusian state television. Critical reports by Moscow television stations on Belarus and in particular on Lukashenko himself and his policies receive much attention and are considered an indicator of the Russian position towards Lukashenko. In November 2000, a report by the Russian state television station ORT was broadcast on three Belarusian politicians who had disappeared, Yuri Sakharenko, Victor Gonchar and Anatoli Krasovski. There are frequent reports on the ORT television camera man, Dmitri Savadski, who disappeared in 2000. The Russian government could have contributed greatly to making the very important presidential elections of September 2001 free and fair by providing balanced reporting on the adversaries, the government and the opposition. However, it did not use the possibilities at its disposal to influence, through its own television stations, the government and the Electoral Commission to conduct fair elections - let alone the opportunity to promote the rival candidate of the coalition, the trade unionist Goncharik, directly. After all, he was supported by the Russian trade unions. Again, it appeared that Moscow would rather take on the burden of an authoritarian head of state who was for the most part under its thumb in a country highly interesting to it than to stand up for change. Against this background, it is a necessity that the democratic forces and the social organizations in opposition to the system strengthen the cohesion of the alliance of political opposition parties so that it is accepted also in Moscow as a credible alternative before or after an election campaign. In the 2001 presidential election campaign, this definitely did not occur.

In connection with the presidential elections in 2001, the political and social groups made considerable progress in their efforts to decide upon, nominate

and register a common candidate for the office of the President and then send him into the election campaign. The parties - with the exception of the Communists and the Liberal Democrats - agreed with one another that none of the party leaders should belong to the small group of candidates running for office. Sergei Kalyakin (of the Communist Party) and the Chairman of the Liberal Democrats, Sergei Gaidukevich, did this anyway. The coalition partners agreed that all candidates would apply for registration and in light of this registration and the general situation at the beginning of the heated election campaign phase the decision would be made within the coalition on which candidate the coalition - the democratic parties and the social organizations behind the trade union candidate - would place in the running in the end phase of the election campaign. The political parties were consulted and approved the planned decision. However, because the candidate Semeon Domash - a man of the right-wing camp - withdrew his application relatively late, the election campaign for Goncharik was unable to be really effective. Neither did the coalition partners support Goncharik to the extent originally planned. There was no assertive election campaign manager and probably not enough funding.

Because the protocols of the 6,500 polling stations were only published after all necessary manipulations had been carried out, the results of the "parallel vote count" by non-governmental organizations were not of very much value. Evidence of manipulation was not found in the figures, but in the methods applied by the electoral commissions. According to opinion polls before, during and after the elections, Goncharik gained 30 to 40 per cent of the vote. However, Lukashenko claimed 75.5 per cent of the vote for himself, Goncharik was allotted 15 per cent and Gaidukevich officially gained 2.5 per cent of the vote.

After the elections, under massive pressure from the government, Goncharik was forced to resign from his post as Chairman of the (state) Trade Union Federation; Frants Vitko, who was just as critical of the government, followed him as Chair, while Goncharik is now to co-ordinate trade union work of all the CIS member states. The "official" trade unions, who joined the Free Trade Unions of Belarus and the International Confederation of Free Trade Unions in an ultimately successful complaint at the ILO on unauthorized government intervention in trade union rights, are an impressive example that also in closed authoritarian state structures, political opposition by "official" organizations to the ruling regime is, within certain limits, possible. The Belarusian Students Association went through a similar development in changing from a state organization into a dissident organization.

Before the elections, there were reports available to the President on the deterioration of his reputation among the people. Therefore, Lukashenko had to put all his efforts into ensuring his victory through manipulation. In addition, after the elections, he several times purged the nomenklatura particularly among the "industrial bosses" to punish and weaken his opponents.

The government was able to prevail “in the Soviet manner” in the elections by using manipulation and intimidation and by abusing its power. Neither has the new presidential term of office been marked by a political departure, but by a revenge campaign against dissidents and by protecting one’s own positions. Promises for liberal political reform, primarily regarding parliamentary rights, and for reforms in the economic area are now only mentioned occasionally and in very moderate words. In relation to Moscow, the focus is on the question of whether the common currency planned will be issued from one or two centres - a question that has immense importance for Lukashenko’s current economic policy, which guarantees his presidential power. This is also true of his goal of maintaining political control over companies and company policies when enterprises are taken over by Russian capital. A new Union Treaty will most likely be concluded in the near future and may be used by President Lukashenko for a referendum to “legalize” yet another term in office, his third. There are inglorious models for this among the CIS member states (Moldova, Uzbekistan, Turkmenistan).

The coalition of the five candidates who filed applications to register for the presidential elections is no longer in existence. The initiative and responsibility for the strategy of the political and social opposition has fallen back into the hands of the political parties and the Consultative Council of the Political Parties in Opposition. As the period in office of the 13th Supreme Soviet ended in January 2001, the European institutions consider this once democratically elected body no longer in existence, although the Constitutional Court had decided in a lawsuit between the 12th and 13th Supreme Soviets that the outgoing Supreme Soviet stays in office until a new Parliament has achieved a quorum. The opposition draws the conclusion from this that because democratic elections have not been held, there has been no successor Parliament to the 13th Supreme Soviet up to now.

For the Parliament elected in 2000 to be recognized by the OSCE Parliamentary Assembly and/or for the special guest status in the Council of Europe to again be acknowledged, European institutions are demanding that the parliamentary rights be strengthened, the opposition have regular access to state-controlled mass media, the electoral law be democratically reformed and the prosecution of political opponents by bringing criminal charges against them be discontinued. Up to now, these kinds of steps have not been introduced. Also the European Union measures of the year 1997, which caused constraints in the relations, will only be able to be revised, when Belarus has moved sustainably, in the above-mentioned sense, towards a democracy according to OSCE standards.

Against this background, one must reckon with a longer phase of tension between European institutions and Belarus. Thus, it is all the more important that the opposition parties emphasize their unity in the international arena as well as increase their ability to implement a common strategy in future elections. This may mean - for example in the municipal elections in 2003 - cam-

paigining for seats in several groups. In face of the continued control of the state over all large social organizations, it will also be important for the opposition, in panel discussions and dialogue with the various social forces of the country, to present credible alternatives to government policies in international relations and in the areas of economics, social security, culture and education with long-term goals.

It will also be important to create common structures for certain tasks, for example an information and press service, an efficient secretariat as well as bodies for common planning tasks (programme work) and for common activities in the international arena whose importance should not be underestimated. These problems go beyond the tasks of the expert groups that have been in existence for several years now (media questions, parliamentary rights, electoral law) in the style of the Consultative Council.

One cannot overlook that the rivalries within and between both wings of the political spectrum - within and between both the Social Democrats and the conservatives - is not beneficial to fulfilling this central task of the opposition. Up to now, the attempt to transform the Consultative Council of the Political Parties in Opposition into a "Council of Democratic Parties" or an "Alliance for Democracy" has failed.

The political structures of the political and social opposition within Belarusian civil society require comprehensive international support.

The Development of Public Opinion in Belarus

For years now, Belarusian social research institutes, which have achieved international standards, have been observing and analysing the mental state of the population. As is the case everywhere, the results are not conclusive in themselves but reveal contradictions that point towards divided opinion within the population. There are clearly recognizable differences between the urban and rural populations as well as between the generation branded by the Soviet system and the under 40-year-olds. The elites of the system and the society favour democratization according to European standards, i.e. separation of powers between the key state institutions (executive, legislative and judiciary). They spoke out against a second presidential term and evaluated the significance of the activities of the OSCE Advisory and Monitoring Group in Belarus very highly. The elites would like to see their country have good relations with both Moscow and the European Union. Transformation into a social market economy is favoured. Results of opinion polls after the presidential elections confirm that about 30 to 40 per cent of those in the population that took part in the elections voted for the coalition candidate Vladimir Goncharik. The large majority of the population is convinced the election results were forged. About 50 to 55 per cent of the population voted

for Lukashenko. In the spring of 2002, Lukashenko's popularity sunk to an all-time low. His popularity quotient now lies at 30 per cent.

Prospects and Recommendations

1. European institutions should pursue a double strategy:
 - In dialogue with the regime, its willingness to implement substantial reforms should again and again be sounded out and in the case real progress is ascertained, but only then, an improvement in the status of the Belarusian institutions with European institutions should be undertaken.
 - The democratic political structures of civil society should be promoted systematically and in co-ordinated fashion so that they have a real chance in the elections to reach the voters and that votes are in fact recognized and do not suffer the losses of manipulation (independent election monitoring, coalition-building, international presence, ability to take action domestically, grassroots democracy).
2. The OSCE Mission will no longer have the scope that it had in the first four years of its activities in Belarus - even if the mandate is not changed. However, its presence can still be of importance domestically and should thus be maintained. In the case Belarus decides to close the Mission or to eliminate it *de facto* by refusing to grant visas to the international Mission members, Belarus must face the same sanctions as Belgrade experienced in 1992 after the Yugoslav authorities closed the CSCE Mission on Yugoslav territory - namely, the suspension of membership in the OSCE. It would also be possible and politically reasonable to continue the activities of the OSCE Advisory and Monitoring Group outside the country.
3. Today, Belarus does not enjoy political priority in any of the chancelleries of European institutions and their member states. This raises doubts as to the credibility and seriousness of European institutions in their commitment to democracy in all European states. In Belarus, citizens expose themselves to attack to protect human rights and conduct free and fair elections. This commitment must be acknowledged and given support.

The OSCE Long-Term Mission to Tajikistan¹

New Priorities and Tasks for the OSCE Mission

The year 2000 marked an important watershed for the OSCE Mission to Tajikistan. After the three-year transition period defined in the General Peace Agreement of 27 June 1997, the peace process had formally come to an end. The ban on political parties, lifted in June 1999, and the September referendum on amendments to the Constitution paved the way for presidential elections in November 1999. They were followed by parliamentary elections in February/March 2000.² In March, the Commission for National Reconciliation (CNR) finished its work and was dissolved. In May 2000, the United Nations Mission of Observers in Tajikistan (UNMOT) was replaced by the smaller United Nations Tajikistan Office of Peace-Building (UNTOP). In June 2000, the CIS mandate for Russian peacekeeping troops ended, and the work began to transform the Russian military presence into a military base as agreed between the two states in April 1999.

The OSCE Mission had to adapt, within the framework of its mandate, to a new role in the post-peace-process situation characterizing Tajikistan. This was achieved by stepping up the activities and broadening the scope of projects in areas most relevant to the new situation, namely, support for civil society and democratic institutions, the rule of law, monitoring of human rights, and local capacity-building.

With the transition period of the Peace Agreement formally completed, Tajikistan was perceived by many as a “model” for conflict resolution based on political compromise between former warring sides and political integration of the opposition. Although the conflict in Tajikistan has so far not been solved, it has been successfully directed onto a peaceful track.

The Peace Agreement of June 1997 provided for the integration of the United Tajik Opposition (UTO) into the political life of the country based on a quota arrangement according to which the UTO was given a minor role until a new Constitution was adopted, and presidential and parliamentary elections had taken place. The UTO was promised 30 per cent of the posts in executive bodies on all administrative levels, but only achieved this percentage on the national level. When the ban on political parties was lifted, the Party of Islamic Rebirth (PIR), the backbone of the UTO, became the first, and is so far,

1 This article reflects the personal views of the author and not the official views of the OSCE Mission to Tajikistan. The author thanks Abdulaziz Abdulaziz, Bjorn Hagelin and Arne Seifert for their valuable comments.

2 Cf. Kamoludin Abdullaev/Catherine Barnes (Eds.), *Politics of Compromise. The Tajikistan Peace Process, Accord*, Vol. 10, London 2001.

the only legal Islamic party in all of Central Asia. During the presidential elections and the parliamentary elections, according to the OSCE/UN Joint Election Observation Mission (JEOMT) monitoring the elections, irregularities took place but the outcome of the elections was accepted by both organizations.

Peace in Tajikistan has been maintained due to several factors. One major factor has been the determination of the previously warring sides, the government and the UTO. The efforts to maintain peace by the leader of the former UTO, Said Abdullo Nuri, must be given special emphasis since he supported the peace process also while the conditions of the Peace Agreement were not entirely fulfilled, and even when the UTO, after the transition period had formally come to an end, lost the positions and influence it had been entitled to by the Peace Agreement.

Nevertheless, the stability brought by the peace process remained threatened during 2000 due to the presence of splinter groups of the former UTO and fighters of the Islamic Movement of Uzbekistan (IMU) in Tavildara to the east of Dushanbe as well as rumours that the rebellious Colonel Makhmud Khudoberdiev was preparing for another offensive, this time in the Sughd Region (formerly: the Leninabad Region). In April 2001, the First Deputy Minister of the Interior was murdered, Khabib Sanginov. Sanginov had been a prominent personality in the former UTO. After this, a series of hostage-takings and additional murders followed. The authorities immediately initiated operations against the influential field commander Rakhmon Sanginov, nicknamed "Hitler", who had not accepted the Peace Agreement and therefore refused to disarm and hand over weapons. These events did not occur according to a particular rationale but when in August the Ministry of Interior announced that operations had been successfully ended, "Hitler" and his close associate, Mansur Muaqqalov, were dead together with 26 of their supporters. With rumours of the death of Khudoberdiev confirmed towards the end of the year, and the death of Juma Namangani, one of the leaders of the IMU, during the US-led "war on terrorism" in Afghanistan in November 2001, the position of President Rakhmonov was further strengthened.

The events following the September 11 terrorist attacks in New York and Washington contributed to further stabilizing the situation within Tajikistan as the US-led military operations in Afghanistan radically changed the security environment around Tajikistan. The new situation again strengthened the position of President Rakhmonov. While the completion of the peace process in Tajikistan since 2000 had already caused the OSCE Mission to shift its priorities into post-conflict peace-building rather than conflict resolution, the post-September 11 events added new tasks to the work of the Mission.

Before presenting the new priorities and tasks of the OSCE Mission, we will discuss whether the Peace Agreement has properly addressed the roots of the Tajik civil war and thereby provided the necessary conditions for sustainable peace.

In the OSCE Yearbook 1999, Arne Seifert has analysed the strategy for conflict resolution in Tajikistan and emphasized the early awareness of both the OSCE and the UN that national reconciliation had to include the “broadest possible participation of all political groups and all regions of the country”.³ The first Head of the OSCE Mission, Olivier Roy, had already in 1993 stressed the need for agreement not only between the government and the leadership of the opposition, at that time in exile outside Tajikistan, but also between forces within Tajikistan.⁴ Roy stressed that above all else the Tajik civil war had regional roots.

The background of the Tajik civil war constitutes a complicated web of factors.⁵ Among these, regional differences as well as strong regional identification are the key factors for the tension that has developed between groups in society.⁶ Tajikistan has always been characterized by strong regional differences since often high mountains separate the villages.

During the last years of Soviet rule, the people of the Karategin Region increased their economic strength in the republic by marketing their local agricultural products throughout the entire Soviet Union. The people of Pamir had gained more weight in the state structures because Gorno-Badakhshan had become strategically more important to Moscow, and the region became strongly subsidized by the centre. At the same time neither Karategin nor Badakhshan had any political influence as the Leninabad Region (today: the Sughd Region) dominated the government. The people from Karategin and also Badakhshan became the backbone of the opposition as, at the peak of perestroika at the end of the 1980s, it began to crystallize and articulate its demands. Moreover, the large population transfers that followed as a result of Soviet labour policy and went on into the 1960s, led to strong inter-group antagonism. Large groups of people had been moved from the Karategin Valley (from Garm and Tavildara) to the east of Dushanbe. The Vakhsh Valley of Kurghon-Teppa constitutes an example as tension grew between the Garm and Pamir people relocated to the area, on the one hand, and indigenous Kulyab and Uzbek settlements, on the other. The most serious clashes during the civil war took place in the south of Tajikistan where the Kulyabs mobilized the Popular Front against the people from Karategin living there.

The Peace Agreement dealt with the issue of how to concur on an end to the war, but did not specify what was implied by “national reconciliation” or

3 Arne C. Seifert, *The OSCE Long-Term Mission to Tajikistan*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 257-270, here: p. 261.

4 Cf. Olivier Roy, *Report on Tajikistan*, CSCE Forum for Security Co-operation, Vienna 1993, p. 6.

5 Cf. Shirin Akiner, *Tajikistan. Disintegration or Reconciliation?*, London 2001.

6 Cf. Muzzafar Olimov/Saodat Olimova, *Regiony Tajikistana: proshloe i nastoyashchee, Mejtajikskii konflikt: put k miru*, Moscow 1998.

what political forces would be included. As pointed out by Arne Seifert, the UN and the OSCE understood “national reconciliation” as the inclusion in the peace settlement process of the largest possible circle of political forces. However, the mechanisms of conflict resolution concentrated only on the warring sides, i.e. the government and the UTO, with the result that other political forces in the country were not represented. Also there were certain contradictions between the Islamist part of the UTO, whose representatives had lived mainly outside Tajikistan during the war, and those of the Democratic Party, who had remained inside the country. The Joint Commission monitoring the temporary ceasefire, the General Peace Agreement, and the CNR included the government and the opposition, the latter being understood to equate with the UTO. As Seifert has said, “(...) in the course of external conflict settlement the range of negotiating partners on the Tajik side was diminished substantially (...)”.⁷

The two parties to the conflict, however, had limited popular support since neither the government nor the opposition had a majority behind them. There was an effort by Abdumalik Abdullajanov from the Sughd Region to articulate the interests of the region and create a “Third Force”.⁸ However, Abdullajanov’s “Third Force” was never made part of the power-sharing arrangement and the Region remained without political influence.

The Outcome of the Peace Process

Peace has been maintained since the transition period of the Peace Agreement formally ended. Yet analysing political development since spring 2000, two trends become evident: a) The power-sharing arrangement became history, and power was concentrated in the hands of the President; and b) the regional imbalance created in 1992 as an outcome of the take-over of power by Emomali Rakhmonov has been reinforced.

The concentration of political power in the hands of the President was partly due to the fact that the quota arrangement was never fully implemented. As mentioned above, the UTO was only given representation at the national level with a 30 per cent quota in state executive organs as stipulated in the General Protocol. As the Chairman of the PIR, Said Abdullo Nuri, stated in April 2002, the 30 per cent quota had been fully implemented at the ministerial level.⁹ However, at the regional or district levels the 30 per cent quota was never fully implemented.¹⁰ The resistance and suspicion on the part of the authorities against the UTO is of course a crucial factor here. Another

7 Seifert, cited above (Note 3), p. 262.

8 Cf. Shahram Akbarzadeh, Abdullajanov and the „Third Force“ in: Abdullaev/Barnes (Ed.), cited above (Note 2).

9 Press conference in Asia-Plus, 5 April 2002.

10 Cf. Rahmatillo Zoir/Scott Newton, Constitutional and Legislative Reform, in: Abdullaev/Barnes (Ed.), cited above (Note 2).

factor, which has also been pointed out by representatives of the leadership of the PIR, was that the UTO lacked people with the necessary professional knowledge. In fact, as Muhiddin Kabiri, the Deputy Head of the PIR, emphasized, it was one of the most important factors, when after the parliamentary elections in early 2000, most former UTO representatives, who had previously been appointed to regional or local state executive bodies, were replaced.¹¹ The major issue, however, remained the political factor. The last district *hukumat* (government) chairman from the UTO was fired in November 2001 in Jabbor Rasulov District in the Sughd Region. In spring 2002, only two former UTO members, who had once been part of the Islamic branch of the opposition, had remained in the government. These were First Deputy Prime Minister Khoja Akhbar Turajonzoda, who had already left the PIR before the presidential elections, and the Minister of Emergency Situations, Mirzo Ziyoev.

Thus, the government side consolidated its power after the transition period was completed, and the Islamists from the UTO became politically marginalized. The official outcome of the parliamentary elections of 2000 gave the PIR only 7.8 per cent of the votes. As irregularities took place during the elections, the actual support of the PIR remains unknown. Nevertheless, the PIR has had a difficult period since the elections. Large groups in the population, especially in the south, resent the PIR and blame the Islamists for the outbreak of the civil war. Moreover, the leadership of the PIR has been criticized from within its own ranks for being too prone to compromises with the government. As a result, previous PIR supporters have abandoned the party for more radical groups such as the *Hizb ut-Tahrir*.

If we turn to the issue of the relations between the regions, the power balance between them changed radically through the civil war. Since then, this new balance has not only been maintained but also consolidated. Thus, the Kulyabs, or to be more exact the people from Dangara (the birth place of the President) took control of all state structures, first on the national level and then also in the regions. The representatives from Sughd withdrew to that Region, Pamir fell back into obscurity, and Karategin was left aside as the government had problems controlling the area. Kurgan-Tyube in the south had already been re-united with Kulyab to form one administrative region, the Khatlon Region, in 1992.

The President appoints his people as heads of the regional and district *hukumats*, and the central government, therefore, can more easily come to terms with the regional and district leadership. A few individuals in the central government are from regions outside Khatlon. Thus Prime Minister, Oqil Oqilov, is from Sughd and Deputy Prime Minister, Qozidavlat Qoimdodov, from Pamir. However, the regions as such still have little influence.

11 Cf. interview with Deputy Chairman Muhiddin Kabiri, in: Tajikistan: An Uncertain Peace, An International Crisis Group Report, 24 December 2001.

The administrative reorganization introduced by the amendments to the Constitution in 1999 created five administrative regions: the Sughd Region, the newly created Khatlon Region, districts directly under the administration of the Republic consisting of districts to the east of Dushanbe in Tavildara and Garm in the Karategin Valley, and to the west as Hissar, the city of Dushanbe, and finally Gorno-Badakhshan, which remains an Autonomous Region.

Regional differences have remained and even deepened. As a result of the breakdown of previous economic and industrial infrastructures and co-operation networks, economic and social life in the country became more locally oriented. Certain tensions exist between the regions as well as in relation to the central government. Yet, it is important to point out that there was no longer a tendency to use violence to solve inter-regional problems. The regions were not given the opportunity to develop their interests. The government fears the destructive consequences that a new wave of regional interests could bring with it. In summary, the government has been able to manage relations between the centre and the regions by first of all managing its relations with the regional leadership. There are still few opportunities for the people to articulate their demands or for these to have an impact on government policies. This issue is directly related to building democratic procedures in which the population participates.

While the issue of regions and the regional balance was not within the scope of the OSCE, the issue of building democratic procedures and democratic institutions remains at the centre of the OSCE's interests. An understanding of the need for political compromise was only attained after a bloody civil war. For the OSCE, the task of contributing to the establishment of a political dialogue between different political forces will therefore always remain important.

Encouraging Democratic Procedures and the Development of Civil Society

The Peace Agreement provided Tajikistan with an extraordinary opportunity for democratic reform of the government and state system. However, this opportunity was not fully utilized, and amendments to the Constitution were limited. Due to compromises made within the CNR and the low profile of international organizations, amendments did not properly address the democratic deficits inherited from Soviet rule. The text of the Protocol of the Peace Agreement never mentioned the issue of institutional reform but only stated "national reconciliation" as a goal.

Since the parliamentary elections of year the 2000, three parties are represented in Parliament - the ruling People's Democratic Party (PDP), the Communist Party (CP) and the Party of Islamic Rebirth (PIR). The Communist Party has a party organization inherited from the Soviet period. Never-

theless, none of the parties constitute a proper political party in the conventional sense of the word.

Parties such as the Democratic Party and the Socialist Party are not represented in the Parliament. Efforts to set up further parties have so far been unsuccessful. Thus in February 2000, the Social Democratic Party under the leadership of Rakhmatillo Zoirov was denied registration for the third time under reference to technical mistakes in preparing the registration papers.¹² At least in theory the Social Democrats could develop into an opposition party with leading members also from the Sughd Region and Gorno-Badakhshan. Although a strong opposition party may constitute a constructive and stabilizing factor, the regime has not yet come to this realization. Nevertheless, it is characteristic of Tajikistan that Zoirov himself works as a legal adviser to the President.

There is an ongoing but slow democratization process. The by-elections during spring 2002 to the Majlisi Namoyandagon, the lower chamber of the Parliament, demonstrated the country's inexperience in carrying out elections, and the reluctance of local authorities to register candidates from any other party than the ruling PDP. In the by-election in Asht in the Sughd Region a second candidate was allowed to register only after the intervention of the UN and the OSCE. Other party candidates were denied registration under reference to technical and procedural mistakes by their parties. In the Kolkhozobod election a PIR candidate was registered, however, in Vose and Kulyab only the PDP candidate was registered.

The Central Commission on Elections and Referenda (CCER) as well as its regional and district counterparts had a key responsibility in monitoring this process and also in providing assistance to the political parties. There is a lack of knowledge within the CCER on the present legislation and regulations on the different stages of the election process from the nomination and registration of candidates to the monitoring of elections and the counting and tabulation of votes.

The OSCE has put a great deal of effort into increasing the knowledge of the present election legislation by offering civic education training including seminars on election procedures. The activities of the OSCE are directed towards strengthening good governance and the rule of law. Seminars with representatives of political parties and local authorities have been carried out successfully. As part of the OSCE efforts to encourage the growth of civil society and democratization, the OSCE supports a dialogue between the political parties by organizing monthly meetings of party leaders and assists non-governmental organizations. In support of media independence, the OSCE Mission has promoted regular monthly meetings between journalists and a dialogue between the press and the authorities. The Mission started a survey of existing media laws, which resulted in the presentation of a draft

12 He had previously tried to register the party under the name "Party of Justice".

law on the media for presentation before Parliament. In addition, there have been projects in support of local newspapers.

In the human dimension, the Mission has actively promoted both awareness of human rights and legal reform. The Mission advised the authorities on reform of the Criminal Code and the Code of Criminal Procedure. The issue of the abolition of the death penalty and of exit visas and prison reform remain high on the agenda of the Human Dimension Officer.

Much effort has been put into supporting gender programmes in order to activate, inform and encourage the organization of women. The Gender Officer of the Mission has supported more than 28 groups and training has been offered on a variety of topics, such as economic empowerment and business skills, leadership, and the raising of gender awareness through the media. Seminars and round tables have been carried out on violence against women and trafficking in human beings.

As economic and ecological issues came more into the foreground, a post was set up for a political officer specializing in economic and environmental issues. Within the framework of the Århus Convention, regular meetings have been taking place with representatives of the political parties. The Mission has been active in promoting the Århus Convention in Tajikistan. A series of round tables have been organized with representatives of the political parties on the national as well as regional levels.

Assisting in Government Reforms

The Constitution of Tajikistan demands a separation of power between the executive, legislative and judicial branches, but does not provide a concrete arrangement for this. Therefore the President dominates, and there are neither checks and balances in the Constitution, nor do they exist in real political life. The President is both head of state and of government and retains control over local administration. The weak legislative and judiciary branches in no way present counterweights to the Presidency. There is a lot of redundancy in the governmental system where the presidential administration duplicates many of the functions of the government. There is thus a need to reform state structures and their organization. The OSCE has tried to contribute to the process of reform and democratic institution building.

In support of the judiciary, the OSCE has encouraged preparations for the creation of training centres for judges, barristers as well as other groups within the legal profession. The presence of competent and highly professional lawyers is a precondition for an effective and independent judiciary.

The weakness of the legislative branch and the fact that elections do not yet provide the voters with a proper choice between parties and candidates undermine the legitimacy and authority of the Parliament. The Parliament has neither any real influence on the choice of Prime Minister, individual minis-

ters, nor on government policy. In addition, there are several anomalies with regard to the composition of the chambers. This holds true primarily with regard to the Majlisi Milli (the upper chamber). Of its 33 members, the President directly appoints eight. The remaining deputies are indirectly elected by the deputies of the regional Parliaments. In the present Majlisi Milli, a clear majority of those elected or appointed hold high posts in the regional *hukumats* and its administration. As state officials they report to the President. It also has to be mentioned that the President appoints all chairmen of the regional and district *hukumats*. Previous Presidents also have the right to have a seat in the chamber (but at present there is only one). Thus, employees of the local executive branch constitute over 80 per cent of the deputies of the upper chamber. As far as the Majlisi Namoyandagon (the lower chamber) is concerned, the election system is outdated, and the government has announced the need for reform.

The upper chamber has a “quasi-federal” character. It gives the administrative regions a fixed number of representatives. Yet, since most of the deputies are state officials appointed by the President and most of them do not stem from the region where they work, they cannot be regarded as proper representatives of those regions. The primary functions of the upper chamber are to elect and recall judges and to appoint and dismiss leaders of the prosecutor’s office in response to proposals by the President. Reforming the upper chamber is being discussed; according to its critics, direct elections of representatives by the people would be a constructive way of channelling the demands of the regions.

Beyond September 11 - New Challenges to the OSCE

Tajikistan has become a poor country and for most of its citizens daily life is a struggle for survival for each individual and his or her family. Many of the problems of the country are closely connected to this simple fact. Tajikistan has high expectations that investment, first of all foreign investment, will create the long-awaited take-off in economic development.

The OSCE Mission is to a large extent perceived by the local population as an organization, which defends human and democratic rights, and this remains a core direction of the Organization. In the transition period in which Tajikistan has entered, during which political and economic reforms must be carried out, there is a need for an outside organization offering assistance and expertise. In December 2000, the Permanent Council of the OSCE enhanced the Mission by the addition of four international staff members bringing the total authorized strength to fifteen. The new challenges to the OSCE Mission today include an increasing number of economic and environmental issues. In the year 2000, the Mission staff was extended to include the Officer on Economic and Environmental Issues.

The terror attacks on New York and Washington in September 2001 and the creation of an international coalition in response demand that also the OSCE give more attention to security concerns. Security, however, should be understood in a broader sense. Frustration and discontent with difficult social and economic conditions, halting democratic procedures, the lack of channels to articulate political demands, and conflicts over land, water and resources can easily provide the breeding ground for extremism, whether religious, ethnic or nationalistic. The OSCE encourages an open and frank dialogue on controversial issues as part of its conflict prevention approach. Thus in April 2002, the Mission organized a conference on the issue of combating religious extremism and strengthening democratic institutions. Democratic reforms must include the security dimension. However, the international focus on combating terrorism brought new tasks to the OSCE. The Bucharest Ministerial Declaration, the Decision on and the Bucharest Plan of Action for Combating Terrorism as well as the Bishkek Action Programme on the same issue demand that in future more emphasis be placed on politico-military aspects than has earlier been the case for the OSCE Mission.

The international anti-terrorist operations in Afghanistan changed the security environment for Tajikistan and brought international attention to the country. From being unknown to most of the Western world the international interest in Tajikistan as well as its Central Asian neighbours has increased drastically. The larger US presence in the Central Asian region and in Tajikistan raised the expectations within Tajikistan that the international interest would bring economic investment. The diplomatic activity of the Tajik government has increased, and a series of co-operation agreements have been signed with Western, Asian and Eurasian countries.

The OSCE can indirectly contribute to bringing foreign investment to Tajikistan by assisting in strengthening the legal framework for investment as well as the legal system in general in the country, without which no serious foreign investors will find their way to Tajikistan. In Spring 2002, the OSCE Mission to Tajikistan organized a conference for the Central Asian region on fighting corruption and economic crime.

The priorities of the OSCE Mission have shifted somewhat since the year 2000 but its fundamental approach and direction remain the same. The assistance of the OSCE Mission in building a democratic society based on the rule of law will still be valuable for several years to come. The task to contribute to a continuation of a dialogue based on political compromise between political and regional forces of the country should, however, not be overlooked. This also remains on the agenda of the OSCE.

The OSCE Office in Yerevan - Two Years of Operation¹

Background

On 15 September 1999, the government of the Republic of Armenia and the OSCE signed a Memorandum of Understanding in Yerevan, which contained provisions on the establishment of the OSCE Office. The mandate given to the Office by the Permanent Council is as follows:

- promote the implementation of OSCE principles and commitments as well as the co-operation of the Republic of Armenia within the OSCE framework, in all OSCE dimensions, including the human, political, economic and environmental aspects of security and stability;
- facilitate contacts, co-ordinate activities and promote information exchange with the Chairman-in-Office and other OSCE institutions as well as co-operation with international organizations and institutions;
- establish and maintain contacts with local authorities, universities, research institutions and NGOs and assist in arranging events with OSCE participation;
- perform other tasks deemed appropriate by the Chairman-in-Office or other OSCE institutions and agreed upon between the Republic of Armenia and the OSCE.

It was agreed that, initially, the staff of the Office should consist of six international staff members, seconded by their respective governments, and such Armenian staff as would be required. Seven Armenians are currently working in the Office.

Although it was intended that the Office would begin its operations in the latter part of 1999, the tragic assassinations which took place in the Armenian National Assembly in October 1999 inevitably delayed the formal start-up date. With the agreement of the Armenian government, however, the international staff of the Office were deployed to Yerevan in January 2000 in order to establish themselves on the ground pending the formal ratification of the Memorandum of Understanding by the National Assembly and the Constitutional Court. The ratification was made in February 2000.

¹ The article presents the personal views of the author. It covers the developments up until August 2002.

The initial task for the Office was to establish and maintain a wide network of contacts/partners in all parts of Armenian society - government, Parliament, civil organizations and media. In addition, the Office needed to establish close working relationships with international organizations, embassies and international NGOs - either resident or based outside of the country. It must be emphasized that from the very beginning, the open and co-operative manner in which the Office was received and welcomed facilitated our task.

In the opening six months or so of operation, the deliberate policy of the Office was to engage with as many local actors as possible. The objective was not merely to bring attention to the new OSCE presence in Armenia, but above all to identify those areas where the need was greatest and we could make the maximum contribution in terms of our mandate and resources. Over the course of the first year, the following main areas of work emerged:

- 1) *Political:* The issue of anti-corruption was brought to our attention soon after arrival. All of the international organizations in Armenia and many of the bilateral embassies had been working on this subject - but in a piecemeal manner. Corruption had been identified as one of the major constraints to economic development and investment. It also hindered the development of transparent, good governance structures. The OSCE Office was able to propose to both the President and Prime Minister of the Republic of Armenia the creation of a joint task force to draw up a national strategy and programme for its implementation. The international community (including the Council of Europe) agreed to work together in a co-ordinated approach. Despite bureaucratic delays, the Task Force was constituted and the political will of President and government to proceed reaffirmed.
The Office took over responsibility for carrying forward the ODIHR project on electoral law amendments. Throughout the year it worked closely with the ODIHR, the Council of Europe and local as well as international experts - including those from IFES and UNDP. We also involved the Parliamentary Commission and the Central Election Commission in this work.
- 2) *Economic:* Many of the activities the Office became engaged in under the economic portion of our mandate were directed towards finding a role for OSCE in this aspect of our work. The difficult economic situation in Armenia - unemployment, low economic activity, delays in salary etc. - underlies many of the issues encountered in the human rights and democratization aspects of our work. The situation in Armenia is, however, not unique; the problems of transition are common to many countries.

The Office established a series of “dialogues” involving all domestic and international players to examine specific topics related to investment, economic growth and social impact. The conclusions of these meetings were circulated, both within the OSCE and nationally, and will provide the basis for future studies. The Office contributed to the Tbilisi Preparatory Meeting and the 2000 Prague Economic Forum, assisting the Armenian delegations to both. We have tried to add value by acting as a co-ordinator/convenor between groups and organizations, which - until now - have not sat round the same table.

The Office also looked at the issue of regional economic co-operation. A number of potential projects were identified at grass roots level but there has been no political agreement from outside of Armenia to implement them.

- 3) *Environmental*: The Office was successful in lobbying for the ratification by Armenia of the Århus Convention (UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) in our first year of operation. Support was also given to the Regional Environmental Centre in Tbilisi, the only current example of successful co-operation in the South Caucasus at governmental level.

- 4) *Human Rights*: Legislation relating to the establishment of an ombudsman-type institution was a major item of business in 2000. As in other areas, the Office co-ordinated local and international actors working in this field.

The Office was also heavily engaged in monitoring and administering a number of human rights monitoring, education and public awareness projects, some of which were initiated by ODIHR before our establishment. Extensive work has been conducted with NGOs in the field of human rights to improve their capabilities and capacities.

- 5) *Democratization*: An existing ODIHR project for a new system of registration for permanent citizens took up a great deal of time. The project required a radical redirection of effort and a clearer focus of its objectives. The work is ongoing even in 2002.

The Office went on to develop a series of new projects/concepts in the areas of gender issues, anti-trafficking, police/army, youth and local government. It also begun the process of creating “umbrella” organizations for NGOs to improve their abilities to act as genuine pressure and lobby organizations.

- 6) *Media*: Towards the end of 2000, the Office became heavily involved in the new law on broadcast media. Together with the Council of Europe and local press associations, we organized a workshop on the law, involving Parliamentarians, ministries and the Constitutional Court.

The Office was active in its support for the Regional Association of Journalists, founded in 2000, whose formation was inspired by the OSCE Mission to Georgia.

Activities in 2001

Throughout the second year of the Office's operation, much of its working agenda flowed naturally from the activities we had commenced in 2000.

A major priority was the continuation/intensification of work directed towards the establishment of an *anti-corruption* strategy for Armenia. The Armenian government established a cabinet level committee, chaired by the Prime Minister, to review and supervise the work of officials from a range of ministries, who had been tasked with the job of producing a detailed strategy. The experts worked in close co-operation with the international community, whose input was co-ordinated by the OSCE Office. The final draft strategy, complete with a list of concrete recommendations, was submitted to the Prime Minister on 1 August 2002. The cabinet is now discussing it.²

Membership of the international group now consists of the World Bank, IMF, the European Commission, UNDP, Council of Europe, OECD and USAID, as well as the British, French, Russian, German and Italian Embassies and the Swiss Development Agency.

The World Bank gave its first ever grant to a national government (US dollars 300,000) to assist in the drawing up of the strategy.

The Office also worked with civil society organizations, whose participation in this field is critical to success. With Transparency International as co-ordinator, a coalition of 20 relevant NGOs and media representatives has been established. This coalition will participate alongside the government and the international working group in future work. It is to the credit of the authorities that they too recognized the importance of having public organizations involved in this work.

The Office is realistic about this work. Once the strategy is adopted, implementation of the necessary legislative and institutional changes will be a long-term process. However, in our view, we have established a precedent for OSCE activities in the area of "good governance". Our value has been as a catalyst, bringing together all internal and external partners in a structured, focused manner. Our partnership with all levels of government enabled the Office to move the process forward at a more rapid pace than might have been possible without our presence. In addition, the creation of an umbrella grouping from civil society, which will both contribute to policy develop-

2 The OSCE Office has been informed that the Cabinet will agree on a shortened list of immediate action priorities by the end of October 2002. The international community will then meet with the Prime Minister to firstly agree on publication of the strategy for public discussion and secondly to decide which international partners will work with Armenian counterparts on a series of specific projects, legislation and work areas.

ment and monitor the implementation of programmes, adds to the development of transparency and accountability in Armenia.

A second influencing factor on our 2001 operations was the increase in the Office's workload following Armenia's accession to the Council of Europe. Because the Council was not represented in Yerevan, the Office acted as a channel of communication between Strasbourg, the National Assembly and the government. Since many of the commitments undertaken by Armenia are also in the main stream of our OSCE mandate, there has also been a necessity to keep ODIHR informed of progress and involved in developments. Legislative texts require translation and expert commentaries also need to be handed over in Armenian. Issues of particular involvement relate to constitutional amendments to the Electoral Code, legislation on the establishment of the ombudsman institution, police, media, political parties, reform of the penal system and alternatives to military service.

In the economic and environmental aspects of the Office's work, the following were the main achievements:

- *Århus Convention:* The Office conducted a major lobbying campaign which led to Armenia ratifying the Århus Convention. The next stage of the work was to assist in the practical implementation of the Convention. With financial assistance from the British and US governments, a Public Environmental Information Centre will soon be opened in the Ministry of Nature Protection. This will be the first of its kind in the CIS.
- *Co-ordination activities:* From the beginning, the Office saw its role in the economic/environmental sphere as providing a platform for international and domestic players to discuss issues and problems. The Office would "add value" by providing a networking operation for public and private sector organizations and external players. The Office held a series of "dialogues" to focus on specific issues and produced background reports. These activities resulted in the creation of new partnerships, seminars and workshops.
- *Regional visits:* The Economic/Environmental Team made a series of fact-finding visits to the regions of Armenia in order to establish contacts and examine the possibilities for co-operation within the South Caucasus.

Given the wide-ranging nature of its mandate, the Office was also heavily involved in a number of projects and issues in the broad areas of human rights and democratization. Some of the major themes are set out below:

- *ODIHR projects:* The Office was responsible for the implementation of five major ODIHR projects. Within the framework of one project to introduce a new registration system for citizens, a package of three new

laws was drafted and submitted to the National Assembly for consideration. 22 television documentaries and five talk shows dealing with human rights themes were produced and disseminated. An NGO training project resulted in the production of four monitoring reports examining performance in the courts, army, higher educational institutions and the penal system. In the sphere of prison reform, work continues in retraining prison staff following the transfer of the prison system to the Ministry of Justice from the Ministry of Interior.

- *Other projects:* The Office also worked with a range of international partners and with local organizations on a large number of projects in a variety of fields. Gender courses have been introduced into the curriculum of higher educational institutions and national and regional workshops have been conducted on gender related themes. A survey on trafficking in human beings was conducted in co-operation with IOM and UNICEF and further work continues. Using British government funds, a workshop on national minorities was held - a first for Armenia. This has resulted in a series of proposals for future work. Reform in the women's and children's prison system is underway in partnership with the UK's Department for International Development. In co-operation with the Netherlands Helsinki Committee, a project on democratization of law enforcement bodies was successfully launched. The UNHCR participated directly in the ODIHR registration project and the Office is supporting them and the Norwegian Refugee Council in the field of refugees and IDPs.
- *Co-ordination:* On the Office's initiative, co-ordination meetings on human rights and democratization issues have been held with all relevant international organizations and donors - both public and private. As a result, several working groups have been established to cover specific issues, e.g. electoral law, ombudsman, gender and trafficking issues.
- *Monitoring:* As part of its mandate, the Office continually monitors the implementation of human, religious and civil rights in Armenia. Trials have been monitored and a background report produced on religious organizations in Armenia. The absence of a law on alternative military service and the consequent position of conscientious objectors is an area of concern. In addition, the Office receives and works on a large number of individual complainants.
- *Other activities:* The Office is closely involved with work in support of the ombudsman institution in Armenia and, together with the Council of Europe, acts as co-ordinator for all international assistance. With the assistance of ODIHR, the Office held a round table on torture and ill-treatment that led to the adoption of a series of recommendations for on-going activities.

More broadly, the Office remains committed to the support of all initiatives for increased regional co-operation. In practical terms, this has involved supporting the activities of civil society and professional organizations in meetings, workshops, seminars and in establishing regional networks. The Office assisted Transparency International in convening the first regional anti-corruption meeting in Yerevan with support from the OSCE Office in Baku and the OSCE Mission in Tbilisi. We also convened a regional workshop on the Århus Convention at the request of UNEP/UNECE. The Office also worked with "Internews" to produce three television documentary programmes showing life and attitudes in the three bordering parts of Armenia, Azerbaijan and Georgia. These were broadcast in all three countries in January 2002. In addition, the Office has held intensive discussions with public and private sector organizations in Armenia as well as international donors (e.g. European Commission, Eurasia Foundation, UNECE, USAID and GTZ) to identify concrete proposals for community based projects involving all three countries in the region.

Our Tasks in 2002

During 2002, the political environment has become increasingly dominated by the presidential and National Assembly elections to be held in 2003. New legislation on political parties and electoral reform should lead to the formation of political groupings and alliances and the emergence of more recognizable party structures and platforms. At present more than 100 political parties are registered in the country.

The economy still continues to register strong macro-economic growth (9.6 per cent in 2001) and inflation remains low. Exports of goods and services are increasing and the recent equity-for-debt agreement with the Russian Federation should greatly reduce external debt levels. However, GDP is still only 75 per cent of 1990 levels.

But the benefits of this growth are not distributed fairly. Poverty levels remain high and emigration continues.

Against this background and in the light of budgetary constraints, the Office has focused on the following areas in 2002:

Political

- Ongoing work on *anti-corruption*. Under the terms of the World Bank grant, the National Strategy Paper was to be finalized before the end of July. The role of the Office until then was to continue to co-ordinate international input and monitor progress - particularly as regards the recent involvement of civil society representatives. Following the Strategy's completion, the Office has worked with international donors to

identify specific areas of future co-operation in drafting legislation, making institutional changes and involving civil society. In the context of this work, the Office will also ensure that it is carried forward in close co-operation with the major World Bank-led activity on the Armenian Poverty Reduction Strategy Paper.

- Follow-up actions to the *Freedom of Information* workshop. A joint working group consisting of representatives from the National Assembly, the government and civil society, which also involves the OSCE Office, has been established to examine and draft legislation; the Office has assumed responsibility of the co-ordination of advice and assistance to it. A first draft law is under discussion. In co-operation with the American Bar Association, the work is to be extended to the entire region.
- Intensify contacts with political parties, especially those not represented in the National Assembly until the 2003 elections and passage of new legislation.

Economic/Environmental

- The establishment of the *Public Environmental Information Centre* has been an early priority. Thereafter, monitoring its operation and contributing to its activities will be ongoing tasks.
- Co-operating with UNEP on projects related to *access to information* has also been on our agenda in 2002.
- Linked to consideration of freedom of information questions, the new topic of *e-governance* requires Office attention. This topic entails donors', government and private sector involvement.
- The Office has been involved in the improvement of *environmental and economic legislation* and has been examining the operations of law enforcement bodies and the newly established economic courts.
- Continued attention has been devoted to *regional issues* in both the economic and environmental fields and to the continuation of the Office's co-ordinating function between domestic and external players. The emphasis has been on cross-border water and cross-border trade revival.

Human Rights/Democratization

The Office has continued its activities in the following areas:

1. implementation of the ODIHR registration project;
2. follow up to the joint IOM/UNICEF project on anti-trafficking;
3. follow up to the workshop on national minorities;
4. work with local self-government bodies following the enactment of new legislation and in advance of local elections;

5. youth issues, in particular facilitating regional exchanges;
6. continuation of public awareness campaigns on human rights, using materials produced within the ODIHR project and regional visits as travelling “road shows”;
7. monitoring of the human rights situation;
8. monitoring of religious freedoms;
9. promotion of human rights and civic education;
10. handling of individual cases which, at present, account for 50 per cent of the time of one staff member.

Conclusion

As a small OSCE mission, the Office in Yerevan has, over its two years of operation, developed a wide-ranging and intensive set of activities. Resource constraints have a direct impact on our ability to deliver. For the greater part of 2001, the Office carried gaps in its international staffing at the same time that it assumed an unanticipated role as a channel for Council of Europe operations. Since the beginning of 2002, the Office has been fully staffed and has co-located with it a Council of Europe representative.

The Human Dimension and the Development of Democracy

Trafficking in Human Beings - A Human Rights Challenge for the OSCE

Introduction

Since the beginning of the 1990s, trafficking in human beings has been growing into a severe and visible problem in the OSCE region. Every year thousands of people, predominantly women and girls, from Central, Eastern and South-eastern Europe, the Caucasus and Central Asia have become victims of this kind of human rights violation. They are trafficked to Western Europe or the US as well as in the regions of their countries of origin, where they are exploited in forced prostitution, other forms of forced labour or services or on the commercial marriage market. According to estimates of the UNDP, each year, 500,000 women from Eastern Europe and the CIS states are victims of trafficking. The US State Department calculates that 50,000 to 100,000 women and children are trafficked to the US each year.¹ Obtaining credible estimates of the number of victims has proven difficult: Statistics are rarely available and the number of unknown cases is high.

Trafficking in human beings has become a lucrative worldwide business with high profits but little risk. Inadequate laws, poor cross-border co-operation on prosecution, the shortage of specialized authorities and trained personnel, corruption and the lack of effective measures for victim and witness protection have led to the perpetrators often going unpunished while in many cases victims are criminalized.

The increasing involvement of complex organized criminal organizations operating transnationally has made necessary new strategies in the fight against this form of criminality and blatant violation of human rights. Cross-border co-operation and co-ordination of the relevant governmental and non-governmental institutions as well as regional and international organizations in the origin, transit and destination countries of trafficking in human beings are an indispensable prerequisite. This affects not only the area of prosecution, but in particular also the protection of victims and witnesses as well as preventive measures in the countries of origin, which include, for example, information campaigns directed at potential victims or the improvement of the economic and social position of particularly vulnerable groups. Combating trafficking in human beings requires a comprehensive, co-ordinated and international approach that encompasses the so-called “3 p’s”, *prevention*, *prosecution* and *protection*, equally.

1 Cf. UNDP Human Development Report 2000, The European Union’s Report on Gender Equality 1996-2000, figures from the website at: <http://www.antitrafficking.org/tiw.htm>.

This article gives an overview of the problem of trafficking in human beings and OSCE measures relating to this in the human dimension area.

Trafficking in Human Beings: Definition, Causes and Effects

The Definition of Trafficking in Human Beings

Already at the beginning of the 20th century the international community adopted the first conventions for the suppression of the traffic in (white) women in former colonial areas. Trafficking in human beings is thus by no means limited to the OSCE region, but is a global and not at all new problem. However, until a short time ago, there was no definition of this term under international law.

This first changed in 2000 when the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, was adopted. The Protocol defines trafficking in persons as follows:

(...) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.²

Thus trafficking in human beings does not require any “trade” in the real sense (delivery/receipt of a person against payment) - although such cases do occur - but includes, for instance, the recruitment, transportation or receipt of a person. The primary feature of this definition is not the kind of activity the trafficked person engages in, but the means applied, namely the threat or use of force, deception, abuse of authority or utilizing a relationship of dependence for the purpose of exploiting the person involved. In addition to sexual exploitation, forced labour and practices similar to slavery are cited as forms of exploitation. Thus, this definition also includes, for example, trafficking in

2 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3, paragraph (a), UN A/RES/55/25, Annex II, at http://www.odccp.org/crime_cicp_convention.html. Anne Gallagher offers a detailed analysis of the Protocol from the human rights perspective: Anne Gallagher, Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling. A Preliminary Analysis, in: Human Rights Quarterly 23/2001, pp. 975-1004.

domestic servants or textile workers as well as the marriage trade.³ This specification has far-reaching consequences for the States Parties to the Protocol. Most states limit their definition of trafficking in human beings in national criminal law to trafficking into prostitution, if such a distinct criminal offence exists at all. With the entering into force of the Protocol,⁴ the states parties are obliged to adapt their legal systems to the provisions of the Protocol, that is, among others, making trafficking in human beings a criminal offence according to the above-mentioned definition.

The Root Causes of Trafficking in Human Beings

The root causes of trafficking lie firstly in the economic inequalities between the more prosperous and the less-developed countries. As a rule, the countries of origin of trafficking victims are either countries in transition to a market economy or developing countries. Furthermore, inequalities within the countries of origin are decisive as well. Generally in these countries, women are hit particularly hard by the prevailing social and economic conditions. For instance, in the former communist states of Eastern Europe, the number of single mothers has increased since the beginning of the transition to a market economy and women have felt the effects of the decrease in the benefits of the social welfare system intensely. Furthermore, the trend is that the number of unemployed is higher for women than for men, and often female professions do not pay as well and offer less job security. Because of these circumstances, which lead to the feminization of poverty, migration to more prosperous states is for many women the only recourse to secure a livelihood and support for their family members. In turn, the feminization of migration resulting from this leads women to being in particular danger of becoming the victims of trafficking. Alongside these economic factors, one must be aware that also violence against women in many of the former communist states of Eastern Europe has induced large numbers of women to migrate.⁵

3 Cf. Angelika Kartusch, *Das Geschäft mit der Ware Frau - Maßnahmen gegen den Frauenhandel und zum Schutz der Opfer* [The Trade with Women - Measures to Combat Trafficking in Women and to Protect the Victims], in: Elisabeth Gabriel (Ed.), *Frauenrechte. Eine Einführung in den internationalen frauenspezifischen Menschenrechtsschutz* [Women's Rights. An Introduction to International Protection of Human Rights for Women], Vienna 2001, p. 89.

4 For the Protocol to enter into force, ratification by 40 states is required as well as the entry into force of the United Nations Convention against Transnational Organized Crime, which the Protocol supplements. Up to now the Protocol has been signed by 107 states and ratified by 14 states including six OSCE participating States: Bosnia and Herzegovina, Bulgaria, Yugoslavia, Canada, Monaco und Tajikistan (as of 1 September 2002).

5 Cf. for instance, Minnesota Advocates for Human Rights, *Trafficking in Women. Moldova and Ukraine*, Minneapolis 2000, pp. 18f. On the situation of women in the countries of Central and South-eastern Europe and the CIS see UNICEF, *Women in Transition. The MONEE Project. Regional Monitoring Report No. 6*, Florence 1999, as well as the International Helsinki Federation for Human Rights, *Women 2000. An Investigation*

Phases of political instability as well as conflict and post-conflict situations increase the vulnerability of women and girls, which can lead to a rise in trafficking cases. Not least, the military and civil presence of international organizations in post-conflict areas contribute to a higher demand for prostitutes, many of whom are forced into prostitution in brothels.

The Situation of Trafficked Persons in the Countries of Destination

Victims are most often recruited by agencies, intermediaries or acquaintances who promise them lucrative jobs in Western countries and offer to complete the necessary travel formalities. In reality, instead of well-paid jobs, conditions similar to slavery, slavery or forced labour await the women in the countries of destination. They are forced to work under degrading conditions in prostitution, as domestic workers, in sweatshops or restaurants. They are deprived of any form of self-determination, receive very low wages or none at all and have almost no leisure time. Women who are trafficked into prostitution are often pushed into having unprotected sexual intercourse and are thus exposed to considerable health risks like infection from sexually transmitted diseases including HIV/AIDS, or unwanted pregnancies. Because of their illegal residency status, for the most part, these women have no access to medical care.

Escape from dependency and exploitation is almost impossible: Trafficked persons are intimidated by traffickers' use of violence and threats, they are locked up and their passports are taken away. Often they are trapped in a debt cycle that is difficult to break out of: The victim must work off many times the real cost of arranging employment, obtaining visa and false travel documents as well as providing accommodation. Generally, victims do not file police reports because they fear retaliation by the perpetrators, and as a consequence of their irregular status in the destination country, deportation by the authorities.

Inadequate Prosecution and Lack of Victim Protection

Only few cases of trafficking in human beings end with a conviction of the perpetrators, due to lack of evidence. Testimonies of trafficked persons are very valuable sources of evidence in criminal proceedings. However, many victims cannot or do not want to testify because they fear deportation by the authorities and retaliation by the perpetrators, but also as a result of the traumatic effects of their violent experiences. Moreover, it is often the victims who are treated as offenders because of their illegal residency in the country of destination or because they have performed illegal prostitution or other activities and are thus prosecuted while the real culprits go unpunished. Only in

into the Status of Women in Central and South Eastern Europe and the Newly Independent States, Vienna 2000.

a few countries of destination - for instance Belgium, Germany, Italy, the Netherlands or the US - are there already victim and/or witness protection programmes in existence.⁶ This kind of programme makes it possible for trafficked people to obtain a temporary right of residence in the country of destination as well as access to accommodations, medical and psychological care and legal advice. These programmes contribute decisively to the stabilization and security of the victims putting them in the position to take legal steps against the perpetrators. A large part of this care and advisory work is conducted by specialized NGOs - often also in those states in which there are no institutionalized witness and victim protection programmes.

OSCE Measures and Activities to Combat Trafficking

Trafficking affects all OSCE participating States whether they are countries of origin, transit or destination and has a bearing upon all three dimensions of the OSCE. First, trafficking is a problem of the *human dimension* because the victims are subject to severe human rights violations such as the violation of the right to personal liberty and physical integrity, the right to be free from slavery and forced labour, the right to be free from inhuman and degrading treatment or the right to fair and secure working conditions. Furthermore, it affects the *politico-military dimension* in view of the increasing involvement of transnational organized crime, the necessity for more intensive inter-state co-operation resulting therefrom and the problem of corruption. Especially in post-conflict areas, trafficking in human beings is a particularly virulent problem as a result of the social dislocations related to the conflict and due to the large presence of international organizations. Finally, trafficking also affects the *economic dimension* because it can mainly be attributed to the social and economic inequalities between countries of origin and destination (poverty, unemployment, low pay) as well as to those within the countries of origin (feminization of poverty).⁷

Since the 1990s, the problem of trafficking has become a fixed part of the political agenda of international and regional organizations including the OSCE. On the OSCE side, a series of political documents on the topic have been passed and specialized structures created. In recent years, the trafficking problem has increasingly become an integral part of the work of field missions. The activities of the OSCE on this topic have been concentrated without exception on the human dimension.

6 As opposed to Italy, where victims of trafficking also have a right of residence and receive state welfare support even if they do not testify as witnesses, in Belgium, Germany, the Netherlands and the US, these rights are granted only if the victim testifies. Cf. OSCE ODIHR, Reference Guide for Anti-Trafficking Legislative Review with Particular Emphasis on South Eastern Europe, Warsaw 2001, pp. 62-65.

7 Cf. OSCE ODIHR, Trafficking in Human Beings, at: <http://www.osce.org/odihr/democratization/trafficking/>.

In 1991, trafficking was problematized for the first time as a human dimension issue. At the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating States declared they were seeking to eliminate all forms of violence against women, traffic in women and exploitation of prostitution of women.⁸ In 1996 in the *Stockholm Declaration*, the Parliamentary Assembly expressed its concern about trafficking in women and girls in the OSCE region and beyond its borders, and called upon reforming countries as well as Western states to consider trafficking in women as a negative social aspect of the transition to a market economy and to better co-ordinate their policies to combat this form of organized crime.⁹ Three years later in 1999, the Parliamentary Assembly adopted a resolution on trafficking in women and children within the framework of the *St. Petersburg Declaration*. The Declaration emphasized that trafficking in persons was not limited to prostitution but also involved forced labour and other violations of human rights. OSCE participating States were called upon to adopt or strengthen existing legislation and enforcement mechanisms to punish the perpetrators while protecting the rights of the victims as well as conducting information campaigns to raise public awareness.¹⁰ In the same year at the Istanbul Summit, the Heads of State or Government of the OSCE participating States declared their support for measures to eliminate all forms of discrimination and violence against women and children and all forms of trafficking in human beings, for instance by creating the appropriate laws and strengthening the protection of victims.¹¹

Although it was already made a topic for discussion in 1991 in the Moscow Document, trafficking in human beings was until 1996 not problematized at any of the Human Dimension Implementation Meetings and between 1997 and 1999 merely discussed in conjunction with other topics like migration and gender issues.¹² This first changed in 2000 when the OSCE Supplemen-

8 Cf. Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, para. 40.7, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 605-629, here: p. 623.

9 Cf. *Stockholm Declaration of the OSCE Parliamentary Assembly towards a Common and Comprehensive Security Model for Europe for the Twentyfirst Century*, Stockholm, 9 July 1996, paras. 84 and 101, at: http://www.osce.org/pa/annual_session/Stockholm/Stockholm_declaration_English.pdf.

10 Cf. *St. Petersburg Declaration of the OSCE Parliamentary Assembly*, St. Petersburg, 10 July 1999, *Resolution on Trafficking of Women and Children*, 10 July 1999, paras. 3, 9, 11, at: http://www.osce.org/pa/annual_session/st_petersburg/stpetersburg_declaration_english.pdf.

11 Cf. *Organization for Security and Co-operation in Europe, Charter for European Security*, para. 24, 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. 432.

12 Cf. Johannes Binder, *The Human Dimension of the OSCE - From Recommendation to Implementation*. Studienreihe des Ludwig Boltzmann Instituts für Menschenrechte [Study

tary Human Dimension Meeting on Trafficking in Human Beings took place in Vienna. In the Final Report there are, among others, recommendations to define trafficking so that it is not limited to the sex industry (or prostitution) as well as attaching central importance to a human rights approach towards combating trafficking and that trafficking victims should not be treated as illegal immigrants or criminals, but rather as victims of serious crimes. Furthermore, in accordance with the commitments they made in the Moscow Document of 1991 and the Charter for European Security of 1999, the participating States were called upon to combat all forms of trafficking in human beings and ensure that international human rights standards be taken into account. Finally, the OSCE and the participating States were requested to co-operate closely with NGOs.¹³

The *Bucharest Declaration* of the Parliamentary Assembly of the year 2000 contains an urgent appeal directed at all participating States that they criminalize trafficking in human beings and ensure that the perpetrators and not the victims of trafficking face prosecution. Further, those obstacles to equal opportunity for women and men which increase women's susceptibility to becoming victims of trafficking in human beings are to be eliminated. Anti-discrimination laws should be adopted which enable women to seek effective legal redress if they suffer discrimination in employment on the basis of gender.¹⁴ In November of the same year, the OSCE Ministerial Council in its *Decision No. 1* called upon the participating States to ratify the new Protocol to Prevent, Suppress and Punish Trafficking in Persons, adopted by the United Nations General Assembly, as well as the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, and to also nominate, where appropriate, governmental representatives to co-ordinate national, regional and international activities against trafficking. The document contains a declaration of intent to consider measures to protect victims including shelters, a temporary or permanent right of residence as well as economic and social support for repatriated victims. The Ministerial Council called on OSCE institutions and missions to develop and implement anti-trafficking programmes. The special role played by the missions in particular in their function as a bridge between governments and NGOs was emphasized. The Secretariat, in co-operation with the ODIHR, was called on to intensify anti-trafficking training in its induction programmes for mission field personnel.¹⁵

Series of the Ludwig Boltzmann Institute of Human Rights], Vol. 10, Vienna 2001, p. 342.

13 Cf. Supplementary Human Dimension Meeting on Trafficking in Human Beings. Final Report, Vienna, 19 June 2000, at: <http://www.osce.org/odihr/democratization/trafficking/>.

14 Bucharest Declaration of the OSCE Parliamentary Assembly, 10 July 2000, paras. 106 and 107, at: http://www.osce.org/pa/annual_session/Bucharest_declaration_English.pdf.

15 Cf. Organization for Security and Co-operation in Europe, Eighth Meeting of the Ministerial Council, Vienna, 27-28 November 2000, Decisions of the Eighth Ministerial Council, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE-Yearbook 2001, Baden-Baden 2002, pp. 497-501, Decision No. 1: Enhanc-

In 2001, the Parliamentary Assembly stated in its *Paris Declaration* that it was deeply disturbed that despite the repeated political commitments in many OSCE participating States, the laws on prevention and prosecution of trafficking in human beings remained inadequate and stressed the necessity for legal reform at the national level. Furthermore the establishment of national structures to co-ordinate measures against trafficking in human beings by including NGOs as well as more intensive co-operation between participating States on prosecution and implementation of measures for victim protection and information campaigns were recommended.¹⁶ In the same year, the Ministerial Council in its *Decision No. 6* called on the participating States to sign and ratify the United Nations Convention against Transnational Organized Crime and the Protocol against trafficking in persons supplementing it.¹⁷

Specialized Structures within the OSCE

The structures within the OSCE, which have the primary responsibility for dealing with trafficking in human beings are, on the one hand, the Office for Democratic Institutions and Human Rights (ODIHR), and on the other, to an increasing extent, the missions, especially their anti-trafficking focal points.

In 1999, an Anti-Trafficking Unit was set up within the ODIHR Democratization Section. It is made up of an adviser (since 1999) and an officer (since 2000) who deal with trafficking issues. The tasks of this unit include the development and implementation of projects; the promotion and administrative support of projects implemented by missions and NGOs; the co-ordination and networking of ODIHR with the relevant international organizations and NGOs; the strengthening of the dialogue between governments and NGOs; as well as technical support for the OSCE participating States in the development and implementation of legal and political measures against trafficking in human beings and protecting the victims.

On the basis of Decision No. 1 by the OSCE Ministerial Council of November 2000, ODIHR, in 2001, established a project fund, financed voluntarily by participating States, to sponsor mission projects as well as ODIHR activities against trafficking in human beings.¹⁸ Eligible projects should, in

ing the OSCE's Efforts to Combat Trafficking in Human Beings, paras. 2, 7 and 10-13, pp. 497-499.

16 Cf. Paris Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted during the Tenth Annual Session, Paris, 10 July 2001, Resolution on Combating Trafficking in Human Beings, paras. 10-15, at: www.osce.org/pa/annual_session/paris/paris_declaration_english.pdf.

17 Cf. Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, reprinted in this volume, pp. 391-417, here: p. 412.

18 Up to now Germany, Great Britain, Monaco, Sweden and Cyprus have earmarked a total of 460,000 euro for this fund. Of this, already 400,000 euro have been distributed (as of April 2002). Source: Interview with Jyothi Kanics, ODIHR, Adviser on Anti-Trafficking Issues on 17 May 2002.

particular, integrate national actors, promote co-operation between governmental and non-governmental actors as well as improving the regional network and co-operation. Up to now, *inter alia* the following projects have been financed through this fund:¹⁹

- In *Albania*, the OSCE Presence there and the National Network against Gender Violence and Trafficking in co-operation with the International Organization for Migration (IOM) in 2001 conducted a train the trainers seminar for both male and female police officers on the topic of trafficking in human beings and violence against women. The training materials were put together by the UNOHCHR, ODIHR and a police trainer from Great Britain.
- In the *Federal Republic of Yugoslavia* in January 2002, the OSCE Mission there organized a training seminar for employees of administrative authorities, social institutions and NGOs with the goal of improving co-operation and task allocation between governmental and non-governmental establishments in the area of victim protection. Among the trainers, there were a German police officer and a German NGO employee who contributed their experiences in dealing with the new concept on co-operation between the police and professional information centres. Building on this seminar, a national concept for co-operation between state authorities and NGOs was developed and its implementation was begun in the summer of 2002. The anti-trafficking focal point of the OSCE Mission to Belgrade took a leading role in the development of this concept for co-operation.
- In 2002 in *Kyrgyzstan*, a short TV ad was produced on trafficking in women. This project, conducted jointly by the OSCE Centre in Bishkek, Internews Kyrgyzstan, the IOM and the NGO network "Women can do it", was aimed at raising public awareness as well as providing information to potential victims.
- In *Poland*, the ODIHR in co-operation with the NGO La Strada Poland has implemented a project on support for trafficking victims who have returned to their countries of origin. The victims are being provided with direct benefits, advice and the financial means to facilitate their reintegration.
- In the *Ukraine* in 2001, a project on the development of a witness protection programme was conducted by the OSCE Project Co-ordinator in the Ukraine in co-operation with the Ukrainian Ministry of the Interior, the public prosecutor's office, the intelligence service, the IOM and two international NGOs. A working group to develop recommendations for a witness protection programme was set up as well as an action plan to

19 Source: Interview with Jyothi Kanics (Note 18) and Gabriele Reiter, ODIHR, Officer on Anti-Trafficking Issues, on 16 August 2002.

co-ordinate the activities of the authorities and NGOs in the area of victim and witness protection.

Furthermore, in 2000, following a recommendation of the Supplementary Human Dimension Meeting on Trafficking in Human Beings of June 2000, an anti-trafficking focal point was established in each OSCE mission headquarters. However, these are not institutionalized posts. In most cases, trafficking in human beings is only one of several topics assigned to democratization of human dimension officers. Only in the Mission to the Federal Republic of Yugoslavia is there one person solely in charge of the problem of trafficking in human beings. The focal points act as contacts in the field for the ODIHR Anti-Trafficking Unit and co-ordinate mission activities on the topic. Furthermore, it is their task to pass on information on suspected cases of trafficking to the national authorities in the host country.²⁰

Training and Guidelines of Conduct for OSCE Personnel

The topic trafficking in human beings does still not constitute a separate component of the basic training course for OSCE mission members, but is discussed in connection with gender issues. In September 2001 and August of the following year, ODIHR conducted two two-day seminars on trafficking in human beings for the anti-trafficking focal points of the missions in the Balkans at which representatives of the Stability Pact Task Force on Trafficking in Human Beings and the OSCE Secretariat participated. Up to now however, events of this nature have only been held occasionally and not in an institutionalized setting.²¹

In 2001, the OSCE Secretary General published the OSCE Anti-Trafficking Guidelines for all OSCE personnel.²² These Guidelines are designed to sensitize OSCE personnel to the trafficking problem and place them in a position to take appropriate steps to combat it. They outline the following measures:

- *Awareness raising* among all OSCE personnel: distribution of written materials on the topic (e.g. the ODIHR background paper “*Trafficking in Human Beings. Implications for the OSCE*”); more intensive consideration of the issue of trafficking in the basic training course for mission members.
- *Monitoring and reporting* by the missions: inclusion of the topic of trafficking in the regular reporting; development of procedures for report-

20 Source: Interview with Gabriele Reiter, ODIHR, Officer on Anti-Trafficking Issues, on 31 May 2002.

21 Source: Interviews with Gabriele Reiter, ODIHR, Officer on Anti-Trafficking Issues, on 14 February 2002 and 16 August 2002.

22 Cf. OSCE Anti-Trafficking Guidelines, at: <http://www.osce.org/odihr/democratization/trafficking/>.

ing specific instances and suspected cases of trafficking in human beings to the relevant authorities in the host country.

- *Co-ordination*: development of mechanisms that allow an appropriate and rapid reaction to current cases of trafficking in co-operation with the government of the host country as well as the relevant international organizations and NGOs in the field. These kinds of mechanisms could include the following tasks for mission members: verifying the circumstances, facilitation of shelter and translation services for, as well as legal assistance to, the trafficking victims, contacting the consulate of the country of origin of the victim to facilitate obtaining the necessary travel and identification documents, reporting and following-up on individual cases.
- *Recommended activities* for OSCE institutions and missions: development of projects to combat trafficking, if applicable with the support of ODIHR project funds; mainstreaming anti-trafficking measures into daily work (among others by initiating a dialogue with national governments to encourage action to combat trafficking; promoting legislative reforms; supporting public awareness campaigns; developing mechanisms for victim protection; organizing training seminars for law enforcement or judicial officials; co-operating with NGOs and other civil society partners).
- *Standards of conduct for mission members*: The commitment to abide by the national laws of the host country and the OSCE Code of Conduct for OSCE Mission Members.

In 2000, this OSCE Code of Conduct was supplemented with an additional provision on trafficking in human beings due to the fact that the strong international presence in post-conflict areas had led to an increase in the number of brothels in which many trafficked women had been forced into prostitution. Furthermore, some male staff of international peace missions were not only clients of these prostitutes, but also made the headlines due to allegedly being actively involved in trafficking in human beings.²³ In this regard, Article 6 of the Code of Conduct obliges OSCE mission members to refrain from any conduct that could be detrimental to the goals of the OSCE. Such conduct includes, among others, being affiliated with persons who are under suspicion of violating norms of national or international law or accepted human rights standards, or who are objectively involved in trafficking in human beings. Furthermore Article 6 states that persons who use the services of a victim of trafficking contribute both to the profit of perpetrators and the harm to victims. Mission members are to adopt “exemplary standards of personal be-

23 See for instance: Frauenhandel: Neue Vorwürfe gegen UNO-Mission in Bosnien [Trafficking in Women: New Allegations against UN Mission in Bosnia], in: Der Standard, 23 July 2001; UN policemen disgraced in Bosnia, in: BBC news, 30 November 2000; Frauenhandel in Bosnien: Kritik an Sfor und UNO [Trafficking in Women in Bosnia: Criticism of SFOR and the UN], in: Die Presse, 22 May 2000.

haviour” to ensure that the OSCE contributes to combating and not aggravating the problem of trafficking in human beings.²⁴

Other ODIHR Activities

In addition to the implementation and support of projects and other activities to combat trafficking in human beings, ODIHR is making efforts to improve regional networking and co-ordination, for instance by organizing conferences or within the framework of the Stability Pact for South Eastern Europe.

- In September 2000, a Task Force on Trafficking in Human Beings was set up within the Stability Pact for South Eastern Europe. Within the framework of this Task Force, which is chaired by ODIHR, representatives of international organizations, national authorities and NGOs work together to co-ordinate activities and resources to combat trafficking in human beings in the Balkans more effectively.²⁵
- In October 2001, ODIHR in co-operation with the German Foreign Office organized a conference entitled “Europe against Trafficking in Persons”. At this meeting, representatives of governmental, international and non-governmental organizations discussed the situation in the countries of destination of trafficking in human beings. Recommendations to the participating States were developed in particular on the topics of victim and witness protection and the position of the victim in criminal proceedings against the perpetrators.²⁶

Furthermore, ODIHR has drawn up a series of documents and materials designed to sensitize OSCE institutions and the participating States to the topic of trafficking in human beings and to offer guidelines on activities to improve the situation. The publications released by ODIHR include the following:²⁷

- The brochure “*Trafficking in Human Beings: Implications for the OSCE. ODIHR Background Paper 1999/3*” was published on the occasion of the Review Conference in preparation of the 1999 Istanbul Summit. It offers an overview of the definition, causes and extent of trafficking, the relevant OSCE documents as well as international and national measures to combat trafficking. A series of recommendations

24 Violations of the Code of Conduct can lead to a verbal or written warning and in serious cases, after a disciplinary procedure, to the dismissal of the person involved. Source: Information provided on the telephone by Andreas Trummer, OSCE Secretariat, February 2002.

25 Further information on the Task Force on Trafficking in Human Beings at: <http://www.osce.org/odihr/attf/>.

26 Documentation on this conference can be found at the ODIHR website, at: www.osce.org/odihr/democratization/trafficking.

27 These publications can be accessed at the ODIHR website, cited above (Note 26).

to the OSCE and the participating States are to serve as a further working basis.

- The “*Proposed Action Plan 2000 for Activities to Combat Trafficking in Human Beings*” builds on the foundation of the background paper and includes a number of concrete recommendations for the OSCE’s contribution to combating trafficking in the region, however, duplication is to be avoided.
- The “*Reference Guide for Anti-Trafficking Legislative Review with Particular Emphasis on South Eastern Europe*” of the year 2001 includes an analysis of relevant international and regional standards as well as selected national laws. It offers Parliamentarians, policy makers and NGOs a comprehensive catalogue of recommendations to improve national legislation on trafficking in human beings. This document was developed by the Ludwig Boltzmann Institute of Human Rights (Vienna) in the framework of an ODIHR project.
- In 2000, ODIHR set up an online database, which contains international and national legal texts in the areas of human rights and the rule of law. This database also contains documents on trafficking in human beings.²⁸

Summary and Conclusions

Trafficking in human beings is a phenomenon with multilayered causes and features. The complexity of this problem demands a comprehensive, multidisciplinary approach to a solution, which should take into consideration each of the so-called “3 p’s”, prevention, prosecution and protection, equally and integrate all relevant actors. Co-operation and co-ordination, on an inner-state as well as bilateral, regional and international level are important components of effective anti-trafficking strategies. The OSCE offers the appropriate forum for the development and co-ordination of common strategies at the highest political levels as well as with regard to activities in the field.

In particular since the year 2000, the topic of trafficking in human beings has had a prominent position on the OSCE political agenda. During that year the Supplementary Human Dimension Meeting on Trafficking in Human Beings took place and Decision No. 1 of the Ministerial Council was adopted on 28 November 2000. Furthermore a specialized unit was created within ODIHR consisting of an adviser and an officer, and anti-trafficking focal points within the missions were established. Additionally, an explicit provision on the topic of trafficking in human beings was included in the Code of Conduct for OSCE Mission Members, a practice that could set an example for other international and regional organizations.

28 This database is accessible at: <http://www.legislationonline.org>.

The broad OSCE approach towards the issue of trafficking in human beings which was developed in the course of the 1990s and which distinguishes the OSCE from several other regional and international organizations²⁹ is to be evaluated positively from a human rights point of view: The concept of trafficking is neither limited to trafficking in women nor trafficking into prostitution, but is covered in a comprehensive manner. Rather than viewing the problem exclusively from the perspective of combating illegal migration, organized crime and (illegal) prostitution, it is instead the human rights perspective that is at the centre of political declarations and project work. Even though the numerous existing political documents are not legally binding upon participating States and there is no international instance to monitor states' compliance with OSCE standards, these documents are nevertheless significant as political declarations of intent. As such, they are suited to positively influencing the relevance of the topic and the intensity and quality of the work within the Organization. In addition, they represent a clear and strong political signal to the individual participating States. Despite the necessity of joint action by the governments, international and regional organizations, including the OSCE, as well as NGOs the individual participating States alone possess the competence and responsibility to implement corresponding political and legal measures to combat trafficking at the national level. The work of organizations like the OSCE can promote and co-ordinate national activities and provide them with a framework, but it cannot replace them.

A need for improvements in the basic training courses for mission members can be ascertained. Institutionalized training on the issue of trafficking in human beings has been lacking up to now, although trafficking is an issue of particular concern in post-conflict areas. Through the introduction of a specific training component on the topic of trafficking in human beings for all mission members, the missions could become more sensitized to this subject and the issue of trafficking could be mainstreamed into general mission work, as recommended in the Anti-Trafficking Guidelines.

Furthermore, as a consequence of having recognized the problem of trafficking in human beings as an issue that affects all three dimensions, above and beyond the human dimension, the politico-military and economic dimensions should be given more attention. Thus, measures to combat trafficking in human beings could be integrated, for instance, into the activities of the Co-ordinator of OSCE Economic and Environmental Activities with a focus on improving the situation of women and children in the countries of origin, which is one of the causes of trafficking in human beings.

29 An overview of the relevant documents of international and regional organizations as well as the definitions used in these can be found in: OSCE ODIHR, Reference Guide, cited above (Note 6).

The Building of Co-operative Security

Ten Years of Verification - Developments and Perspectives

Terrorism and the New European Order

For over twelve years, Europe from the Atlantic to (at least) the Urals, has been awaiting the new order. EU and NATO enlargement processes do not include the successor states of the former Soviet Union,¹ and only shifts the fault lines underlying the East-West conflict a few kilometres to the East. The relationship between the EU and the CIS is barely given a thought, at best in the EU Commission.

The community of interests between East and West, which emerged as a reaction to the outset of large-scale terrorism, however, cannot replace addressing the new European order. This would demand permanent structures whereas the alliance against terror reflects only one constellation which is variable and adaptable. If one wants to prevent violence from again becoming a means to solve conflict one must remove its causes.

These include the anarchic structure of every international system.² If it is not replaced by an order that builds clarity and mutual trust, the security dilemma will inevitably return:³ Due to the lack of orders of this kind, states do not have any other choice, but to prepare for defence even if this leads their neighbours to suspecting they are preparing to attack and thus arming themselves correspondingly, which decreases security rather than increasing it. Those who conduct a comprehensive information exchange and co-operate will cut down on insecurity enabling them to escape this dilemma. Both these reduce the security dilemma and create the most important prerequisite for a state order that avoids violence.⁴

Generated by existing arms control agreements and related verification systems, this fortunate circumstance has been present in Europe for ten years. However, in politics, this has not been registered. Perhaps it does not fit in with certain interests; it is more probable however that in politics, there is not even awareness of the significant progress that was made after 1990 through disarmament and arms control measures; the security dilemma in Europe no

1 See, for example, Adrian Hyde-Price, *Germany and European Order. Enlarging NATO and the EU*, Manchester University Press 2000.

2 For a neo-realistic view on this see Kenneth N. Waltz, *Theory of International Politics*, Reading/Mass. 1979.

3 This term was coined by John H. Herz, *Idealistic Internationalism and the Security Dilemma*, in: *World Politics* 2/1950, pp. 157-180.

4 Every international organization produces this effect, which is why the OSCE is so important for Europe. On this see Ernst-Otto Czempiel, *Kluge Macht. Außenpolitik für das 21. Jahrhundert* [Intelligent Power. Foreign Policy in the 21st Century], Munich 1999, pp. 109ff.

longer exists. This has not only laid the most important foundation for a new European order, but also tested a new model, which could be implemented with similar effects in other regions of the world. This is reason enough to deal with the situation, which is better than had been estimated and would offer more politically than is being demanded of it.

The CFE Treaty and Its Verification System

After the end of the Cold War had changed the political climate between East and West from confrontation to partnership, the interest in arms control immediately switched over to a willingness to disarm. Within the framework of the CSCE, the NATO and WTO states concluded the Treaty on Conventional Armed Forces in Europe on 19 November 1990⁵ calling for a reduction of their conventional weapons systems and adopted the “Concluding Act” on 10 July 1992⁶, which called for a reduction in military personnel. The States Parties committed themselves not only to exchanging detailed information on the progress of disarmament (Article XIII of the CFE Treaty); they also entitled one another the reciprocal right to conduct inspections at any time. Accepting such inspections, which guaranteed verification of compliance with the Treaty, became an obligation (Article XIV of the CFE Treaty). This control system was adopted in the “Concluding Act” for the verification of personnel cuts (Section IV). Thus, for the first time in the history of conventional disarmament, an information system was introduced that could be verified on a continual basis through on-site inspections.

Since then there has been an annual information exchange between the States Parties to the CFE Treaty on their defence budgets, armaments, equipment and personnel. This is supplemented with a myriad of additional information and explanations, which offer detailed clarification of the database in special areas, for example research and development. These data records are very extensive. The report of the Federal Armed Forces Verification Centre for the year 1999 contains, for example, 192 sources itemizing military sites, personnel strengths and weapons systems deployed.

The exchange of this information and the opportunity to verify it mutually on site made for a “surprisingly positive experience”⁷ from the start. The inspectors gained a comprehensive impression of the discipline, the organization, the condition of the equipment and the military strength of each unit visited. Over the years, all States Parties obtained a precise picture that emerged like

5 Treaty on Conventional Armed Forces in Europe, Paris, 19 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. 1223-1253.

6 Concluding Act of the Negotiation on Personnel Strength of Conventional Armed Forces in Europe, Helsinki, 10 July 1992, in: Bloed (Ed.), cited above (Note 5), pp. 1255-1269.

7 Heinz Kluss, *Die Abrüstung konventioneller Streitkräfte und ihre Kontrolle. Erste praktische Erfahrungen* [Disarmament of Conventional Armed Forces and Its Control. First Practical Experience], in: *Europa-Archiv* 6/1993, pp. 167-178 (author's translation).

a mosaic of the overall condition of the armed forces of the other States Parties. In addition, soldiers became acquainted with one another. Their discussions during numerous inspections have “to a certain extent underpinned and supplemented the dialogue conducted between politicians and diplomats at the highest level on topical security issues and on the future concept of common security. Thanks to the fact that one can ascertain on site at any time that one is not being deceived, unfounded distrust is nipped in the bud from the start.”⁸

From the date the Treaty provisionally entered into force on 17 July 1992 up until 1999, there were around 5,700 inspections performed between all States Parties to the Treaty. The Federal Republic of Germany took part by heading more than 400 inspections in the Eastern States Parties as well as escorting more than 500 inspections conducted by other States Parties in Germany. Furthermore, German inspectors took part as guests in over 700 inspections carried out under the responsibility of another State Party, also of the Eastern group.

The value of this information and these inspections and their contribution to a qualitative change in the assessment of the international situation is equally highly appreciated among all the military forces of the States Parties. The information and verification regime has proved its worth.⁹ A high degree of transparency, trust and predictability was reflected in these reciprocal inspections, particularly because as a rule they confirmed the written information already submitted. However, they also went beyond this to the extent that one was able to also inspect paramilitary forces, civil institutions and infrastructures that were not covered by the information compiled on the armed forces. Of course, a few “grey zone” areas remained - namely those affected by civil war which made them inaccessible for inspection. This applied in particular to the crisis areas in the Caucasus as well as in Moldova. Nevertheless, one should make a note of the fact that in the opinion of all militaries, in the East as well as the West, the implementation of the CFE Treaty represents a “success story”. The mutual mistrust in existence before the “*Wende*”, which poisoned the atmosphere and drove the actors to armament, had dwindled.

The inspections agreed in the CFE Treaty and conducted according to it were supplemented in 1992 with a much more sophisticated programme made up of confidence-building measures. The Forum for Security Co-operation, established in 1992 at the CSCE Helsinki Summit,¹⁰ decided to further develop

8 Ibid. (author’s translation).

9 In my evaluation, I am relying upon information that was made known to me during my visit to the Federal Armed Forces Verification Centre in Geilenkirchen near Aachen. At this point, I would like to thank the members of the Centre, in particular the Commander, General Gernot Hübner, for sharing this information.

10 On the creation and development of the Forum see Matthias Z. Karádi, Das Forum für Sicherheitskooperation [The Forum for Security Co-operation], 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] 1996, Baden-Baden 1996, pp. 379-391.

the Vienna Document; in 1994, the new version, valid to date, was finalized, although it has been supplemented many times (last in 1999).

The Forum for Security Co-operation, however, did even more. It attempted to take advantage of the conversion of confrontation into co-operation, which had emerged through the end of the Cold War, to erect a new European security architecture. For that purpose, it drafted a Code of Conduct on Politico-Military Aspects of Security and formulated the Principles Governing Conventional Arms Transfers. Although this was already a very ambitious programme, the Forum went beyond the limits of the feasible, evidently by having the Code of Conduct not only attempt to regulate the foreign policy of states, but also the function and the role of their armed forces in domestic policy. As noble as these aspirations were, this direct intervention in the sovereignty of states failed.¹¹ Also the opportunity for inspections by other participating States provided for in Article 38 of the Code remained without practical consequence as did the document as a whole.¹²

The Vienna Document and Its Assessment

The Vienna Document of 1994, however, dealt almost exclusively with listing detailed rules for intensive reciprocal observation. It established an annual exchange of military information in which the states share intelligence on their defence policy, armed forces planning, military expenditures and armament budgets. The Federal Republic of Germany - for example - for the first time in 1994, still within the framework of the Forum for Security Co-operation, made this kind of information available; as of 1995, the Federal Republic has issued extensive annual reports on these topics.¹³ In its report on the armed forces, the Federal Republic offers information on major weapon and equipment systems, on deployment plans for these systems, on

11 On the previous history of this see Klaus Achmann, *Kooperative Sicherheit: Neue Grundsatzdokumente* [Co-operative Security: New Basic Documents], 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. 307-320.

12 On this see Jonathan Dean, *The OSCE "Code of Conduct on Politico-Military Aspects of Security": A Good Idea, Imperfectly Executed, Weakly Followed-up*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1997, pp. 291-298, p. 295, 298; the Code of Conduct can be found in: *Budapest Document 1994*, Budapest, 6 December 1994, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 145-189, Chapter IV: Code of Conduct on Politico-Military Aspects of Security, pp. 161-167.

13 Bundesrepublik Deutschland, *Jährlicher Austausch militärischer Information über Streitkräfte gemäß Wiener Dokument 1994* [Federal Republic of Germany, Annual Exchange of Military Information on the Armed Forces According to the Vienna Document 1994], yearly. Idem, *Wiener Dokument 1994, Jährlicher Austausch militärischer Information, Verteidigungsplanung* [Vienna Document 1994, Annual Exchange of Military Information, Defence Planning], Bonn, yearly.

planned increases in personnel strength as well as the temporary activation of non-active troop formations.

In its report on defence planning, the Federal Republic gives an account of the changes in the structure of the Federal Armed Forces and its command structure, although only roughly of course. It describes previous plans and how they have developed, it reports in detail on military expenditures in the past fiscal year and on budget plans for the five coming years.

Every country has the right to verify this data by conducting evaluation visits. These supplement the inspections also planned for every state, of which each country must allow at least three per year. Thus for example, from November 1995 to December 1996, the NATO states carried out a total of 363 inspections in the Eastern States Parties within the framework of the CFE Treaty.¹⁴

In addition, within the framework of the Vienna Document, another 23 inspections and 66 evaluations were performed by the group of Western states in 1996. In turn, the group of Eastern states conducted 226 inspections and received visits from 253 Western inspection teams in 1996. In 1994, as many as 475 inspections were conducted.

Most of these inspections and evaluations were multinational, that is, each inspection was realized by several states jointly and not just one state alone; thus, especially the small states could also become involved. Over and above this, the credibility of these inspections increased. If one again uses the Federal Republic of Germany and the year 1996 as an example, during that year and within the framework of the Vienna Document 1994, the Federal Republic implemented eight inspections in Russia and other states of the former Warsaw Pact. In addition, there were five evaluations, one of these again in Russia. For its part, the Federal Republic hosted three inspections and four evaluations in 1996.¹⁵

If one sums up all inspections and evaluations within the framework of the CFE and the Vienna Document that the treaty partners were subjected to in 1996, this results in a total of 1,072 inspections between East and West, while in 1994, the total was 1,481. Although in detail - for example in regulating photography or financing - these evaluations are in need of improvement, the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in May 1996 in Vienna was able to ascertain that a "high degree of transparency in military relations" had been established, which "led to greater predictability and confidence in security relations".¹⁶

14 Cf. Auswärtiges Amt [German Foreign Office], Bericht zur Rüstungskontrolle, Abrüstung und Nichtverbreitung [Report on Arms Control, Disarmament and Non-Proliferation] 1996, p. 25.

15 Cf. *ibid.*, p. 98.

16 Final Document of the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength, Vienna, 15-31 May 1996, in: *The Arms Control Reporter* 1996, pp. 407.D. 87-100, here: p. 407.D.88.

Table: Confidence- and Security-Building Measures in Europe

Development of Confidence- and Security-Building Measures in Europe					
Helsinki 75	Stockholm 86	Vienna 90	Vienna 92	Vienna 94	Vienna 99
-----	-----	ANNUAL INFORMATION Land/Air forces: Structure/strength; planned deployments; budget	ANNUAL INFORMATION Details/ACV ¹⁾ Activation for non- active forces Data on weapons/ photographs	ANNUAL INFORMATION Defence planning budgets, “white books”: Re- quest for clarifications	ANNUAL INFORMATION Information on mil. Forces; data, plans for deployment (defence planning etc. moved to next separate chapter)
-----	-----	-----	-----	-----	DEFENCE PLANNING Defence planning, bud- gets, white books; Re- quest for clarification
-----	-----	RISK REDUCTION Consultation/emerg- ency mechanism (CPC) ²⁾ ; points of contact	RISK REDUCTION Same as VD ³⁾ 90 Voluntary hosting of visits to dispel con- cerns	RISK REDUCTION Same as VD ³⁾ 92	RISK REDUCTION UMA meetings only bilateral, at joint ses- sion of FSC ⁴⁾ and PC ⁵⁾ , chaired by CIO ⁶⁾
EXCHANGE by in- vitation including visits by military delegations	-----	CONTACTS Air base visits	CONTACTS Same as VD ³⁾ 90	CONTACTS Joint exercises, train- ing etc.; Info on co- operation agreements	CONTACTS Provision on informa- tion on contacts/annual plans

PRIOR NOTIFICATION (voluntary) of "major manoeuvres": -21 days; -25.000 troops; of "other manoeuvres" or "major military movements"	PRIOR NOTIFICATION (obligatory) of "military activities": -42 days; -13.000 troops or 300 comb. tks. in div or 3.000 troops ab/amphib. landing: Information Detail (div level)	PRIOR NOTIFICATION Same as Stockholm Information Brig/Reg level	PRIOR NOTIFICATION Same as Stockholm -9.000 troops or 250 comb. tks: division structure; Information same as VD ³⁾ 90	PRIOR NOTIFICATION Use of network; Same as VD ³⁾ 92, plus: 500 ACVs ¹⁾ ; 250 arty pieces ACV ¹⁾ notifiable	PRIOR NOTIFICATION Same as VD ³⁾ 94
EXCHANGE of Observers (voluntary) on reciprocity	OBSERVATIONS (obligatory), -17.000 troops, or -5.000 troops ab/amphib. landing; Contact to forces, "code of conduct" for observers	OBSERVATIONS Same as Stockholm; Improved Security for observers Contacts improved	OBSERVATIONS -13.000 troops or 300 comb. tks; or 3.500 troops ab/amphib. landing; same as VD ³⁾ 90	OBSERVATIONS Use of network; Same as VD ³⁾ 92, plus: 500 ACVs ¹⁾ ; 250 arty pieces Modalities moved to Annex II	OBSERVATIONS Same as VD ³⁾ 94 250 arty pieces; responsibilities may be delegated to other State(s) engaged in activity
-----	ANNUAL CALENDARS of planned notifiable activities	ANNUAL CALENDARS Negative reply to be provided	ANNUAL CALENDARS Same as VD ³⁾ 90	ANNUAL CALENDARS Number of activities	ANNUAL CALENDARS Same as VD ³⁾ 94
-----	CONSTRAINING PROVISIONS notify 40.000/1 year 75.000/2 years in advance	CONSTRAINING PROVISIONS notify 40.000/1 year 40.000/2 years in advance	CONSTRAINING PROVISIONS Limits on activities (more than 40.000/than 13.000, depending on frequency)	CONSTRAINING PROVISIONS Same as VD ³⁾ 92 Use of network	CONSTRAINING PROVISIONS Parameters for artillery pieces

Development of Confidence- and Security-Building Measures in Europe (continued)					
Helsinki 75	Stockholm 86	Vienna 90	Vienna 92	Vienna 94	Vienna 99
-----	VERIFICATION On-site inspection (max. 3 times/year) if compliance with agreed measures is in doubt	VERIFICATION Inspection same as Stockholm Evaluation of annual information on armed forces/quotas (1 per 60 units)	VERIFICATION Multinational inspec- tion teams; Evaluation of non-ac- tive forces	VERIFICATION No more “doubt”; Info on quotas; Equal standards for inspections and evaluation visits	VERIFICATION Time-frame for re- quests Obligation for inspec- ted third State forces cooperate; max. 2 evaluation visits/month
-----	-----	COMMUNICATION Network for emergen- cies and CSBM ⁷⁾ mes- sages	COMMUNICATION Same as VD ³⁾ 90	COMMUNICATION Regulations for lang- uages; working group	COMMUNICATION (removed to separate Document)
-----	-----	-----	-----	-----	REGIONAL MEASURES voluntary; in accord- ance with OSCE prin- ciples add to transpar- ency and confidence no detrimental to third Parties
-----	-----	AIAM ⁸⁾ “Consultative Com- mittee”	AIAM Same as VD ³⁾ 90	AIAM Active role for CPC ²⁾	AIAM Increased role for CPC ²⁾

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Source: Österreichische Militärische Zeitschrift (ÖMZ), Vol. XXXVIII, No. 6, November/December 2000.

Abbreviations: 1) ACV - Armed Combat Vehicles; 2) CPC - Conflict Prevention Centre Vienna; 3) VD - Vienna Document; 4) FSC - Forum for Security Co-operation; 5) PC - Permanent Council; 6) CIO - Chairman-in-Office; 7) CSBM - Confidence- and Security-Building Measures; 8) Annual Implementation Assessment Meeting.

The evaluations, the main component of the confidence-building measures of the Vienna Document 1994, gradually lost importance in the course of the conventional disarmament evolving in Europe, particularly because the states' reports on their armed forces and planning had proved correct. Likewise, the number of military activities subject to notification and observation decreased further after 1994 because they no longer fit into the political landscape. Furthermore, they were too expensive and elaborate and were easily replaced with simulations in which smaller troop formations whose numbers were under the threshold for observation participated. In contrast, inspections involving certain "specified areas" increased in importance. Such an area encompasses after all/at the utmost that of an army so that the participating States are capable of gaining information on troop deployment and their degree of readiness in a sufficiently large area. These inspections have since 1995 been definitively established as "coequal verification instruments".

After the security-policy landscape had as a result of troop reductions and decreases in the number of military exercises changed, the OSCE Forum for Security Co-operation made efforts to link up the various comprehensive treaties, in particular the CFE Treaty and the Vienna Document.¹⁷ As far as the Vienna Document is concerned, this has had an effect on the communications network with points of contact in every state as well as the Annual Implementation Assessment Meeting. With regard to the CFE Treaty, it has influenced the NATO database VERITY, from which however, in particular the members of the NATO "Partnership for Peace" programme have profited. However, due to its one-sided link with the Western military alliance, this programme differs qualitatively from the verification measures within the framework of the CFE and the Vienna Document. For example, the Federal Republic of Germany offers seminars for the military from Eastern OSCE States as a confidence-building measure. Moreover, one must also consider the countless bilateral co-operation programmes that the Western OSCE participating States offer those parties interested from the Eastern States Parties. The opening of the OSCE participating States allowing mutual assessment of their military and defence policies, which had been created by the CFE Treaty and the Vienna Document 1994 (which in 1999 was newly supplemented in favour of regional co-operation structures¹⁸), was rounded out by the agreement of the Forum for Security Co-operation of 28 November 1994 on the annual "Global Exchange of Military Information" and through the "Open Skies" programme. The agreement on the global exchange compels the OSCE participating States to provide information not only on their mili-

17 Cf. Walter Jürgen Schmid/Michael Klepsch, On the Path to a European Security Architecture - The Contribution of the Forum for Security Co-operation, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 299-305.

18 Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures, 16 November 1999, in: The Arms Control Reporter 1999, pp. 402.D.196-232, in particular pp. 402.D.228-230. Also the sections on "Inspections" and "Evaluations" were supplemented.

tary potential deployed in the main area of the Treaty between the Atlantic and the Urals, but also on their worldwide presence. Ground and air forces as well as naval forces located outside OSCE space must be notified to the other participating States.

Aerial Verification

The “Treaty on Open Skies” of 24 March 1992¹⁹ was signed in Helsinki by 16 NATO states and ten Eastern states. It is closely linked to OSCE security- and confidence-building measures, but does not belong within their framework. It allows the States Parties to conduct reciprocal observation flights, thus putting them in a position to regularly observe the entire national territory of a State Party from the air. The Treaty did not come into force for a long period of time because Russia, Belarus, the Ukraine, Georgia and Kyrgyzstan did not ratify it until 1996. Nevertheless, the Treaty has been implemented since 1993 because the Open Skies Consultative Commission (OSCC) has regularly renewed the “provisional application” foreseen as an interim solution in Article XVIII. Since then, about 300 observation flights have taken place.²⁰

Since 2002, after the Russians signed the Treaty, the co-operative character of the aerial observation regime has fit into the arrangements of the CFE Treaty and the Vienna Document. The resulting data from test flights is not subject to military secrecy and is thus free of the suspicion it would serve national or unilateral security interests. Because this data is compiled based on rules recognized by all sides, it cannot be questioned but may even be presented as “official evidence by international bodies”.²¹ This contribution to confidence building is the real value of observation from the “Open Skies”. As a common action by the States Parties, it serves not to gain one-sided advantages but to create reciprocal assurance that security policy advantages are not being sought.

The Results: Transparency and Certainty

In concert with the implementation of the Open Skies Treaty, particularly the CFE Treaty and the Vienna Document have created such a high degree of certainty and co-operation in the geographical area where so many European wars have arisen that the most important cause of violence, namely the uncertainty about the conduct of neighbours due to anarchy, can be seen as

19 Treaty on Open Skies, Helsinki, 24 March 1992, in: Bloed (Ed.), cited above (Note 5), pp. 1271-1311.

20 Cf. Ernst Britting, Rüstungskontrolle im „Offenen Himmel“ [Arms Control under “Open Skies”], in: Europäische Sicherheit 6/2000, pp. 15-17.

21 Ibid., p. 17 (author’s translation).

having been eliminated. Transparency reigns based on reliable and controlled information. The latter is collected at the decisive operational level, where the deployment of weapons systems and soldiers offers information on the political intentions of states. As it is the military who must initially judge what the degree of existing security and/or danger is, and because any intention of aggression must inevitably find expression in a change in military planning, the information gained within the framework of the CFE Treaty and the Vienna Document are of constructive importance. If all States Parties continually provide information to one another on their military potential and allow this information to be verified, the security dilemma generated by system anarchy will cease to exist. This primary cause of violence was successfully reduced during the period of analysis from 1992-1996. The CFE Treaty had "established a high degree of transparency in military relations through its comprehensive system for exchange of information and for verification". The "capability for launching surprise attack and the danger of large-scale offensive action in Europe as a whole have been diminished substantially".²² The Vienna Document has brought about "increased transparency and mutual confidence as regards the military forces and military activities of all OSCE participating States".²³

Thus, the CFE Treaty and the Vienna Document can prevent the return of war. The military experts are in agreement on this assessment. "The armed forces in Europe are today more transparent than ever before in their structure, hierarchy as well as personnel and equipment (...) Fulfilling commitments in the information area has been a problem in a few states only (...) The safety in the application of predominantly political instruments to reduce risks has grown as the more recent inner-European crises have been dealt with by arms control policy."²⁴

Of course in this connection, we must also mention those organizations not regionally oriented but having a special purpose, which although they serve other goals also radiate transparency, disseminate information and in this respect also increase certainty within their geographical scope. Above all, this is NATO, which will no doubt be joined in the next few years by seven new member states. This is, with particular importance for the sphere of influence of the former Soviet Union, the Partnership for Peace programme, which still plays the most important role in the Euro-Atlantic Partnership Council that emerged out of the North Atlantic Co-operation Council in 1997. One must also mention the NATO-Russia partnership which gained increasing impor-

22 Final Document of the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe, cited above (Note 16), p. 407.D.88.

23 Organization for Security and Co-operation in Europe, Lisbon, 1996, Lisbon Document 1996, in: OSCE-Yearbook 1997, cited above (Note 17), pp. 419-446, here: p. 432.

24 This evaluation, which was made available to me in November 2000 through the German Foreign Office, stems from Klaus-Peter Kohlhas, Colonel (G.S.), Federal Armed Forces Verification Centre. I would like to thank the author and all institutions for sharing this information with me; (author's translation).

tance in May 2002 under the influence of the fight against terrorism, but which is still not identical to membership.

Even if the Western military alliance is transformed through enlargement and transformation in such a way that pessimists describe it as “dead” and optimists as a political new birth, it will in Article V retain its military, externally directed core, and through its American leadership, it will maintain its political orientation. Both these differ objectively from the efforts of the CFE Treaty and the Vienna Document causing an internal effect in order to create non-discriminating, region-wide working efforts for transparency, to gain information and build confidence.

Which Security Architecture?

Thus, in the Euro-Atlantic region, especially at the centre of this region, a paradoxical as well as unsatisfactory situation prevails. There is a foundation of mutual security and confidence, but there is no political superstructure. This has yielded no corresponding edifice, but the emergence of a tangle of several isolated political containers. Because they serve various purposes, the foundation could even become damaged. Thus, it is all the more urgent to find an overall architecture which does not eliminate organizations with a special purpose, but sustains and arches over them and in this manner guarantees that the CFE and OSCE achievement, namely generating security through co-operation and transparency, determines the building plan for the new European order.²⁵

Of course, this is easier said than done. First, however, one must at least demand this in order to introduce the project into the political discussion and ensure it is placed high on the agenda. NATO and EU enlargement should no longer be discussed without taking into consideration the overall European architecture.

Theoretically, the easiest solution would be to develop it from the already existing OSCE. The OSCE could provide the place where those organizations that are components of and reduce uncertainty in the European system, introduce, bring together and co-ordinate their contributions. Out of this, a multilaterally institutionalized but also very flexible regulatory procedure would emerge, which in the contemporary discussion has become known as “governance”.²⁶ For this purpose, the OSCE would of course have to acquire the

25 I have made detailed statements on the confidence-building effects of also these types of organizations as well as the general theme in: Ernst-Otto Czempiel, *Neue Sicherheit in Europa. Eine Kritik an Neorealismus und Realpolitik* [New Security in Europe. A Critique of Neorealism and Realpolitik], Studien der Hessischen Stiftung Friedens- und Konfliktforschung [Studies of the Peace Research Institute Frankfurt (PRIF)], Vol. 37, Frankfurt/New York 2002.

26 James N. Rosenau, *Governance, Order, and Change in World Politics*, in: James N. Rosenau/Ernst-Otto Czempiel (Eds.), *Governance Without Government: Order and Change in World Politics*, Cambridge University Press 1992, pp. 1ff.

legal form of an international organization and the corresponding bodies. The fact that a further development of the OSCE in this direction faces huge problems and great resistance should not lead to totally discontinuing all reflection on it.

Because one cannot expect that Russia will become a full member of NATO and that at the same time NATO will change into an organization directed towards having an internal effect, the European Union ought to make efforts to achieve part of a political solution, which regulates its relations with Russia but subsequently also with the other members of the CIS. There is already an organized political dialogue with Russia within the framework of the 1994 Agreement on Partnership and Co-operation, which extends to the working level. In the years 2000 and 2001, this dialogue was broadened considerably so that it grew into a regime. The "Common Strategy" on Russia decided upon by the European Union in 1999 also belongs to this. This institutionalized contact should be maintained and deepened, particularly because on the Western side, the Russian image that emerged during the Cold War has not been fully updated, and on the Russian side, not all mistrust that the European Union is a representative of NATO has diminished.²⁷

The Union however should not lose sight of the other successor states to the former Soviet Union. Their relationship to Russia is difficult but certainly of importance for the Union. The security policy dimension of this space is managed so to speak by the Partnership for Peace programme. However, it does not take any special consideration of the circumstances created by the CFE Treaty and the Vienna Document. Correspondingly, there are too few provisions for the political dimension. The European Union ought to give this dimension more attention, draft a framework for relations that is tailored to the transparency already achieved in this space and that is capable of sustaining and strengthening it.

27 For a Russian viewpoint see Vladimir Baranovsky, *Russia's Attitudes Towards the EU: Political Aspects*, Helsinki/Berlin 2002.

The Treaty on Open Skies in Force: European Security Unaffected

Arms control initiatives have their own fate. The idea of Open Skies has been the longest-lived arms control initiative in modern times. It has lasted over nearly half a century from the mid-1950s to the beginning of the 21st century. A study of Open Skies thus tells a lot about the history of the second half of the 20th century and it also reflects the changing role of arms control in the international system. It is fascinating to see how Open Skies has been capable of adapting to the changing structure of international relations. This article gives a short overview of the history of Open Skies from the emergence of the idea to Treaty signature and then focuses on the relevance and potential of the Treaty under current conditions. It is the preliminary assumption of this article that Open Skies might have lost its relevance as an instrument of European security policy, but that for verification purposes and confidence-building it has unquestionably retained some residual importance. It can be used for certain military as well as non-military purposes in this region and can be offered to other continents, as a mechanism applicable to their emerging security needs.

From the Emergence of the Idea to the Signature of the Treaty

The idea of Open Skies emerged as an element of military transparency in the mid-1950s and was the first, somewhat vaguely formulated proposal that wanted to end the bipolar system based exclusively on confrontation between the Soviet Union and the United States. Even though the term “arms control” was non-existent at the time Open Skies was first proposed, it has been regarded as an arms control initiative for most of the period it has been familiar to the international community. It was in fact the first non-nuclear arms control initiative in the nuclear age.

It was presented at the height of the Cold War in 1955 at the Geneva Conference of Heads of Government. The contours of the proposal made by President Dwight D. Eisenhower were fairly vague, which is not surprising and could be due to the fact that little advance work was conducted. In any case, there is no record of any major preparation of the proposal or any indication that it had been thoroughly prepared in US government circles. It may well be, however, as in many cases with top-level initiatives, that it was intentionally vaguely defined leaving the details to later lower-level negotiations. It is also possible that, as most often is the case, it was drafted specifically to gauge the other side’s reaction to the initiative. Why would one make a de-

tailed proposal if one cannot assume realistically that it will be accepted? President Eisenhower actually stated the following in his speech: "Surprise attack has a capacity for destruction far beyond anything which man has yet known. So each of us deems it vital that there should be means to deter such attack. Perhaps, therefore we should consider whether the problem of limitation of armament may not best be approached by seeking - as a first step - dependable ways to supervise and inspect military establishments, so that there can be no frightful surprises, whether by sudden attack or by secret violation of agreed restrictions. In this field nothing is more important than that we explore together the challenging and central problem of effective mutual inspection. Such a system is the foundation for real disarmament."¹

If one takes a closer look at the idea, it is clear that Open Skies was conceived as a verification measure to contribute to future disarmament. Thus one could say it intended to provide the necessary transparency for the verification of arms control measures to be agreed upon later. This means one had opted for the reverse order from that of regular arms control initiatives put forward later in the history of the Cold War. The latter usually focused on reductions (or limitations at the least) and were supplemented by information exchange and verification.

Aerial observation can, of course, serve multiple objectives. As President Eisenhower said shortly after the Geneva meeting in a radio and television address: "Our proposal suggested aerial photography, as between the Soviets and ourselves by unarmed peaceful planes, and to make this inspection just as thorough as this kind of reconnaissance can do. The principal purpose, of course, is to convince every one of Western sincerity in seeking peace. But another idea was this: if we could go ahead and establish this kind of an inspection as initiation of an inspection system we could possibly develop it into a broader one, and especially build on it an effective and durable disarmament system."²

Of course, there was the opportunity to use aerial photography for reconnaissance purposes. Moreover, there was also the potential to apply it as part of an inspection system to monitor disarmament. It is essential, however, to pay attention to the sequence of events: The disarmament "edifice" which would have been monitored was not yet in existence and was not even recognizable in vague contours. Thus at the time, it would have been completely impossible to carry out any inspection of disarmament. Therefore, there was from the outset an imbalance between the two possible applications and this gave the advantage to reconnaissance.

One could consider another motive to justify Open Skies, that is building confidence. However, this aspect appeared only on the margins of the initia-

1 Statement by President Eisenhower, in: The Geneva Conference of Heads of Government, July 18-23, 1955, Washington 1955, p. 21.

2 Radio-Television Address by President Eisenhower, Washington, 25 July 1955, printed in: The Geneva Conference of Heads of Government, cited above (Note 1), p. 86.

tive at the time. In his post-summit news conference, Secretary of State John Foster Dulles called it “President Eisenhower’s dramatic proposal that the United States and the Soviet Union should agree that peaceful planes would fly over each other’s territory to take photographs so that each could be sure that the other was not planning a massive surprise attack”.³ Not to mention that we know little about how confidence-building works in practice and we knew even less in 1955. We don’t know “(...) whether the process needs to be ‘triggered’ by an initial collection of modest CBMs (...) or whether the process ‘somehow’ starts and then benefits from the positive effects of appropriate CBM agreement”.⁴ Therefore, in the absence of measures to be monitored and initiated, the two ideas above, disarmament and confidence-building, provided relatively weak legitimacy.

On the other hand, however, there was a lot to do on the reconnaissance side. As it was noted, “(...) in 1955 the United States possessed all the necessary weapons for a counter-force nuclear attack against the Soviet Union. The major obstacle to confidence that such an attack could be carried out without a massive Soviet counter-attack was the lack of accurate and complete targeting data. The US Strategic Air Command was faced with a rapidly expanding target list (...) In this context the Open Skies plan can be seen as a military intelligence measure of the highest importance, one which would strengthen the weakest link in US nuclear war-fighting plans.”⁵

It is open to doubt whether any American politician ever planned a nuclear attack, not to mention a first strike, against the Soviet Union. It is certain, however, that the idea of Soviet-US Open Skies could have been used to acquire more knowledge about the Soviet Union, particularly about its military. Here we arrive at an important juncture: namely, that the level of transparency in the two societies showed a significant discrepancy throughout the Cold War. This was the fundamental reason why the increase in transparency could be regarded as more important and/or dangerous for one side than for the other. The US would have had more advantages from “opening” the Soviet Union than the other way round. Therefore it was in the understandable national interest of the United States to put forward such a proposal even if it was masked as an initiative that could, in the end, lead to disarmament.

It is correct to assume in light of the above that “the Open Skies proposal was made with the knowledge that it would be rejected by the Soviet Union”.⁶ Bearing in mind that the Soviet Union was a closed society and there was some paranoia about increasing transparency in every respect, and particularly in areas with military relevance, this did not come as a surprise. The So-

3 News Conference Statement by Secretary of State Dulles, Washington, 26 July 1955, printed in: *The Geneva Conference of Heads of Government*, cited above (Note 1), p. 87.

4 James Macintosh, *Open Skies as a Confidence-Building Process*, in: Michael Slack/Heather Chestnutt (Eds.), *Open Skies - Technical, Organizational, Operational, Legal and Political Aspects*, Toronto 1990, p. 49.

5 Allan S. Krass, *Verification: How Much Is Enough?* London/Philadelphia 1985, p. 118.

6 Ibid.

viet Union did in fact reject the US initiative, thus the reaction was in accordance with the perceived expectations of at least some in the US. If one accepts as an assumption that the US wanted to table an initiative which would not be found acceptable by the Soviet Union, the test was certainly successful. It is interesting, however, how Premier Nikolai A. Bulganin argued at the session of the Supreme Soviet: "At the Geneva meeting, US President Eisenhower put forward a proposal to organize an exchange of military information between the Soviet Union and the United States and to carry out mutual aerial photography of both countries' territory. If one gives the necessary attention to the initiative in which an attempt has been made to find a solution to the fairly complex problem of international control, it has to be said at the same time that the real effect of such measures would not be great. In the unofficial exchanges with the leaders of the US government we noted directly that aerial photography could not offer the expected results as our countries are both located on immense territory on which everything can be hidden away as necessary. It has to be taken into account that the plan initiated affects only the territory of the two countries and does not consider military forces and armaments located on the territory of other states."⁷ Interestingly, the attitude of the Soviet leadership was not particularly confrontational. This was not only reflected in the tone of the statement, but also in the fact that President Eisenhower's entire Geneva speech was published in the Soviet press. The last sentence raised a constant concern of the Soviet Union, namely encirclement. Interestingly, this concern reappeared again twenty-five years later during the early phase of Open Skies negotiations.

US documents show Eisenhower had also been informed about the coming breakthrough in surveillance capabilities in the form of a high-altitude aircraft (U-2) that would "open" skies with or without Soviet acceptance and gave approval to the U-2 programme. When the Soviet Union shot down a U-2 aircraft in the spring of 1960 near Sverdlovsk (now Ekaterinburg) the first phase of Open Skies history came to an end. The US denied the existence of U-2 until it was faced with solid Soviet evidence to the contrary in this case. With the coming to power of Leonid Brezhnev shortly thereafter, the Soviet leadership's willingness for military transparency decreased even more. The dynamics of the "good old" Open Skies initiative were gone.

In the 1960s and 1970s, two major series of developments affected the monitoring of arms control arrangements. 1. The emergence of satellite technology: "The information collected by satellites ultimately became an essential element of bipolar stability, in much the same way that Open Skies information could have done earlier, had it been available."⁸ 2. The US and the

7 Itogi Zhenevskovo Soobsheniya Glav Pravitelstv Cheteryekh Derzhav: Doklad Predsedatelya Soveta Ministrov SSSR tovarishcha N. A. Bulganina 4 Avgusta 1955 na tretey sessii Verkhovnoy Soveta SSSR, in: Pravda, 5 August 1955, p. 3 (this and all other quotations from foreign-language sources have been translated by the author).

8 John A. Hawes, *Open Skies: Beyond "Vancouver to Vladivostok"*, Washington 1992, p. 2.

Soviet Union concluded bilateral arms control agreements followed by several European accords whose adequate verification had to be guaranteed. Thus two factors appeared which fundamentally affected Open Skies. At least the two leading nuclear powers had the technology available that could, in any case partially, replace aerial monitoring. Moreover, the arms control arrangements that made verification necessary were now in existence as well. The question open was whether in light of the above-mentioned factors, aerial monitoring, or more precisely, the Open Skies regime would find its niche. The rigidity of the bipolar regime did not open any possibilities for Open Skies as the international system was dominated by those states that had the most extensive, and for some time nearly exclusive, access to National Technical Means (NTM) for verification purposes. Most other countries did not play a role in this process. The two nuclear powers were able to provide the necessary monitoring through space technology.

The US administration, at the beginning of 1989, planned the relaunching of the Open Skies concept as a remake of the bilateral Soviet-American measure. In this form it would have shown that the US as a status quo-oriented power lacked the vision to understand how important processes could gain more substance through the multilateralization of European affairs. While Washington was still thinking of adding one or the other additional element to the bilateral agenda, others had gone further. They were of the opinion that multilateral talks could give backing to the emancipation of the smaller members of the Warsaw Treaty Organization (WTO). Beyond this, it could make information available to countries that did not have their own satellite monitoring system nor did they have access to the data of those systems that other states had. The dissolution of the WTO meant that a number of countries emerged, which were *de facto* non-aligned and where it was highly unpredictable how their political orientation would evolve. Would they remain non-aligned or become members of an alliance where data from military satellites would be made available? In the case of the former, an arrangement under which information could be gathered through available technological means and at affordable costs would be in their best interests.

Canadian Prime Minister Brian Mulroney in consultation with US President George Bush called attention to the importance of seeking a multilateral arrangement.⁹ Fortunately, the US leadership was receptive, which was reflected in the President's speech at Texas A&M University on 12 May 1989: "Now let us again explore that proposal, but on a broader, more intrusive and radical basis - one which I hope would include allies on both sides. We suggest that those countries that wish to examine this proposal meet soon to work out the necessary operational details, separately from other arms control negotiations. Such surveillance flights, complementing satellites, would provide regular scrutiny for both sides. Such unprecedented territorial access

9 Cf. Joe Clark, Foreword: Open Skies, in: Slack/Chestnutt (eds.), cited above (Note 4), pp. vi-vii.

would show the world the true meaning of the concept of openness. The very Soviet willingness to embrace such a concept would reveal their commitment to change.”¹⁰

The Bush proposal differed from his predecessor's in two important respects: First, it aimed at initiating multilateral negotiations with the involvement of all the members of NATO and the WTO, i.e., the idea of bilateral talks was replaced by multilateral negotiations. Second, Bush proposed beginning separate negotiations, thus de-linking Open Skies from other fora in which aerial observation could be used as an associated measure of an arms control regime, e.g. at the ongoing Negotiations on Conventional Armed Forces in Europe (CFE). This meant that confidence-building rather than arms control verification became the primary function of Open Skies. This in turn was in line with the CSCE Stockholm CSBM Document of September 1986 that codified aerial observation in a politically binding document. The move from arms control verification to confidence-building has been evident despite a certain amount of hesitation in including an aerial inspection protocol in the forthcoming CFE Treaty. These changes taken together represented the first major adaptation of the Open Skies idea.

The initiative, due to the lack of advance co-ordination with the NATO allies of the United States, faced a lukewarm reception. This was reflected in the choice of words of the NATO declaration at its next top level meeting: “It will be the subject of careful study and wide-ranging consultations.”¹¹ Half a year later, NATO presented its common position on Open Skies. NATO's internal discussions focused on several issues, among others whether the future treaty should be a bloc-to-bloc arrangement or not. Unquestionably, the internal cohesion of the Warsaw Treaty had practically disappeared, whereas NATO, on the other hand, was alive and well. A bloc-to-bloc arrangement opposed by France and increasingly by other Western European countries would have meant that those states formally belonging to the same alliance would not be able to monitor each other under the treaty. This was contrary to the political reality according to which “the westward-leaning members of the Warsaw Treaty might be more interested in overflying the Soviet Union than Western Europe”.¹²

Since the Canadian Prime Minister's very important contribution to the multilateralization of Open Skies, his country had a special interest in the process. It was for this reason that Canada hosted the first round of the talks in February 1990. The negotiations took place amidst turbulent changes in Europe. When the foreign ministers met in Ottawa there were two prominent

10 George Bush, Notes for an Address to the Graduating Class of Texas A&M University, 12 May 1989.

11 Declaration of the Heads of State and Government Participating in the Meeting of the North Atlantic Council in Brussels, 29-30 May 1989, in: NATO Final Communiqués 1986-1990, Brussels 1990, p. 35.

12 Jonathan B. Tucker, Back to the Future: The Open Skies Talks, in: Arms Control Today 8/1990, p. 21.

matters on the agenda, neither of them related to Open Skies: German unification and the stationing of foreign troops in Europe under the CFE Treaty negotiated in Vienna. Attention to Open Skies was confined to a meeting of experts. The changes in the international environment also impacted upon the talks, however. Whereas NATO - although with some difficulty - was able to unite forces and table a proposal based on its so-called "Basic Elements" paper¹³, the negotiations within the WTO, even though it presented a paper at the last minute, must be regarded as largely unsuccessful. The Soviet Union was so displeased it was obliged to make concessions to its Warsaw Treaty partners that after the paper had been presented it returned to its earlier position on several substantive, controversial matters. The Soviet delegation did indeed take advantage of its "newly gained" independence. It understood that the disadvantage of being *de facto* "non-aligned" and thus no longer obliged to respect the formal rules of an alliance is accompanied by certain advantages. Namely, there was no need to seek further compromise with the WTO allies¹⁴ so that it was possible for Moscow to react swiftly to the position of the other side.

The conference could not achieve a breakthrough, but rather it reflected the difficulty of negotiating arms control during sudden and fundamental changes in the international environment. However, it did resolve a few minor issues. Experts agreed upon the *structure of the talks*, i.e., they identified those major issues that were to be regulated by the treaty. These were: A) aircraft and sensors, inspection of aircraft and sensors, the role and status of inspectors on board observation aircraft; B) quotas, geographical scope and limitations; C) conducting observation flights, flight safety, transit over third States Parties; D) the nature of the agreement, the Consultative Commission, liability, status of personnel, further measures.

The process continued in Budapest two months later. In light of the experiences at the Ottawa Conference, there was little hope that one would now arrive at an agreement there. These limited expectations were also reflected in the fact that experts were making efforts to explore different possibilities in detail and prepare options for political decision. The US had started to modify its stance and, based on a combination of "sticks and carrots", was putting the Soviet Union under increasing pressure. Among the "sticks", the most important factor was to make the Soviets understand that they had been increasingly isolated at the talks. The US consolidated East Central European support behind NATO positions. Among the "carrots", NATO countries expressed their readiness to address the problem of the inferiority of Eastern

13 Annex to the Communiqué of the North Atlantic Council Meeting in the Ministerial Session on 14 and 15 December 1989, in: NATO Final Communiqués, cited above (Note 11), pp. 128-132.

14 It is a fact that the Soviet Union was practically never obliged to seek compromise in the Warsaw Treaty on arms control issues until the late 1980s. Major efforts to compromise were necessary, however, at the end of the 1980s and the beginning of the 1990s during the period between the *de facto* and the *de jure* end of the Warsaw Treaty.

technology. It was understandable that a technologically inferior East, whose situation was further aggravated by increasing fragmentation, intended to get some guarantee that the West would not take advantage of its technological superiority. After the end of the second round, the talks arrived at an impasse. Attention was focused on more prominent and pressing matters of international politics, most importantly upon German unification. In European arms control, priority was given to the conclusion of the CFE talks and to signing the CFE Treaty before this was so overtaken by the events that certain major players would lose interest in it completely. It was doubtful whether Open Skies could be brought back to life through further adaptation or whether it would never be realized at all.

“Events in Europe between May 1990 and the summer of 1991 fundamentally changed the Open Skies dynamic but in a very complex manner. While it was clear that NATO no longer faced the same threat from the USSR, the failure to obtain an aerial inspection regime in the CFE treaty and the Soviet decision to move large numbers of forces and CFE treaty-limited equipment out of the ‘Atlantic-to-the-Urals’ zone, made an Open Skies agreement appear more urgent to many in the Alliance. As a result, it became possible for NATO countries to offer serious concessions (...)”¹⁵

The summer of 1991 was again not the most suitable to deal with Open Skies, though four events reconfirmed the need to achieve an agreement: First, there was the firm commitment of the parties to continue the negotiations until the process was completed by adopting a multilateral Open Skies agreement. Second, Hungary and Romania had signed a bilateral Open Skies agreement during the recess of the multilateral talks in May 1991. This was a breakthrough for the Open Skies approach on the practical level. Third, the CFE Treaty was signed in November 1990 without an aerial inspection protocol. There was a commitment, however, to agree upon aerial inspection later. The CFE Treaty stipulated that after the end of the 40 months reduction phase under the CFE Treaty “each State Party shall have the right to conduct, and each State Party with territory within the area of application shall have the obligation to accept, an agreed number of aerial inspections within the area of application. Such agreed numbers and other applicable provisions shall be developed during” follow-up negotiations.¹⁶ Fourth, by the summer of 1991 an accord was achieved concerning the 57,300 (!) pieces of heavy

15 Ralph J. Lysyshyn, *Open Skies Ahead*, in: *NATO Review* 1/1992, p. 23-26, here: p. 24.

16 Treaty on Conventional Armed Forces in Europe, Paris, 19 November 1990, Article XIV, para. 6, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 1223-1253, here: p. 1248. Interestingly enough, the adapted CFE Treaty signed in November 1999 that has not entered into force yet does not refer to aerial inspection. It mentions “inspection” generally. This is an indirect admission that no further effort will be made to introduce aerial inspection into the CFE regime and eventual aerial inspections will be carried out under the Open Skies Treaty. Cf. *Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe*, CFE.DOC/1/99, at: www.osce.org/docs/english/1990-1999/cfe/cfeagreg.pdf.

armaments, which the Soviet Union had relocated east of the Ural Mountains and which, in accordance with the Soviet announcement made at an extraordinary conference of the States Parties, required a certain amount of monitoring. As the area of application of the CFE Treaty was limited to the territory between the Atlantic and the Urals, it was necessary to agree upon verification methods that would be extended to the territory where those armaments were located. Open Skies could be used to cover Siberia as well.

In sum, the “critical mass” to complete the Open Skies negotiations was present by the summer of 1991. It remained to be seen how the parties would break the deadlock. The impetus came from Germany. The then Foreign Minister Hans-Dietrich Genscher sent a letter to his Soviet counterpart shortly after the Soviet Union had agreed to the conditions concerning the excess equipment relocated east of the Urals initiating a restart of the Open Skies talks. He wrote the letter on behalf of the WEU the presidency of which he had taken over in July 1991.¹⁷ The initiative was skilfully prepared in two senses: First, the letter came formally from an organization that was not as heavily disliked as NATO in the Soviet Union. Second, it was written by the German Foreign Minister at a time when during the unification process Germany and Genscher personally had acquired a certain credibility in Moscow. This was still not enough to relaunch the negotiations. A change was again triggered by an important historical event and the subsequent political decisions. As a result of the Moscow coup of August 1991, the Soviet position became far more conciliatory. When the negotiators met in September 1991 in Vienna the Soviet delegation indicated its readiness to sign the Treaty in March 1992 at the beginning of the CSCE follow-up meeting in Helsinki. It would not be correct, however, to assume that the remaining months that led to signature represented a simple technical exercise. As has often been experienced in history, prompt decisions that follow cataclysms are superseded by periods of consolidation. The history of the last months of the talks demonstrated again that it is extremely difficult to negotiate under fast-changing conditions and adapt the process to a reality that is constantly changing. Furthermore, it became clear that genuinely multilateral negotiations are often far more time-consuming than those between two alliances, where alone the existence of another presumably hostile bloc guarantees cohesion. The complications did not arise due to the regulation of further technical details of inspections, although some issues were still pending. They were primarily related to the dissolution of the Soviet Union and the status of the successor states in the continuing negotiations. Another problem was the status of the neutral and non-aligned countries in the talks. The original edifice which differentiated between members of alliances and other European states was no longer sustainable as the Warsaw Treaty in the meantime had also been formally dissolved. It would be impossible to enter into details of some of the

17 Cf. Rüdiger Hartmann/Wolfgang Heydrich, *Der Vertrag über den Offenen Himmel*, Baden-Baden 2000, p. 19.

delicate legal matters here. Let it suffice to give a summary of the solution. Russia took the seat of the Soviet Union on the basis of the *mutatis mutandis* application of the Almaty Agreement of the successor states.¹⁸ Belarus and the Ukraine participated in the talks, although it caused some problems that they were not participating States of the CSCE until the end of January 2002. These three Slavic successor states were granted the right to sign and ratify the Treaty; the other nine states¹⁹ were able to decide unilaterally on their accession without the approval of the other Parties to the Treaty in the case they decide to join it.²⁰

The Main Rules of the Treaty

Although the Treaty on Open Skies has a fairly complex structure, the number of those important provisions which caused differences in opinion among the negotiating states is limited. Some differences can be attributed to changing conditions, others to genuine strategic differences of opinion stemming from the variety of interests of the Parties.

The States Parties: When the idea of Open Skies reappeared in 1989 it seemed clear that negotiations would be conducted by the member states of the two alliances. The participating states were willing to overlook the fact that the Atlantic Alliance was far more cohesive than the WTO. The above working hypothesis was maintained until the Warsaw Treaty was formally dissolved in 1991. Certain countries which had no doubt that *de facto* dissolution would be brought to a *de jure* end, made several attempts to gradually open up the closed structure of the future Treaty. In the end, although the Treaty was signed nine months after the end of the WTO, apart from the special treatment of the three Slavic successor states of the Soviet Union, the changes in the composition of the States Parties are reflected only in those rules that regulate the right of accession. By codifying a semi-open regime, three categories of States Parties were established: 1. the former or current members of military alliances, i.e. the WTO or NATO, including Belarus, Russia and the Ukraine, which participated in the talks and had the right to sign the Treaty before its entry into force; 2. the other nine successor states of the former Soviet Union; they did not participate in the negotiating process but have the option to sign and ratify the Treaty if they so wish; this is laid down in the Treaty and cannot be prevented by other Parties; 3. other OSCE participating States and non-European countries whose request for accession is to be approved by the Open Skies Consultative Commission (OSCC).

18 With the Almaty Agreement of 21 December 1991, the Commonwealth of Independent States (at that time without Georgia) was officially established.

19 The three Baltic states Estonia, Latvia and Lithuania do not belong to the CIS and are not considered successor states to the Soviet Union.

20 Contrary to other OSCE participating States whose accession is subject to approval by the other States Parties in the Open Skies Consultative Commission.

On point 1: This category does not require any further explanation; Belarus, Russia and the Ukraine signed the Treaty. On point 2: The other nine successor states of the Soviet Union gained preferential status in two respects. First of all, they were given the opportunity to sign the Treaty before its entry into force. Apart from these states, this possibility was only made available to those states who participated in the negotiations. In spite of this, it took over nine years for all those signatories whose instrument of ratification had to be deposited in order to bring the Treaty into force to ratify the Treaty. During this long period only two of the nine (non-Slavic) successor states (Georgia, Kyrgyzstan) signed it. This left the possibility that the other seven countries accede to the Treaty after its entry into force. It is important to emphasize once again that this may occur *unilaterally* and thus cannot be prevented by any other Party. On point 3: Other OSCE participating States have the following possibility. "For six months after entry into force of this Treaty" they "may apply for accession by submitting a written request". "The matter shall be considered at the next regular meeting of the Open Skies Consultative Commission and decided in due course."²¹ At first sight, the text seems neutral. Two constraints are introduced: According to this rule, only OSCE participating States may accede to the Treaty.²² This, in light of the regional character of Open Skies, is understandable. The other constraint is more subtle. It states that one of the conditions of accession to the Treaty is that the OSCC will decide on the matter. However, the Treaty does not set a deadline for such a decision, but merely lays down that a request for accession "shall be considered at the next regular meeting" of the OSCC. The OSCC, however, has unlimited freedom on the timing of such a decision. There can be no doubt, as will be demonstrated later, that political considerations will prevail as the OSCC is composed of representatives of the States Parties. This also means that the procedural rule of the Treaty, according to which the OSCC "shall take decisions or make recommendations by consensus"²³ applies.

The area of application: This comprises the entire territory of the States Parties, i.e. their land, including islands, internal and territorial waters and airspace under state sovereignty.²⁴ This laconic wording does not seem to require any explanation at first sight. However, it must be emphasized that the entire territory of the States Parties is subject to the Treaty. Thus this definition of the area of application differs from that of the CFE Treaty as well as OSCE documents on confidence- and security-building measures. It extends to the territory of the US and Canada as well as the non-European part of Russia. As soon as other former Soviet successor states whose territory is

21 Treaty on Open Skies, Helsinki, 24 March 1992, Article VII, para. 4, in: Arie Bloed (Ed.), cited above (Note 16), pp. 1271-1311, here: p. 1306.

22 However, this condition lost its relevance as by 24 March 1992, the day of the signature of the Treaty on Open Skies in Helsinki, all successor states to the Soviet Union had joined the CSCE.

23 Treaty on Open Skies, Article X, para. 2, cited above (Note 21), p. 1301.

24 Cf. Treaty on Open Skies, Article II, para. 8, *ibid.*, p. 1273.

partly (Kazakhstan) or entirely (Kyrgyzstan) in Asia join the Treaty, it will be extended to their entire territory as well. This means that there are territories that are subject to on-site inspection only under the Open Skies Treaty, which increases its potential strategic relevance. The other comment on the area of application relates to the history of negotiations. At an early phase of the talks, the Soviet Union raised the problem of overseas territories under the control of States Parties, in particular the overseas military bases. There is no doubt that such an extension of the area of application would have been unacceptable to the country, which has the largest number of overseas military bases, the United States. Furthermore, it would have caused enormous complications in the implementation process, as the overflight of such bases would have required the approval of the territorial states, in most cases, countries which are not States Parties to Open Skies. Hence, one can state that only those who were against Open Skies would have had reason to advocate such regulation.

The observation aircraft: The Treaty identifies it as “unarmed, fixed wing aircraft designated to make observation flights, registered by the relevant authorities of a State Party and equipped with agreed sensors”.²⁵ The requirements mean that an aircraft must have the capacity to carry sensors, the flight crew, mission team and escort team. It must be equipped to be able to carry out its mission, i.e. be furnished with windows facing downward. Because the flight distances vary from country to country, it is necessary to have observation aircraft with adequate range. This is of lesser importance, however, bearing in mind that refuelling is permitted. It may have more practical significance that the plane be able to fly below cloud cover, as without this, times when observation flights could be carried out effectively would be restricted. If it were not possible to carry out observation flights under cloud cover, an important advantage of aerial monitoring vis-à-vis satellite observation would disappear. The most important controversial issue in this area was in deciding whose aircraft to use. Can the observing Party use its own observation aircraft or can the observed Party insist on using its own plane? The matter is no doubt historically burdened. The Soviet secrecy paranoia collided with US willingness to use superior observation technology for illegal aerial observation in the late 1950s and early 1960s. Hence the Soviet Union insisted upon having its own observation aircraft flown in its own airspace. Most of the other states also preferred using their own planes. Bearing in mind that observation is a co-operative exercise where the observing and observed Parties co-operate and the plane carrying out the observation flight is inspected thoroughly beforehand, I do not think that this matter carries as much importance as was attributed to it. Finally, the wording of the Treaty allowed the observed Party to provide its own aircraft. In the case the observed Party does not claim this right, the observing Party may use its own (certified) aircraft or that of another Party. It is open to question what the out-

25 Treaty on Open Skies, Article II, para. 4, *ibid.*, p. 1272.

come of this process will be under the current highly co-operative conditions, particularly, as it is probable that many of the Parties do not even have their own observation aircraft. In this case, it remains to be seen whether the Parties will prefer to use the aircraft of the observed Party or whether they will relinquish the use of part of their active quota.

Quotas: There are two types of quotas in the Treaty. The *passive quota* is “the number of observation flights that each State Party is obliged to accept as an observed Party” whereas the *active quota* is “the number of observation flights that each State Party has the right to conduct as an observing Party”.²⁶ In Annex A, the Treaty lays down the passive quota of each Party²⁷ and specifies that the total active quota cannot exceed the passive quota of a State Party.²⁸ When the original concept of the Treaty was drafted it was based on the existence of two alliances and thus it was not entirely unrealistic to expect that the active quotas would be used so that they were spread out among the other Parties. Shortly thereafter, as East Central European countries unambiguously leaned to the West, the potential problem emerged that too many Parties would be willing to carry out observation flights in the airspace of one single State Party. Even though the dissolution of the Soviet Union reduced this concern slightly, it is realistic to assume that there will be a concentration of requests for observation. In order to avoid this, no Party may carry out more than half of its observation flights over the territory of another State Party. Last but not least, the parties wanted to guarantee that those countries which are of particular strategic importance would be among the States Parties when the Treaty comes into force. This was achieved through the provision that those countries with a high passive quota must be Parties to the Treaty for it to come into force. This, on the one hand, has made the participation of the large European countries indispensable but, on the other, delayed the entry into force of the Treaty significantly.

Sensors: During the negotiations on the Open Skies Treaty the participating States were not always in agreement on the types and resolution of different sensors. Whereas the West put forward a proposal with a fairly comprehensive list of sensors, the Soviet Union tried to limit it. Behind this was the idea of preventing the West from profiting from its superior technology and ultimately superior financial resources. The two sides found a compromise according to which the sensors had to be available commercially. This has prevented that some of the Parties to the Treaty take advantage of their superior technology. The resolution of sensors was calibrated so that, on the one hand, they could not be used for military espionage, but on the other, would contribute to military transparency. It seems that sensor resolution still carries the original arms control-related objective of Open Skies, namely to be able to

26 Treaty on Open Skies, Article II, para. 9 and 10, *ibid.*, p. 1273.

27 Treaty on Open Skies, Annex A, Section 1, para. 1, in: OSCE, Documents 1993 to 1997, Compiled and produced by the OSCE, 1998, 1st edition (CD-ROM), p. 31.

28 Cf. Treaty on Open Skies, Article III, para. 5, cited above (Note 16), p. 1276.

identify large military objects through observation flights. This is somewhat astonishing as the objective of Open Skies seemed to have moved from associated arms control measures in the direction of confidence-building during the course of the negotiations, not to mention that during the decade that had passed since the talks the emphasis moved further in the direction of other objectives.

The Road to Entry into Force

In order for the Treaty on Open Skies to enter into force, it had to be ratified by at least twenty countries, including those ten countries whose individual allocation of passive (and hence active) quotas is high, i.e. eight or more overflights - Canada, France, Germany, Italy, Russia and Belarus (the latter two as one group of States Parties), Turkey, the Ukraine, the United Kingdom, and the United States -, and the two Depositaries.²⁹ One of the two Depositaries, Canada, was thus obliged to ratify in two capacities whereas the other, Hungary, was made indispensable in its function as the second Depositary. There was no doubt, however, that these two signatories would not cause any problem in the ratification process due to, on the one hand, their prominent role in the preceding process and as they had no interests running counter to this, on the other. Likewise, most other signatories had no objections to ratification. The number of ratification instruments deposited had already reached 22 by mid-1995. Hence, a bit more than three years after Treaty signature, the only question was whether the three Slavic successor states of the Soviet Union, Belarus, Russia and the Ukraine, would ratify the Treaty. Due to the difficulties in the ratification process in Kyiv and Moscow, it took another six years before Open Skies entered into force.

The ratification process in Kyiv succeeded in the Rada on 2 March 2000 after three failed previous attempts. Although some in the Ukrainian establishment had certain reservations about Open Skies based on their traditional fear of espionage, these were not serious. Previous attempts to ratify the Treaty had either failed due to poor organization of the vote or certain concerns of the deputies. The Ukraine was worried about the cost factor in preparing its own airfields to host observation flights. It was of the view that it would not be able to use its active quota fully due to the high costs of observation flights. Whereas the former concern is legitimate, the latter is not. No country is obliged to use its active quota to the full extent, but rather they have the authorization to do so. It is up to each individual country to decide how many flights it intends to carry out dependent upon circumstances, for example, the assessment of the military importance of observation flights, the changes in the international environment and last but not least the resources available for the implementation of Open Skies. Of course, the Ukraine was in a favour-

29 Treaty on Open Skies, Article XVII, para. 2, *ibid.*, p. 1306.

able position as Russia and Belarus had not ratified the Treaty and thus it was not exclusively due to Kyiv that Open Skies did not come into force.

In the case of ratification by the latter two countries, the attention focused on Moscow. Observers were of the view that if Russia ratified, Belarus would follow. There was strong Russian opposition to the ratification of Open Skies in the Russian military establishment for historical reasons. There were vivid memories that President Eisenhower's proposal had been followed by the U-2 incident and US efforts to implement technical means for espionage. However, airspace ceased to be the primary area of such activity as satellite observation gradually took over this role. The resistance by the military was accompanied by the actually more important deadlock between the Russian Parliament, the Duma, and President Yeltsin. This was the reason that although the President submitted the Open Skies Treaty for ratification on 13 September 1994, it was only ratified on 18 April 2001 well after Yeltsin had resigned. Interestingly, during the ratification process, Russia's attitude towards the matter changed significantly, and after 1997, the country became far more co-operative on Open Skies. This was reflected, among others in the fact that Russia participated in trial inspections. A look at the analytical note on the Treaty on Open Skies prepared for the Duma is illuminating. There are two important factors the document analyses: first, the volume of information on other countries, collected both directly through observation flights and indirectly through access to information gathered by other States Parties and made available to, among others, Russia. In this respect, the analysis comes to the following conclusion: "The Treaty entering into force (...) will allow Russia to increase its volume of information on the US and NATO (...) The additional volume of information, just on the 0.3-0.6 m spectrum (information which Russia essentially does not possess) will comprise six to seven per cent of the total Russian information volume and complement space observation resources Russia is in a position to 'obtain' (...)"³⁰ In "summary, we can conclude that the Treaty on Open Skies is advantageous to Russia, and allows for some compensation of Western superiority in obtaining information with minimal expenditures".³¹ Second, according to Russia, the costs of implementing Open Skies could be reduced significantly through leasing Russian observation aircraft to countries who do not possess their own and selling Open Skies aeronautical, special and technical nomenclature overseas.³² The cost-benefit analysis that Russia made was positive and it ratified the Treaty as soon as the political conditions were ripe. Two weeks later, on 3 May 2001, Belarus also ratified the Treaty. There was some speculation among

30 Federal Assembly of the Russian Federation, Excerpts from the Minutes of the 5th Council Meeting of the State Duma with Attachments, manuscript, 10 February 2001, p. 4 (in Russian). It is interesting to note that Russia, due to the lower resolution of its satellites, assessed the situation such that Open Skies provides particularly valuable information on resolutions of between 30 and 60 centimetres.

31 Ibid., p. 7.

32 Cf. *ibid.*, p. 6.

experts whether Belarus's ratification of the Treaty was necessary at all for its entry into force. Bearing in mind, however, that Russia and Belarus formed a group of States Parties and neither country had a passive quota of its own, I think those experts and States Parties were justified in regarding Minsk's ratification as indispensable.³³ After the two countries deposited their instruments of ratification at the beginning of November and 60 days had passed, the Treaty entered into force on 1 January 2002.

The nearly ten years between Treaty signature and entry into force have not been in vain. While national bureaucracies were working on bringing the Treaty into force, military professionals had already been preparing for implementation. Their activities encompassed, among others: 1. the establishment of operational units dealing with the implementation of Open Skies; 2. the selection and retrofitting of suitable aircraft for Open Skies applications or a state decision on not wanting to own observation aircraft; 3. trial certification of observation aircraft; 4. trial inspections.

Most signatories established Open Skies units in their Ministries of Defence; these were usually set up as a part of their on-site inspection departments responsible for verification within the framework of CSBM and the CFE Treaty, which were already in existence in most of the States Parties.

One of the most delicate matters was deciding whether a State Party should have its own observation aircraft or not. The States Parties have come up with a variety of solutions. Some former members of the WTO and their successor states as well as the UK have decided to use medium range observation aircraft (An-26, An-30, Andover), Germany and the US decided to retrofit existing long-range aircraft for Open Skies use whereas the so-called Pod-group consisting of many other NATO member states use Lockheed C-130 Hercules transport aircraft that can carry a sensor container under one of its wings. Other states will probably take advantage of leasing the plane of another State Party or by making appropriate arrangements with the state to be overflown. The costs of purchasing and equipping a plane of this type and keeping it in service are considerable, particularly in light of the small active quota that most States Parties have, not to mention that the Russia-Belarus group of countries, which has the highest passive quota, will definitely want to be overflown by its own aircraft, which would further limit the use of the observation aircraft of many other States Parties. Due to changes in the security relations in Europe, most States Parties are not interested in carrying out observation flights in the airspace of most other States Parties. If the purposes, for which Open Skies observation flights are to be used, are not broadened, the dilemma of whether to purchase observation aircraft nationally or not, only to be able to fly one's own plane for quotas that on top of that are small, will definitely get worse. Consequently, this is an area where co-operation among the Parties may result in a positive-sum game and reduce expenses without any disadvantage to the activity of the Parties. The European

33 Cf. Hartmann/Heydrich, cited above (Note 17).

Union, which has embarked upon creating a European Security and Defence Policy, has not yet addressed this issue. Dealing with this issue would make perfect sense, however, as there are several EU members who do not plan to purchase observation aircraft and would certainly react positively to pooling resources.³⁴

During the ten years that passed between Treaty signature and entry into force, more than 400 trial inspections were carried out. It is interesting to note that all signatories except Iceland and Kyrgyzstan participated in such inspections.³⁵ Furthermore, several demonstrations were organized in order to show the advantages of Open Skies to countries who are not Parties to the Treaty, in particular in Bosnia and Herzegovina. The demonstrations have shown that Open Skies can be used for post-conflict monitoring. In the case the Parties would be willing to modernize the Treaty, one avenue may be to explore its application for conflict and post-conflict monitoring. It was also demonstrated during the period of trial inspections that Open Skies could be used for other non-military activities, like monitoring floods, as was the case on the Oder in 1997, or the damages caused by the hurricane in Central America in late 1998.³⁶

In sum, the ten-year period that passed between signature and entry into force was used to the advantage of the Parties to prepare for implementation and also to explore some new avenues where Open Skies or the observation methods regulated and used by it could be applicable. However, the question remains open whether these are going to be adequate enough to maintain the interest in Open Skies in light of the fundamentally changed security environment in the Euro-Atlantic area.

The Implementation of Open Skies at the Beginning of the 21st Century

The entry into force of the Treaty presented some new challenges and placed certain old ones in new light. As was mentioned above, entry into force opened the door for the accession of other OSCE participating States. The OSCC, the decision-making body established by the Treaty, prepared for entry into force, contributing, among others, through its decision on the initial certification period, to a smooth transition till Treaty implementation. During

34 Probably to the amazement of many, the list of countries who do not intend to purchase their own observation plane includes large countries as well. The Federal Republic of Germany, after it lost its observation aircraft in mid-air collision in September 1997, decided not to replace the plane and was thus left with one single Tu-154 aircraft that could be retrofitted for this purpose. For more details and the argument that Germany should have its own observation aircraft see Klaus Arnhold, *Der Vertrag über den Offenen Himmel: Ein Konzept zur Aktualisierung des Vertrages* [The Treaty on Open Skies: A Concept for Updating the Treaty], SWP-Studie, Berlin 2002, particularly pp. 15-16.

35 Cf. Ernst Britting/Hartwig Spitzer, *The Open Skies Treaty*, in: *Verification Yearbook 2002*, London 2002, pp. 223-228.

36 Cf. Rüdiger Hartmann, *Inkrafttreten des "Vertrags über den Offenen Himmel"* [The Entry into Force of the "Treaty on Open Skies"], SWP-Aktuell 25, December 2001, p. 25.

the period after entry into force, it will be possible to assess to what extent Open Skies has retained its relevance in light of the steadily improving resolution of commercial and military satellites. These three issues are presented and discussed briefly below.³⁷

The accession to the Treaty, as was mentioned above, was permitted for three different categories of states. The most important for us is the third: the “non-privileged” group of OSCE participating States. As aforementioned, in most cases there would not be any problems as the Consultative Commission would easily achieve the necessary consensus. This assumption was confirmed at the beginning of 2002 when first Finland and Sweden, followed by five other states, applied for accession to the Treaty. These two countries have asked for a quota of five and seven observation flights, respectively. The OSCC accepted these two applications a month later. Sweden deposited its instrument of accession at the end of June and thus became a Party to the Treaty at the end of August 2002. A number of other states used these first six months after entry into force to declare their intention to join the Treaty. These included two Yugoslav successor states, Croatia and Bosnia and Herzegovina, two Baltic states, Latvia and Lithuania, as well as Cyprus. The application of the first two was a reflection of two factors: First, Open Skies is applicable to monitoring post-conflict areas like the former Yugoslavia. Second, it demonstrated the interest of these countries in Open Skies after the so-called Article V negotiations under the Dayton Accords ended without agreement on aerial inspection. In the case of the Baltic states, their general pro-European integration stance and their upcoming NATO membership can be considered as motivating factors. The application of the Republic of Cyprus represented the only problem case. Turkey vetoed the request for accession in the OSCC. As the OSCC makes decisions by consensus, there could be no doubt this was Turkey’s legitimate right. It was also known that Turkey was adamant in its refusal to accept Cyprus’s accession to the Treaty. There had already been indications of this during the Open Skies talks. One of these was the insistence upon consensus on decisions on the accession of a country in the OSCC. The other was that Turkey insisted that not every country be allowed a quota and that quota distribution should take place by consensus when a country joins the Treaty. Hence even after accession it would be possible to prevent a Party from having a passive and thus active quota. In the absence of a quota, there might be Parties who would not be allowed to overfly others.

It was interesting at the time to follow closely how the OSCC dealt with this first little “crisis” in its history. For a short period, it seemed it would not be able to separate the individual applications from one another and push

37 The article does not address those temporary constraints which were introduced to limit the number of observation flights in the first three years after the entry into force of the Treaty and the capabilities of the sensor set in the same period of time. Most papers published after entry into force address these matters extensively. See, for example, Arnhold, cited above (Note 34), Britting/Spitzer, cited above (Note 35).

through the applications of those whose accession was not opposed by any State Party. In the end, the OSCC rightly separated the uncontroversial cases from the Cyprus case. The accession of Bosnia and Herzegovina, Croatia, Latvia and Lithuania only requires ratification by the four national Parliaments whereas the case of Cyprus seems to be deadlocked. The accession of Cyprus to Open Skies depends on the solution of the larger problem surrounding the island.

In its decision of 17 December 2001, the OSCC agreed upon an initial certification period from 1 January (the entry into force of the Treaty) to 31 July 2002. This was a regulated process in which other Parties could certify that the characteristics of the observation aircraft designated by a State Party and its sensors were in concord with the requirements of the Treaty. These seven months were made available for the Parties to certify the type (model) of aircraft they would be willing to use for observation flights. During this period, observation flights were able to be conducted on an agreed bilateral basis. 17 States Parties in four separate groups carried out certification on time. In September 2002, the Czech Republic announced that it would certify its observation aircraft after this deadline. As it had not certified its planes before the required deadline mentioned above, it will have to allow observation flight missions over its territory. As during the certification period overflights under the Treaty could not be carried out, the utilization of the active quota of the States Parties was deferred to the period between 1 August and 31 December 2003.

The Treaty on Open Skies contains strict rules concerning the technical characteristics of sensors used on the observation aircraft. The most important reason for this is to prevent observation flights from being used for espionage, which would be unacceptable to any Party, as well as guaranteeing that sensors are commercially available. During the period of more than one decade that passed between the negotiations of the Treaty and its entry into force, the resolution of both the commercial and military satellites improved significantly. Thus the gap between the resolution of satellite imagery and that of sensors on Open Skies aircraft has narrowed and in some cases disappeared completely. On this basis, arguments have been put forward that aerial monitoring under the Treaty on Open Skies no longer makes sense as it does not provide information that would not also be available from satellite data. Reference is usually made to hypermodern military and commercial satellites. Those who argue along these lines are not taking important aspects of the problem into consideration: 1. They disregard that pieces of information gained from Open Skies observations flights are available to all State Parties to the Treaty whereas this is far from the case for military satellites. 2. They ignore that there are certain limitations on the accessibility of information derived from the data of commercial satellites.

With respect to the first problem, one must consider that it is by far not all State Parties that have access to such data. Moreover, a state cannot be guar-

anteed the access to data that do not originate from a sensor under its own control. Hence, countries which have access to information for a certain period of time may not have access to it forever. Political allegiances may change and states may thus be deprived of information once guaranteed. With regard to the second problem, the situation is not fundamentally different. Although the argument is put forward that “with the marketing of satellite images (...) outer space is not only opened to satellite operators, but also to all states who can afford and want to acquire satellite images. Thus, satellite intelligence is, thanks to the global distribution of satellite images by several operators, in principle, available to all states independent of whether they belong to an alliance or are party to a particular treaty.”³⁸ The weakness of this point is that it vaguely refers to the assertion that satellite photographs are “in principle, available to all states”. This is not convincing because it is common knowledge that during hot conflicts, it is precisely in the conflict zones that commercial satellites regularly suspend their operation upon “the kind request” of certain states. If Open Skies desires to gain importance by monitoring conflict zones, this cannot be weakened with the argument that commercial satellites provide sufficient information. It is on these grounds that I find it important to emphasize the residual relevance of the Open Skies regime. It is a separate issue that it might make sense to modify the Treaty in order to permit sensors with higher resolution and thus temporarily recreate the gap between information available from satellites and that gained from observation aircraft under the Treaty on Open Skies. The community of military experts and diplomats should use the increased attention being paid to Open Skies after its entry into force in order to give serious consideration to the modifications it requires.

Conclusions

Open Skies has successfully adapted to changing conditions a number of times from its beginning as an idea to its adoption as a Treaty. This adaptation process was necessary and will have to continue if Open Skies intends to retain (or rather regain) its relevance. This adaptation may occur explicitly or tacitly. In either case, it must reflect the needs of international relations at the beginning of the 21st century. This means that certain goals of Open Skies may continue to lose significance. In particular, its importance for the verification of structural arms control has practically vanished and there is no reason to be particularly concerned about this development. This was recognized in the adapted CFE Treaty, which no longer mentions aerial inspection among its associated measures. Its other original purpose, military confidence-building has retained a certain relevance, although its current role is not entirely clear. After having achieved such a high level of transparency in

38 Arnhold, cited above. (Note 34), p. 20 (author's translation).

Europe, it is questionable whether Open Skies could add to that. The fact that the Treaty on Open Skies has made territories accessible for overflights both in North America and in North Asia makes it a valuable contributor to expanding confidence-building. Although one of its former elements has vanished and another has retained only residual importance, there are areas where the contribution of Open Skies may gain significance. This can be attributed partly to the needs of post-conflict monitoring as well as to the vision of the “Founding Fathers” of Open Skies, who introduced the “possible extension of the Open Skies regime into additional fields, such as the protection of the environment”.³⁹ There have already been occasions when methods familiar from Open Skies were applied to environmental monitoring, including natural catastrophes. The Treaty could be more specific on such “additional fields” or the States Parties should develop consistent practice to this effect. Open Skies also carries the potential to be used as a model for other regions whether this occurs soon or when the conditions are ripe.

There are also those who ring the alarm bell by pointing out the irrelevance of Open Skies. Their arguments are based upon technological developments, mainly upon the availability of data gained from commercial satellites or through the multilateralization of the access to military satellite data and also upon the fact that satellite resolution has improved. Although these factors play into the declining interest in collecting data from Open Skies observation flights, this is not the prime reason for this change. This is due far more to those changes that have occurred in the international environment, the atmosphere in Europe which is largely free of threat. This and the high costs related to overflights will most probably result in a situation in which the active flight quotas of the Parties will not be exhausted. This is burdened further by the fact that apparently interest is concentrated on flying over only a few States Parties (e.g. Russia, Ukraine). When the passive quotas of those countries have been exhausted, there will be a steep decline in the number of overflights.

As there are States Parties to the Treaty which have a strong preference for being overflown by their own plane, i.e. the observation aircraft of the observed, rather than that of the observing State Party, it is open to question whether it is worthwhile acquiring an observation aircraft. The fact that many observation flights will be carried out by the aircraft of the observed Party - even though this will increase the costs somewhat - should, nevertheless, not reduce confidence or interest in the regime. The stringent certification requirements, the presence of flight monitors and other rules of the Treaty guarantee that the observing Party will be able to gather the same information irrespective of whose observation aircraft is being used.

The adaptability and the actual adaptation of Open Skies to changing conditions have already been mentioned above. It would be a good idea to continue this process and eventually modify the Treaty to be able to address the real

39 Treaty on Open Skies, cited above (Note 21), p. 1271.

needs of our times. For instance, one could consider allowing sensors with better resolution than the Treaty presently permits. This would again give a temporary advantage to Open Skies as compared to the resolution achieved with satellite imagery. The importance attributed to Open Skies would not change, however, as the declining interest in aerial observation is not due to technical factors, but to political changes. It is unlikely, however, that the Parties are sufficiently determined to carry out a formal revision of the Treaty. Therefore, I find it more realistic to continue the *de facto* adaptation of Open Skies either through the OSCC or through agreement by the Parties. This could contribute to maintaining a certain relevance for the Treaty as a constitutive element of international relations in a larger Europe.

III.

Organizational Aspects

OSCE Institutions and Structures

The Bucharest Ministerial Council

The Ninth OSCE Ministerial Council took place from 3 to 4 December 2001 in Bucharest, the capital of Romania which held the OSCE Chair in 2001. This meeting was, on the one hand, characterized by combating terrorism, and on the other, it was devoted mainly to regional security issues, in particular the events in Nagorno-Karabakh, Georgia, Moldova and South-eastern Europe. The Council adopted a Ministerial Declaration and passed thirteen Decisions.

The following article is, on the one hand, an attempt to summarize the results of the meeting. On the other hand, however, it is also an attempt to uncover the intentions and allusions, but also differences hidden behind the often trite and formalistic phraseology used there. In turn, such empty phrasing is the result of necessary compromises between those states making criticisms and those being criticized. If criticism were expressed too clearly, the criticized states would probably refuse consensus, in which case, however, the problem would no longer be mentioned at all. Clichéd and complicated roundabout wording is often the result of politics as the “art of the possible”, namely dealing with a problem field so that it is addressed in a manner that one just escapes having those involved refuse consensus. This kind of wording can be found in those parts of the documents adopted that are devoted to unresolved regional issues, which often had not so long ago been the cause of armed conflict and since then have at best been frozen, but not solved sustainably. However, they are also to be found in other areas where divergences remain and formulations capable of achieving consensus could only be reached through often vague and cautious language use.

The Bucharest Ministerial Declaration

The Declaration is dominated by the subject of “terrorism”. The Council unanimously condemned all acts of terror and declared that terror could never be justified whatever motivation was behind it. In the fight against terrorism, there is no neutrality.

The ministers declared their determination to protect the citizens of their countries from new threats, but at the same time safeguard the rule of law, individual liberties and the right to a fair trial under the rule of law. They also strengthened their determination to combat organized crime, illicit drug and arms trafficking as well as trafficking in human beings, because all these phenomena weaken security as well as the economic and social structures of states.

Further they welcomed the review of OSCE structures, which, under the Romanian Chairmanship, was undertaken with the goal of increasing the efficiency of the Organization, and they established a working group on OSCE reform that was to report to the next Ministerial Council.

In addition, the Ministerial Council expressed its concern over the persistence of conflicts in various regions that endanger the observance of OSCE principles there and may at the same time threaten peace and stability in the entire OSCE region. In conclusion, it emphasized the OSCE's important role in early warning, conflict prevention, crisis management and post-conflict rehabilitation.

The Decisions

The Decisions following the Ministerial Declaration cover: 1. combating terrorism (including a Plan of Action); 2. further statements by the Ministerial Council; 3. fostering the role of the OSCE as a forum for political dialogue; 4. enhancing the effectiveness of the Human Dimension Meetings; 5. measures against aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism; 6. trafficking in human beings; 7. equal opportunities for Roma and Sinti; 8. combating violence against women; 9. police-related activities; 10. location and date of the next meeting of the Ministerial Council (Porto, December 2002); 11. OSCE Chairmanship 2003 (Netherlands); 12. conclusion of the negotiations under Article V of Annex 1-B of the Dayton Accords; as well as 13. the reappointment of Ambassador Ján Kubiš as OSCE Secretary General for another three years.

The majority of these Decisions are short and have formal character. This does not mean, however, that the issues behind them have no political relevance. In some of the Decisions, this is a sign that various differences of opinion were cleared up on time. This is the case for Decisions 10, 11 and 13 as well as Decision No. 12, which is essentially limited to an acknowledgement of the conclusion of the negotiations.

In other Decisions, however, this is an indication that problems could not be solved and that therefore the corresponding issues will continue to receive attention from the Ministerial Council. This is true of Decisions 4, 5 and 8 that essentially task the Permanent Council with continuing to deal with these issues as well as, in a similar manner, Decisions 5, 6 and 7 which task the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw with continuing to deal with the issues addressed.

In contrast, Decisions 1, 2, 3 and 9 have been drafted in more detail and will be examined more closely in the following.

Decision No. 1 is devoted to the main topic of the meeting, combating terrorism. The participating States “resolutely condemn the barbaric acts of terrorism that were committed against the United States on 11 September 2001”, which they describe as “an attack on the whole of the international community, and on people of every faith and culture”. “These heinous deeds, as well as other terrorist acts in all forms and manifestations, committed no matter when, where or by whom, are a threat to international and regional peace, security and stability.” The participating States make the commitment not to yield to terrorist threats but to combat them by all means. “This will require a long and sustained effort, but they take strength from their broad coalition, reaching from Vancouver to Vladivostok.”

In this Decision, the participating States commit themselves to “bilateral and multilateral co-operation within the OSCE, with the United Nations and with other international and regional organizations, in order to combat terrorism in all its forms and manifestations, wherever and by whomever committed”. In addition, they pledge themselves to become parties to all twelve United Nations conventions and protocols related to terrorism as soon as possible. Moreover, they express their expectation that the Bishkek International Conference on Enhancing Security and Stability in Central Asia, to be held on 13 and 14 December 2001, can render a substantial contribution to global anti-terrorism efforts and promise the Central Asian partners their support in countering external threats related to terrorism. Finally, the Ministerial Council adopted the Bucharest Plan of Action for Combating Terrorism.

The Bucharest Plan of Action for Combating Terrorism

The OSCE’s contribution to the worldwide fight against terrorism is based on its special characteristics, its strengths and its comparative advantages:

- its comprehensive security concept linking the politico-military, human and economic dimensions,
- its broad membership,
- its experience in the field and
- its expertise in early warning, conflict prevention, crisis management, post-conflict rehabilitation and building democratic institutions.

In addition, many counter-terrorism measures fall into areas in which the OSCE is already active and proficient such as police training and monitoring, legislative and judicial reform as well as border monitoring.

The *goal of the Action Plan (Chapter I)* is to “establish a framework for comprehensive OSCE action to be taken by participating States and the Organization as a whole to combat terrorism, fully respecting international law,

including the international law of human rights". With this, states are at the same time warned not to misuse the necessary fight against terrorism as a pretext to suppress human rights. The Plan seeks to

- expand existing activities that contribute to combating terrorism,
- facilitate interaction between states, and,
- where appropriate, identify new instruments for action.

Chapter II defines the framework of *international legal obligations and political commitments* which is based on the corresponding United Nations conventions and United Nations Security Council resolutions as well as the relevant OSCE documents, including the Summit Declarations from Helsinki to Istanbul. The participating States commit themselves to become parties to all twelve United Nations conventions and protocols relating to terrorism by 31 December 2002, if possible, and to participate constructively in the negotiations at the United Nations on a Comprehensive Convention against International Terrorism and an International Convention for the Suppression of Acts of Nuclear Terrorism, with a view to their early and successful conclusion. The ODIHR is, on request by participating States, to offer assistance and advice on the ratification of international instruments, in close co-operation with other organizations.

The participating States agreed to use the Forum for Security Co-operation (FSC) to strengthen their efforts in combating terrorism through the implementation of all relevant measures agreed by the OSCE, in particular the Code of Conduct on Politico-Military Aspects of Security, which contains the commitment to exchange information on measures to combat terrorism, and the Document on Small Arms and Light Weapons (SALW). The Security Dialogue might serve as a suitable basis for regular consultations within the FSC. The follow-up conference on the Code of Conduct and the SALW workshop, both of which were to take place in 2002, could further enhance the application of these documents in combating terrorism.

Chapter III deals with *preventive action against terrorism in the OSCE area*. Although no circumstance or cause can justify acts of terrorism, at the same time, there are various social, economic, political and other factors, including violent separatism and extremism, which engender conditions in which terrorist organizations are able to recruit and win support. The OSCE's comprehensive approach to security provides comparative advantages in combating terrorism insofar as these factors are addressed by all relevant OSCE instruments:

- *Institution building, strengthening the rule of law and state authorities* whereby the ODIHR can contribute through its assistance in building democratic institutions and strengthening administrative capacity, local

and central government and parliamentary structures, the judiciary, ombudsman institutions etc.;

- *Promoting human rights, tolerance and a multi-culturalism* whereby the participating States, the Permanent Council, ODIHR, the High Commissioner on National Minorities and the Representative on Freedom of the Media are to promote tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups and to provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, “at the same time, promote their respect for the rule of law, democratic values and individual freedoms”. This also includes the development of projects by the Representative on Freedom of the Media aimed at supporting tolerance through the use of the media as well as promoting measures aimed at preventing and fighting aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism in the media;
- *Addressing negative socio-economic factors* that undermine security, such as poor governance, corruption, illegal economic activity, high unemployment, widespread poverty and large disparities, demographic factors and unsustainable use of natural resources. The OSCE participating States and the Secretariat will seek to counter these factors with the assistance of the Office of the Co-ordinator of OSCE Economic and Environmental Activities;
- *Preventing violent conflict and promoting peaceful settlement of disputes* through more intensive early warning and appropriate response whereby the OSCE is to strengthen its ability to settle conflicts and, in co-operation with the United Nations, the European Union and other international organizations, will increase efforts to find solutions to unresolved conflicts and simultaneously devote itself to the promotion of the rule of law and crime prevention in such conflict zones. Furthermore, the OSCE is to make efforts to develop its rapid deployment capability in crisis situations;
- *Strengthening national anti-terrorism legislation*, in particular, by implementing all the obligations the participating States have assumed under relevant conventions and protocols as well as the United Nations Convention against Transnational Organized Crime. ODIHR, on request by interested participating States, is to offer technical assistance/advice on the implementation of international anti-terrorism conventions and protocols as well as on the compliance of this legislation with international standards and to facilitate contacts between national experts to promote exchange of information and best practices on counter-terrorism legislation;
- *Supporting law enforcement and fighting organized crime*. In view of the close connection between terrorism and transnational organized crime, illicit trafficking in drugs, money laundering and illicit arms trafficking,

the participating States committed themselves to taking the necessary steps to prevent in their territory illegal activities of persons, groups or organizations that instigate, finance, organize, facilitate or engage in perpetration of acts of terrorism or other illegal activities directed at the violent overthrow of the political regime of another participating State. The participating States agreed to afford one another assistance in providing information in connection with criminal investigations or criminal extradition proceedings relating to terrorist acts. The OSCE Secretariat is to assist the participating States, on their request, *inter alia* through measures to combat trafficking in human beings, drugs as well as small arms and light weapons, and will undertake efforts to assist in facilitating increased border monitoring, where appropriate, and reinforce its existing police-related activities in conflict prevention, crisis management and post-conflict rehabilitation;

- *Suppressing the financing of terrorism.* The participating States committed themselves to taking measures, within the framework of the United Nations Convention on the Suppression of Financing of Terrorism and United Nations Security Council Resolution 1373 (2001), *inter alia*, to criminalize the wilful provision or collection of funds for terrorist purposes, and freeze terrorist assets as well as providing early response to requests for information by another participating State and relevant international organizations in accordance with their domestic legislation and obligations under international law. Moreover, ways of combating economic factors which may facilitate the emergence of terrorism, economic consequences of terrorism as well as financial support for terrorists are to be examined. The participating States agreed to consider targeted projects for the training of the personnel of domestic financial institutions, *inter alia* on monitoring financial flows and the prevention of money laundering. They also announced that they would participate constructively in the forthcoming negotiations at the United Nations on a global instrument against corruption, with a view to their early and successful conclusion;
- *Preventing movement of terrorists* whereby the participating States will prevent the movement of terrorist individuals or groups through effective border controls and controls on issuance of identity papers and travel documents, as well as through measures for ensuring the security of identity papers and travel documents and preventing their counterfeiting, forgery and fraudulent use. Through the proper application of the exclusion clauses contained in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, they will ensure that asylum is not granted to persons who have participated in terrorist acts. The participating States will “provide for the timely detention and prosecution or extradition of persons charged with terrorist acts, in accordance with their obligations under international and national law”.

Chapter IV deals with *action under the Platform for Co-operative Security and co-operation with other organizations*. Here, firstly, the leading role of the United Nations in the global fight against terrorism is reconfirmed. The OSCE could, however, take on a co-ordinating role for inter- and intra-regional initiatives.

The participating States thus intend to strengthen co-operation and information exchanges with other relevant groups, organizations and institutions involved in combating terrorism. They pledge to strengthen co-operation with the European Union on analysis and early warning and reinforce synergy with the Stability Pact for South Eastern Europe and the Central European Initiative in areas relevant to combating terrorism. Within the OSCE area, the participating States want to promote the dialogue on issues related to new threats and challenges as well as broaden the “dialogue with partners outside the OSCE area, such as the Mediterranean Partners for Co-operation and Partners for Co-operation in Asia, the Shanghai Co-operation Organization, the Conference on Interaction and Confidence-Building Measures in Asia¹, the Organization of the Islamic Conference, the Arab League, the African Union, and those States bordering on the OSCE area to exchange best practices and lessons learned in counter-terrorism efforts for application within the OSCE area”.

Chapter V offers a view on *follow-up measures*, including the “Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism”, which then took place in December 2001 in Bishkek (Kyrgyzstan) and, on the one hand, was an opportunity to discuss concrete experiences and best practices among a broad range of participants on the basis of the Action Plan and, on the other, due to the specific security challenges to which this region is exposed, apply relevant provisions of the Action Plan for practical support to participating States in Central Asia, including financial and technical assistance.

Each OSCE body was to prepare a “road map” according to the tasks assigned to it in the Plan of Action for the implementation of these, including a timetable, resource implications and indication of activities requiring further Permanent Council Decisions. On the basis of this information, the Secretariat will prepare an indicative assessment of the administrative and financial implications of the Plan of Action, including the possible need for establishing an anti-terrorism unit or focal point within the Secretariat.²

The Permanent Council, acting *inter alia* through the Chairman-in-Office and assisted by the Secretariat, is to continually monitor the implementation of the Action Plan and identify sources which could be used to assist in imple-

1 This Conference was established by Kazakhstan at the beginning of the 1990s as a counterpart to the then CSCE and now has similar procedural character.

2 The term “unit” does not indicate a unit designed to intervene, but an administrative “unit”.

menting counter-terrorism measures, including expert teams, and possible additional tasking by the Permanent Council of OSCE field presences.

Regional Security Policy Issues

Decision No. 2 is devoted to regional security policy issues; the *first section* deals with security in South-eastern Europe.

The Ministerial Council welcomed the conclusion of the Framework Agreement on 13 August 2001 in *Macedonia* and the corresponding constitutional amendments on 16 November 2001 and declared its willingness to assist in the implementation of the Framework Agreement and in particular of Annex C, including the programmes on police training and reform, media and inter-ethnic relations. The Ministerial Council reaffirmed that only peaceful political solutions can assure a stable and democratic future for the country and the continuation of the reform processes, which will facilitate the development of closer and more integrated relations with the Euro-Atlantic community of nations, further enhance multiethnic democracy and promote peaceful and harmonious relations among its citizens.

With a view to *Yugoslavia*, the Council declared its readiness to support the development of full democracy and expressed its satisfaction with the progress that has been made in Southern Serbia, in particular on multi-ethnic (i.e. primarily mixed Serbian-Albanian) police training. It also declared its support for “a democratic Montenegro within a democratic Yugoslavia” and thus expressed the preference of the international community for cohesion of the two republics.

With respect to *Kosovo*, the ministers welcomed the elections held on 17 November 2001 as “the beginning of the phase of democratic provisional self-government in accordance with the constitutional framework” and called upon “those elected and all ethnic communities to participate in full responsibility in this process”. With this wording the Ministerial Council expressed, on the one hand, the at least declarative preference for the continuation of the constitutional status of Kosovo as a part of Yugoslavia and, on the other, its disapproval of the stance of those groups and parties who are boycotting the elected Parliament.

On *Bosnia and Herzegovina*, the Council declared its explicit support for the democratically elected authorities at the state and entity level (i.e. Croat-Muslim Federation and the Republika Srpska) and called on them to make further progress, in particular with regard to strengthening state institutions, the return of refugees and displaced persons and the creation of a single economic space whereby the Council also expressed criticism that there were still shortcomings in these areas. Furthermore, the Council declared the OSCE’s willingness to assume the tasks of the United Nations International Police Task Force (UNIPTF). However, this offer was later overtaken by

events when the EU undertook to establish its Police Mission which would become operational in 2003.

With regard to *Albania*, the ministers first commended the parliamentary elections of 2001. Furthermore, they called on the authorities to implement the recommendations contained in the ODIHR final report on the elections as well as on the political opposition to participate fully in the political process. Here too, the latter expresses criticism of those parties who boycotted the parliamentary decision-making process.

With regard to *Croatia*, the Council welcomed progress made up to then in implementing democratic and economic reforms and offered further support through the OSCE Mission to Croatia, but also expressed expectations that additional steps be taken “in Croatia as well as in other countries of the region” to facilitate sustainable solutions to the plight of refugees and internally displaced persons, including the full exercise of their rights to return home and to repossess their properties “throughout the region”. With this wording, the Council implicitly conveys its criticism that administrative obstacles remain, which impede the return of Serb refugees, but also at the same time, addresses the fact that there are still similar shortcomings in other states of the region as well.

Regarding *arms control*, the Council commended the OSCE’s continued work in assisting in the implementation of Articles II and IV of Annex 1-B of the Dayton Accords³ and welcomed the conclusion of the negotiations under Article V. Furthermore, it reiterated its commitment to addressing the problem of small arms and light weapons, in particular, through the OSCE Document on Small Arms and Light Weapons and welcomed the activities undertaken by the states in the region in this regard.

The *second section* is devoted to the Republic of Moldova. The Ministerial Council noted the efforts on all sides towards a comprehensive settlement of the Transdniestrian issue, but at the same time, reaffirmed that in the resolution of this problem the sovereignty and territorial integrity of the Republic of Moldova must be ensured, and with this reinforced its disapproval of concepts for the independence of the Transdniestrian region. It called upon both sides, and particularly the Transdniestrian authorities, to resume promptly and in the existing format the negotiations on the status of the Transdniestrian region. With this emphasis on the Transdniestrian authorities, the Council also clearly expressed its criticism of their refusal to participate in the negotiations.

Furthermore, the Council welcomed the fulfilment by the Russian Federation, ahead of the agreed time (end of 2001), of the commitments undertaken at the OSCE Istanbul Summit in 1999 on withdrawal and disposal (that is primarily the destruction) of the CFE Treaty-Limited Equipment located in the Trans-

3 Cf. Heinz Vetschera, The Role of the OSCE in the Military Stabilization of Bosnia and Herzegovina, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE-Yearbook 1998, Baden-Baden 1999, pp. 305-325.

dniestrian region. This relates to the holdings of heavy weapons that had belonged to the 14th Army previously deployed there. They had remained in the country and represented a point of contention. The Council also noted the progress achieved in beginning withdrawal of the Russian military equipment not limited by the CFE Treaty, i.e. essentially small arms and light weapons covered by the corresponding OSCE document. Finally, the Council thanked those states who had contributed to the voluntary fund to assist the Russian Federation to fulfil its 1999 OSCE Istanbul Summit commitments to remove or destroy weapons and ammunition in a timely manner.

The *third section* is devoted to Georgia. The Council expressed its “firm commitment to support the independence, sovereignty and territorial integrity of Georgia”, thus excluding any claims to secession. It welcomed the developments in the peace process in the Tskhinvali region/South Ossetia, in particular the measures taken by the OSCE Chairman-in-Office, the OSCE Mission to Georgia, the European Commission, and the Russian Federation *inter alia* to reduce the quantities of small arms and light weapons in this region and expressed hopes for further progress in 2002, particularly on defining the political status of the Tskhinvali region/South Ossetia within the Georgian state. The latter formulation also signifies a clear refusal of secessionist tendencies.

With regard to the situation in Abkhazia, the Ministerial Council emphasized the leading role of the United Nations there thus again reconfirming the division of labour between the United Nations and the OSCE in Georgia which exists anyway. It called on the two parties to reach a comprehensive settlement, which would also define the political status of Abkhazia as a sovereign entity within the state of Georgia. This shows evidence of a clear differentiation regarding the status strived for in both regions as the term “sovereign” is not used in connection with South Ossetia.

The ministers acknowledged the significant contribution made by the OSCE Border Monitoring Operation “along the border between Georgia and the Chechen Republic of the Russian Federation” and directed the Permanent Council to examine proposals to extend border monitoring to “the Georgian border with the Ingush Republic of the Russian Federation”. Shortly thereafter, the Permanent Council adopted a corresponding Decision.⁴

Furthermore, the Ministerial Council welcomed, on the one hand, the progress towards meeting the commitments made in Istanbul by the Russian Federation on the future of its forces in Georgia and described the closure of the military base at Vaziani and the withdrawal of the equipment from the base at Gudauta as important steps forward. However, it also called for an early transfer of the infrastructure of the former Russian military base at Gudauta as well as an early agreement on the duration and modalities of the functioning of the remaining Russian military facilities whereby it implicitly

4 OSCE, Permanent Council, Decision No. 450, Geographical Expansion of the Border Monitoring Operation of the OSCE Mission to Georgia, PC.DEC/450, 13 December 2001.

expressed its criticism that up to now the implementation of this undertaking has been slow-paced.

Finally, it welcomed the aspiration to good-neighbourly relations between Russia and Georgia, above all, the establishment of a joint commission to investigate the reported cases of bombardments in the border areas, which had led to considerable tensions.

In the *fourth section*, on the one hand, the ministers noted with appreciation the progress that the five Central Asian participating States achieved in the ten years that have passed since their accession to the OSCE. They also noted that the support of the OSCE for social, economic and democratic reforms would contribute to stability and prosperity in the region. The latter formulation again expresses some implicit criticism of the still existing shortcomings in these areas.

Furthermore, the Council emphasizes the special threats to stability and security these states are confronted with emanating from international terrorism, violent extremism, and organized crime. Although these threats affect the stability and security of all OSCE States, they are particularly important for the states bordering Afghanistan. It thus strongly reaffirmed its sustained commitment in support of these states towards further building of modern societies as well as the “creation of a secure, stable and prosperous environment in the region”.

In the *fifth section*, the participating States express their concern that efforts have failed to achieve a settlement of the Nagorno-Karabakh conflict for the time being despite the intensified dialogue between the parties and the active support of the Minsk Group Co-Chairs, established in 1994 within the OSCE as a framework for negotiations to solve the conflict. The Council called on the parties to continue the peace dialogue and to achieve an early resolution of the conflict based on the norms and principles of international law thus expressing clear shortcomings in the current process. It further encouraged the parties to explore additional measures that would enhance mutual confidence and trust, including the release of Prisoners of War (POWs). This demand explicitly refers to the fact that some of these prisoners are still being detained a decade after the end of the hostilities in violation of international conventions.

*The OSCE as Forum for Political Dialogue*⁵

Decision No. 3 is devoted to the role of the OSCE as a forum for political dialogue. In this Decision, the Ministerial Council is primarily concerned with the role of OSCE bodies, in particular, the role of the

- the Permanent Council as the principal body for political consultations and decision-making of the OSCE as well as

5 On this see the article by Victor-Yves Ghebali in this volume, pp. 329-336.

- the Forum for Security Co-operation (FSC) as the OSCE body of the politico-military dimension for reviewing the implementation of OSCE commitments in the fields of arms control and confidence- and security-building, and for negotiating measures in the fields of arms control as well as confidence- and security-building.

In relation to this, the FSC is also tasked with addressing those aspects of new security challenges that fall within its mandate and updating its activities accordingly. The FSC will - while retaining its present autonomy and decision-making capacity - be more closely connected with overall OSCE work and, to this end, will make available its expert advice on issues of a politico-military nature, at the request of the Permanent Council. This may include, as necessary, advice on politico-military issues of OSCE field operations. The FSC may also advise the Permanent Council or the Chairman-in-Office on its own initiative. This statement seems rather redundant with regard to the Permanent Council as the same delegations are represented in both bodies, however it does extend the FSC's role with respect to the Chairmanship.

Police-Related Activities

Decision No. 9 continues the course of action already begun at the 1999 Istanbul Summit to strengthen co-operation between and among participating States in police-related activities.

The participating States reaffirm the fact already recognized at the Istanbul Summit that the new challenges to security - international terrorism, violent extremism, organized crime, and drug trafficking as well as the excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons - demand correspondingly increased co-operation in police-related activities and that effective policing is essential to uphold the rule of law and to defend democratic institutions. They recall the commitments contained in Articles 44 and 45 of the Istanbul Charter for European Security 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.

This Decision gives special significance to the role of police training, particularly integrated police training, i.e. joint training for multi-ethnic police services in ethnically mixed areas, as has been promoted and implemented by the OSCE in South-eastern Europe. Another focal point of this Decision is the creation of police services that can enjoy the confidence of the entire population, as well as reinforcing the OSCE's existing role in police-related issues, also through provision of advice and assistance on restructuring and/or reconstruction of police services and through monitoring and training of existing police services, including training regarding human rights and

fundamental freedoms, thus also addressing a continuing problem in many police services.

OSCE assistance in police training is aimed at improving operational and tactical policing capacities, enhancing key policing skills, including respect for human rights and fundamental freedoms, and, as appropriate, dealing with the criminal aspects of illegal migration as well as increasing community policing, anti-drug, anti-corruption and anti-terrorist capacities. This too expresses implicit criticism of the existing shortcomings in this area in many places.

At the request of participating States and with their agreement, advice or arranging for the provision of expert advice on requirements for effective policing and an exchange of information among and between two or more participating States regarding lessons learned and best policing practices in countering the new security challenges are to be provided and/or encouraged. In support of the activities mentioned, the OSCE will convene, as appropriate and preferably annually, meetings of police experts from OSCE participating States and representatives of other relevant specialized international and regional organizations and ensure that OSCE activities in police-related issues are conducted in co-ordination with other relevant actors and organizations to compensate for shortcomings and avoid duplication or overlapping of competencies. Finally, the OSCE is to promote its capabilities in designing, conducting and managing effective police training, monitoring and capacity building in police-related areas.

Conclusion

The Bucharest Ministerial Meeting presents a conglomerate of topics contingent on the events. On the one hand, current issues had to be dealt with and solved or at least updated, as was the case in other such meetings. On the other, the terrorist attacks of 11 September 2001 also dominated the agenda of the OSCE Ministerial Meeting and were given the appropriate consideration in the Declaration, the Decisions, and the Plan of Action.

This ambivalence can be comprehended through the language used. While in formulating the Decisions in the area of regional security and police-related activities the Ministerial Council often had to fall back on the set phrases of political compromise, this is hardly the case in the statements on terrorism. Condemnations have been made without any reservations and thus allow the conclusion that all 55 participating States have really come to a strong and lasting consensus on this issue.

This consensus is due to several factors. On the one hand, the attacks had their origins outside of OSCE space and were based on an ideology which all OSCE States consider a threat, namely Islamic fundamentalism. For Islamic

Fundamentalism, the Western states represent just as much of an enemy image as Russia or the OSCE Central Asian participating States.

On the other, the rejection of terrorism is not necessarily based on common values. For Western democracies, violence in politics represents an unacceptable instrument, whatever the motives are. In other participating States, up until a short time ago, violence in politics either belonged to the repertoire of domestic debate or support was given to groups willing to use violence in other countries in the name of "liberation struggles". However, to the extent that the political elites of these states see themselves as being threatened by violent oppositional or secessionist movements, they too have every reason to support a general rejection of terrorism and improved co-operation in combating it. For this very reason, however, it was also necessary to incorporate within the pertinent text the warning that the fight against terrorism must not be misused as a pretext to suppress human rights.

Even the clear and unambiguous language on the topic of "terrorism" should thus not obscure the fact that the OSCE is comprised of a true mix of participants, who with regard to their geographic and strategic situation as well as to their ideas on values and their political development cannot be described as homogeneous with respect to standards agreed in the OSCE. This lack of homogeneity finds expression, as a rule, in the often complicated roundabout wording and set phraseology in the documents in which differing views and attitudes must be reconciled through formal compromises. However, it can even be seen in situations where, after the shock of an event like the attacks on 11 September 2001, all 55 participating States have found a common language.

The Reform Process of the OSCE since the 2001 Bucharest Ministerial Decisions

Under persistent pressure from a Russian Federation dissatisfied with the institutional functioning and political evolution of the OSCE, the OSCE initiated a comprehensive debate on its own reform at the beginning of 2001. Given the reservations of an overwhelming majority of the participating States vis-à-vis the Russian complaints and demands, the prospects for a such a debate did not, initially, bode well.¹ However, the terrorist attacks launched against the United States on 11 September 2001 generated a spirit of compromise which allowed the Bucharest Ministerial Council Meeting of 3 and 4 December to proceed smoothly in many respects. In particular, the Council adopted a first set of reform measures and agreed to continue consideration of reform-related issues. The present paper analyses the decisions taken in 2001 and offers an overview of the follow-up process conducted in the first half of 2002.

The Bucharest Decisions: A First Positive Step for Moscow

The debate on the reform of the OSCE was opened as early as January 2001 under the aegis of the Romanian Chairmanship, who after intensive consultations, established inventories on the issues at stake.² After a reinforced meeting held on 5 October 2001, the Permanent Council tasked an informal open-ended working group with elaborating recommendations for the forthcoming Ministerial Council meeting. However, the working group proved unable to deliver definitive conclusions. It merely produced two draft texts loaded with bracketed (viz. non-agreed) provisions. The first dealt with the strengthening of *political dialogue* within the OSCE, while the second addressed the improvement of the *management* of the Organization.³ Ultimately, the Bucharest Ministerial Council combined most of the substance of the first draft and rare elements of the second into a single Decision entitled “Fostering the

1 For more on Moscow's complaints and demands see Victor-Yves Ghebali, The Vienna Ministerial Council Meeting and Its Aftermath: Coping with the Russian Malaise, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 2001, Baden-Baden 2002, pp. 29-38.

2 Cf. CIO.GAL/2/01 of 8 January 2001, CIO.GAL/22/01 of 31 May 2001 and CIO.GAL/50/01 of 28 September 2001.

3 Cf. Report of the Working Group: PC.DEL/961/01, with Annexes CIO.GAL/63/Rev.2 (Annex 1) and CIO.GAL/61/01/Rev.3 (Annex 2) of 28 November 2001.

Role of the OSCE as a Forum for Political Dialogue”.⁴ In line with Moscow’s general views, in the Decision’s preamble, the importance of the OSCE as a forum for political dialogue is acknowledged, as is “the need to give political guidance to the Head of institutions and field operations”. As to the operative part of the text, it addressed some of the basic issues raised by Russia in a more or less mild way.

First, the participating States agreed that Ministerial Council meetings will be prepared by the Preparatory Committee or in *ad hoc* open-ended working groups established with sufficient time in advance, thus meeting Russian demands for careful preparation of these meetings in order to prevent improvised decisions and “last minute” negotiations.⁵

Second, the Bucharest Decision includes several provisions inspired by Russian ideas on strengthening the political visibility and restoring the authority of the Permanent Council through a streamlined agenda (refocused on “major issues”) and a regular reporting system allowing the Council to exercise more effective control on the activities of OSCE institutions and field missions. Thus, in paragraph 1 of the Decision, it is stated that the Council would provide “a permanent framework for political dialogue” and “focus its weekly regular meetings on discussing issues of interest for the participating States”. It also recommended that the Permanent Council hold discussions with representatives of other security institutions and “adopt, whenever appropriate, public declarations or statements on topics of interest for the governments, civil societies and public opinion”.⁶ Furthermore, it announced that the Permanent Council would examine “at regular intervals” (but not at fixed time intervals as envisaged by Moscow) reports of the OSCE field operations and by the Heads of institutions. With regard to OSCE institutions, the examination is to take place “with full respect of their respective mandates”. This stipulation was inserted by delegations who wanted to discourage a curtailment of existing mandates. For similar reasons, the idea of “co-ordination meetings” to be convoked by the Chairman-in-Office was abandoned. As to field operations, the examination is to take place on the basis of written activity reports distributed in advance and to include previous informal open-ended

4 Decision No. 3, Fostering the Role of the OSCE as a Forum for Political Dialogue. The Bucharest Decisions are reprinted in this volume: Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, pp. 391-417, here: pp. 408-411. For the earlier versions of these texts see CIO.GAL/56/01 of 19 October (as well as Rev.1 of 24 October 2001) and CIO.GAL/63/01 of 31 October 2001 (as well as Rev.1 of 22 November, Rev.2 of 26 November and Rev.3 of 28 November 2001).

5 Cf. Decision No. 3, cited above (Note 4), para. 6.

6 *Ibid.*, para. 1. Actually, the Permanent Council had adopted such statements previously in the aftermath of the September 11 terrorist attacks. Cf. OSCE, Permanent Council, Statement by the Permanent Council, PC.JOUR/355 (Annex) of 21 September 2001; OSCE, Permanent Council, Statement by the Permanent Council Supporting United States-Led Actions to Counter Terrorism, PC.JOUR/360 (Annex) of 11 October 2001; OSCE, Permanent Council, Statement by the Permanent Council on the Fiftieth Anniversary of the Adoption of the 1951 Convention Relating to the Status of Refugees, PC.JOUR/361 (Annex) of 18 October 2001.

discussions with the Head of Mission; however, contrary to Moscow's wishes, these discussions will not end with political directives.⁷

Third, with regard to Moscow's concerns about strict observance of the *consensus rule* at all stages of debates, the Bucharest Decision stated that meetings of all OSCE intergovernmental bodies would be conducted "with inclusiveness, equality and free exchange of views in order to address the interests of all participating States and to identify areas for co-operation and compromise".⁸ In particular, it mandated the Permanent Council to "make use" (but not "full use" or "a maximum use" as expected by Moscow) of the Preparatory Committee in its decision-making procedure.⁹

Fourth, on the substantive issue of a *rebalancing the three dimensions* in favour of the politico-military and economic-environmental dimensions, the Bucharest Ministerial Council took certain preliminary initiatives. It clarified the Forum for Security Co-operation's relationships with the Permanent Council and recommended that the Forum refocus its agenda in order to address the politico-military aspects of new security challenges.¹⁰ More significantly, it requested that the Forum contribute, within its own competencies, to an OSCE strategy countering threats to security and stability in the 21st century, to be developed under the auspices of the Permanent Council.¹¹ Furthermore, the Ministerial Council decided to reshuffle the economic-environmental dimension through the establishment, within the framework of the Permanent Council, of a specialized informal Economic and Environmental Sub-Committee.¹²

No consensus could be achieved on several topics such as staff and budgetary matters, interaction between Secretariat and the Chairman-in-Office, the external representation of the OSCE, the issuance of public statements on behalf of the Organization and, most regrettably, the legal capacity of the OSCE. On that particular point, the opposition of a single delegation (that of the United States) precluded any agreement beyond a simple directive that the existing informal working group on the legal capacity of the OSCE "continue its work and seek to solve this issue".¹³

However, in the general area of reform, two decisions of a more substantive character were reached. The first was related to *terrorism*, a topic particularly dear to Moscow. The Council approved a detailed "Plan of Action for Combating Terrorism" setting up a framework for comprehensive action to be taken by participating States and the OSCE as a whole - both through its own

7 Cf. Decision No. 3, cited above (Note 4), para. 1.

8 Ibid., para. 7.

9 Cf. *ibid.*, para. 1.

10 Cf. *ibid.*, paras. 8 and 9.

11 This particular provision was not included in the Decision on reform but can be found in para. 8 of the Bucharest Ministerial Declaration, reprinted in this volume, Ninth Meeting of the Ministerial Council, cited above (Note 4), p. 393.

12 Cf. Decision No. 3, cited above (Note 4), paras. 11 to 13.

13 Ibid., para. 2.

activities and in co-operation with other fora.¹⁴ Although questionable from an added-value viewpoint, the Plan of Action was not insignificant: It represented an act of solidarity from the community of the OSCE States with the worldwide fight against terrorism and, at the same time, demonstrated the OSCE's potential to make simultaneous use of the resources of all its three dimensions. The second decision dealt with *police-related activities*. It aimed to help governments to counter a range of "new security challenges" including terrorism and, at the same time, enhance the capacities of the OSCE in civilian police-related activities as part of its global conflict management role.¹⁵

Although they do contain some of the desired elements, the Bucharest Decisions fell largely short of the most basic Russian expectations.¹⁶ Nevertheless, Moscow chose to regard them as a first positive step and demanded the continuation and further development of the reform process. Accordingly, the Ministers tasked the Permanent Council, through a special working group, "to continue consideration of issues related to OSCE reform and report to the next meeting of the Ministerial Council".¹⁷

Follow-up to Bucharest: The Working Group on OSCE Reform

On 26 April 2002, the Portuguese Chairmanship set up an open-ended working group to bring forward the work started in the previous year on OSCE reform. This working group took a slightly revised version (prepared by the Chairman-in-Office) of the draft text on "Management" as a basis for its discussions, which the Ministers failed to adopt in Bucharest and which included seven specific topics: reporting by OSCE institutions and field operations; Secretariat assistance to the Chairman-in-Office as well as to participating States, institutions and field operations; responsibility of the Chair-

14 Decision No. 1, Combating Terrorism (and Annex: The Bucharest Plan of Action for Combating Terrorism), reprinted in this volume, Ninth Meeting of the Ministerial Council, cited above (Note 4), pp. 393-402.

15 Decision No. 9, Police-Related Activities, *ibid.*, pp. 413-416. Cf. also OSCE, Permanent Council, Decision No. 448, PC.DEC/448 of 4 December 2001. Alongside terrorism, the other security challenges identified were: violent extremism, organized crime, drug trafficking and trafficking in human beings as well as the destabilizing accumulation and uncontrolled spread of small arms and light weapons.

16 In addition, only a few days after the Ministerial Council Meeting, Russia's relative satisfaction with the Bucharest Decisions was offset by the closure of the OSCE Missions operating in Estonia and Latvia. While Moscow vehemently advocated the maintenance of an OSCE presence in both countries, the large majority of the participating States were of the opinion, on the basis of "Guidelines" the Austrian Chairmanship had issued in the previous year, that the mandates of the Missions had been successfully fulfilled. In the absence of a consensus for renewal, they considered the mandates as terminated. Not without reason, Russia denounced this implicit decision as a political mistake which, in addition, was of dubious legal validity. On Russia's reaction see OSCE, Permanent Council, PC.JOUR/373 of 13 December 2001 (Annex) as well as PC.JOUR/374 of 18 December 2001 (Annex).

17 Bucharest Ministerial Council Declaration, cited above (Note 11), para. 5, p. 392.

man-in-Office; strengthening co-operation with other international organizations on the basis of the Platform for Co-operative Security by opening a Secretariat Liaison Office in Brussels; public information; staffing; and, finally, budgeting.¹⁸ The scope of this agenda was extended even further by the Secretary General who requested that his two regular annual reports (on “OSCE Activities” and on “Interaction between Organizations and Institutions in the OSCE Area”) be merged into a single annual document covering a whole calendar year coinciding with the period of the Chairmanship.¹⁹ During the four sessions held in the first half of 2002 (17 May as well as 7, 14 and 21 June 2002), the Working Group concentrated its work on the functioning of the field missions (including interaction between the decision-making and implementing bodies of the OSCE) and public information.²⁰ Parallel to this, the Informal Financial Committee also formed sub-groups to hammer out new staff and financial regulations.

On the basis of the deliberations of the Working Group and the Informal Financial Committee, the Permanent Council, on 28 June 2002, adopted two specific decisions: the Decision on “Improving the Budgetary Management of the Organization”²¹ and the Decision on “OSCE Statements and Public Information”.²² Given its particularly technical nature, the former will not be commented upon here. As to the second, its political relevance (from a general perspective as well as from Moscow’s point of view) is more evident. That Decision established a basic distinction between “formal OSCE positions” - as expressed in “decisions, statements and documents adopted by the decision-making bodies on the basis of consensus” (an unproblematic category) - and “public statements on behalf of the OSCE as a whole”, emanating from the Chairman-in-Office and the Secretary General as well as their authorized official representatives. Statements made by the Chairman-in-Office or any other OSCE official in a personal capacity or from a national point of view will now have to be “clearly identified as such” in order to avoid any possible confusion. In summarizing the results of discussions at the Permanent Council or the Ministerial Council, the Chairman-in-Office is expected “to take into account the entire spectrum of expressed opinions, if necessary, following consultations with the participating States”. As to the Heads of the field operations and institutions, their statements and public outreach activi-

18 Cf. CIO.GAL/31/02 of 15 May 2002 and Add.1 of 3 June 2002. On the Bucharest version, cf. CIO.GAL/63/01 of 28 November 2001. Other topics initially suggested by the Chairman-in-Office included: the balance between the three dimensions and the legal capacity of the OSCE. Cf. CIO.GA/24/02 and CIO.GAL/25/02 of 24 April 2002.

19 Cf. SEC.GAL/88/02 of 31 May 2002, SEC.GAL/92/02 of 4 June 2002, SEC.GAL/96/02 of 6 June 2002 and SEC.GAL/109/02 of 21 June 2002.

20 On the conclusions of the Chair drawn after each session: CIO.GAL/34/02 of 22 May 2002, CIO.GAL/43/02 of 11 June 2002, CIO.GAL/46/02 of 18 June 2002 and CIO.GAL/47/02 of 24 June 2002.

21 OSCE, Permanent Council, Decision No. 486, Improving the Budgetary Management of the Organization, PC.DEC/486 of 28 June 2002.

22 OSCE, Permanent Council, Decision No. 485, OSCE Statements and Public Information, PC.DEC/485 of 28 June 2002.

ties should not be inconsistent with OSCE consensus positions and, in any case, should immediately be transmitted to national delegations in Vienna. The Decision also instructs the Press and Public Information Section to act as a focal point for all OSCE public statements in order to promote consistency with OSCE consensus positions, while avoiding that the Section itself issues publications and press releases that are inconsistent with consensus decisions and documents. Finally, it mandates the Secretary General to submit periodic implementation reports in this field. That Decision, whose leitmotiv is “strict consistence with consensus”, certainly accommodates Moscow greatly. The trouble is that it might lead to a significant reduction of the leeway the Chairman-in-Office, the Heads of field missions and the Heads of OSCE institutions have enjoyed up to now. The fact that the United States co-sponsored the draft proposal on the basis of which the Decision was ultimately made is, however, somewhat puzzling.²³

As it could be expected, there has been no progress made on the issue of legal capacity: The American delegation has clearly stated that since “the issue is under review in Washington” it could not “lay out any position that is at variance with those previously presented”.²⁴ In addition, the debate on field activities is at standstill. Furthermore, there is no consensus on the idea of harmonization rules for reporting regarding rigid time intervals and specific contents (for example information on internal staff and financial matters) - out of principle, and to avoid imposing too heavy obligations on small-scale missions. However, the heart of the issue revolves around the respective roles the Chairman-in-Office and the Secretariat play in the management of the field missions, the OSCE’s external representation and relations with other international organizations. In this connection, the European Union has been considering that the Vienna Secretariat should be formally authorized to develop political analytical skills, and to establish a small unit whose members the Secretary General could assign to each successive Chairman-in-Office as members of his “Cabinet”.²⁵

Review Process versus Reform Process

In international organizations, the issue of reform is normally raised when they are in crisis, that is to say when member states (or just one or more major powers) express complaints about the administrative and/or political performance of the institution or consider their participation as politically unre-

23 Cf. PC.DEL/436/02 of 17 June 2002 and Rev.1 of 24 June 2002. Cf. also amendment proposals tabled by Turkey (PC.DEL/445/02/Rev.1 of 20 June 2002) and Azerbaijan (PC.DEL/453/02 of 21 June 2002).

24 PC.DEL/306/02 of 30 April 2002.

25 Cf. PC.DEL/414/02/Rev.1 of 21 June 2002. On the European Union’s formal position see also PC.DEL/297/02 of 26 April 2002, PC.DEL/353/02 of 17 May 2002, PC.DEL/413/02 of 7 June 2002.

warding. Within the OSCE, several forms of dissatisfaction of varying intensity are discernable.

Some participating States (namely Azerbaijan, Georgia and Moldova) are extremely unhappy with the OSCE's inability to effectively manage the "frozen conflicts" in which they are directly involved as conflict parties. Another group of countries is discontented because their poor individual record in the field of the human dimension is regularly subject to public criticism: the Central Asian states, Belarus and more generally most of those countries who have been targeted by the Representative on Freedom of the Media belong to that category. Although far from being truly "dissatisfied" with the OSCE, a large number of participating States, (including the EU member countries and the United States) do recognize - as no international organization can claim perfection - that corrective measures are needed in view of a more in-depth political dialogue, a more transparent and participatory decision-making process, a more satisfactory balance among the three dimensions, a more effective and transparent management and it is also clear to them (with the exception of the US) that the OSCE must urgently be granted international legal capacity as well as corresponding diplomatic privileges and immunities. Finally, there is Russia, who because of its radical argument that the OSCE is in a deep "*crisis*", represents a unique case.

The Russian Federation is demanding a complete institutional overhaul aimed at "restoring" the control of the decision-making bodies over OSCE activities as well as on administrative and budgetary management. It calls for a substantially revised agenda allowing the OSCE to address the "real" threats and challenges of the present time (such as terrorism) and not just those of a "peripheral" character. It is also insisting on a balanced development of all three dimensions of comprehensive security in order to stop the alleged hegemony of the human dimension and to upgrade politico-military affairs (through the topic of pan-European peacekeeping operations) as well as economic-environmental affairs. Last, but not least, Moscow demands the end of the "double standard policy" which leads the OSCE to limit its criticism and reserve its patronizing assistance only to those participating States located "East of Vienna".

At present, Moscow views the reform of the OSCE as a long-term process which, as such, must remain a priority. Russia has made clear that its attitude towards the OSCE will depend on the outcome of this reform process. In this connection, it expects that the next Ministerial Council will confirm the political relevance of the OSCE by adopting "a set of decisions on reforming the OSCE, with a more precise definition of the tasks for 2003", an OSCE Charter on Combating Terrorism and a conceptual framework for OSCE peacekeeping activities.²⁶ However, the overwhelming majority of participating States do not consider that the OSCE is going through a "crisis". They rule out the idea of subjecting the Organization to stringent regulations which

26 Cf. PC.DEL/480/02 of 28 June 2002.

could jeopardize its traditional flexibility and, hence, the capacity of rapid reaction that has become its trademark. As the European Union expressed it, the OSCE requires only a few practical improvements and, as a consequence, reform cannot be a permanent process. It remains to be seen if one can satisfy Russia at the Tenth Ministerial Council (on 6 and 7 December 2002 in Porto), with short-term “deliverables”.

The Importance of the OSCE Permanent Council

The Establishment of the Permanent Council

The OSCE Permanent Council, at that time called the “CSCE Permanent Committee”, was established through a decision of the Rome Meeting of the CSCE Council in 1993 and emerged from the need to strengthen the OSCE (then still the CSCE) through a permanent body situated in one place (Vienna). The participating States are represented in the Permanent Council through the heads of the OSCE delegations and/or representations in Vienna. The renaming of this body to “Permanent Council” at the Budapest Summit Meeting (December 1994) was designed to consolidate its central role. According to the corresponding decision, the Permanent Council is the “regular body for political consultation and decision-making”.¹ The Charter for European Security defines the role of the Permanent Council more precisely: “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.”²

The Central Importance of the Permanent Council

The Permanent Council, which meets at least once a week, has become the hub of the OSCE. It is the core of the consensus principle, put into practice, and the nucleus of the co-operative character of this Organization of 55 equal participating States. The Permanent Council is supported by a series of informal sub-organs (for example, the Preparatory Committee, the Informal Financial Committee, informal working groups, the Economic and Environmental Sub-Committee etc.). Through this multitude of consultation mechanisms, a culture of permanent and equal consultation has developed within the OSCE, which is definitely unique among international and regional security-policy organizations.

1 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. 154.

2 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. 435.

Permanent Council meetings are not open to the public; documents of the Permanent Council are only circulated among the delegations. However, the practice has emerged that representatives of the media are allowed to attend presentations by political actors, however, the debates following these are again confidential. Some delegations publish statements regularly on their internet pages.

For some time now, the delegations have been dealing with the question of the OSCE's media impact generally and with that of the Permanent Council's specifically. Proposals by some delegations directed towards more media presence at the meetings or at least the regular dissemination of information on the activity of the Permanent Council afterwards have not come to fruition up to now because of the irreconcilability of the desire to offer the public interesting news and the need to keep certain topics confidential.

Permanent Council Procedures - The Consultation Function

The agenda of the Permanent Council, which is prepared by the country who holds the OSCE Chair, has not changed fundamentally in the eight years of the Council's existence.³ It contains general agenda items recurring weekly that are an inherent part of (almost) every meeting:

- *Reports of the Heads of OSCE Missions:* These reports, in which the Head of a Mission presents the activities of the Mission as well as the general political environment in which it works, serve as a basis for an information exchange on the current situation in a particular participating State and offer the delegations the opportunity to state their official position on this. The total of all statements provide the Chair as well as the participating State involved and all the other participating States with an idea of the international assessment of the particular situation. Through this opinion exchange and the corresponding statements by the Chair, the Head of the Mission in question receives guidelines for his/her future actions.
- *Reports on the Activities of the Chairperson-in-Office:* The Chairperson-in-Office performs a co-ordination and communication role, which allows him/her to act as the face and the voice of the OSCE for the outside world.⁴ The weekly reports give information on implemented as

3 Cf. Márton Krasznai, Consultation and Political Dialogue in the Permanent Council, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 345-353.

4 Cf. CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis

well as planned activities and give the participating States the opportunity to react to these.

- *Reports of the OSCE Secretary General:* The OSCE Secretary General, who is primarily responsible for administrative tasks and supporting the Chairperson-in-Office, is - through the increasing number of Secretariat personnel and the continuity of this office (a five-year period⁵) - being growingly perceived as an important representative of the Organization. He fulfils his mandate further by supporting the Chairperson-in-Office through his contacts to international organizations; his reports also serve to provide information for the participating States as well as assisting in the dialogue with them.
- *Reports of the Heads of OSCE Institutions:* The High Commissioner on National Minorities, the Director of the Office for Democratic Institutions and Human Rights and the Representative on Freedom of the Media report to the Permanent Council at regular intervals; what was mentioned above is also valid for these important mechanisms of conflict prevention.

By providing all this information, these reports and statements, the Permanent Council exercises a *steering function* with respect to on-going OSCE operations in the areas of conflict prevention, crisis management and post-conflict rehabilitation.

Alongside these fixed agenda items, the Permanent Council is being increasingly used by high-ranking personalities as a *political platform*. The high point of this up to now has doubtless been the appearance there of UN Secretary-General Kofi Annan in July 1999. This was followed by presentations by NATO Secretary General Lord Robertson in October 2000, the EU External Relations Commissioner Chris Patten in November 2000 and the High Representative of the European Union Javier Solana in January 2001. In addition, high-ranking political representatives of the participating States have repeatedly taken the opportunity to express their positions on security-policy issues to this body of 55 participating States, as was done, for example, in February 2000 by the President of Kazakhstan, Nursultan Nazarbaev, and in September 2001 by the President of Kyrgyzstan, Askar Akaev. This develop-

and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, here: p. 712.

5 According to the Decision of the Stockholm Ministerial Council in 1992, the Secretary General is appointed for a period of three years. This period can be extended for another two years. Cf. Stockholm Meeting of the CSCE Council, Stockholm, 15 December 1992, in: Bloed (Ed.), cited above (Note 4), pp. 845-899, here: Annex 1, the Secretary General of the CSCE, pp. 863-864. At the Bucharest Ministerial Council Meeting in December 2001, the period in office of Secretary General Ján Kubiš, who had been in office since 1999, was, by way of exception, extended for another three years effective on 15 June 2002. Cf. Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, reprinted in this volume, pp. 391-417, here: p. 417.

ment shows the mounting relevance of the OSCE in the European security-policy architecture and that of adjacent regions.

The opinion exchange with high-ranking representatives of other international organizations serves to support the increasing necessity to create a network of European security organizations, to co-ordinate these, and yes - in stages - to divide the labour between them as this was expressed in the Platform for Co-operative Security adopted in 1999.⁶

The most essential item on the agenda, however, is devoted to *current issues*. This item offers the opportunity to voice the most current developments in all three OSCE dimensions, whether this is to report to other participating States on the situation in one's own country or to receive information on the developments in other participating States. To enable dialogue on current issues, it is as a rule advisable to bring the matter for discussion, in advance, to the attention of the participating State(s) concerned, the Chairperson of the Permanent Council, and if need be to other participating States who could offer support. These are often issues in the human dimension, such as detention, death sentences and media questions, whose solution is urgently required. Another series of topics includes reactions to election results and/or reports by the Office for Democratic Institutions and Human Rights on election monitoring. In addition, one has also broached politico-military subjects like the developments in the Caucasus, in Northern Ireland or the border triangle of Uzbekistan/Kyrgyzstan/Tajikistan.

Above all, by addressing current and urgent problems, the Permanent Council performs its role in the area of conflict prevention.

The Permanent Council's Decision-Making Function

The Permanent Council works on the basis of the consensus principle. Occasional attempts at relativizing the consensus principle, or even trying to find loopholes in it, have failed regularly in the recent past. In the Charter for European Security (Istanbul 1999), in which the most current status of OSCE structures and mechanisms given the blessing of Heads of State or Government has been reflected, quite a number of participating States with the Russian Federation in the lead made it their concern to reaffirm this principle in all clarity.⁷ The directive, also laid down there, to respond flexibly to political situations, is, on the other hand, to guarantee that rapid reactions are not impeded or prevented by the requirement of unanimous decisions. The Chairperson of the Permanent Council moves in this field of high tension almost daily.

6 Cf. Charter for European Security, cited above (Note 2), Operational Document - the Platform for Co-operative Security, pp. 441-443.

7 Cf. Charter for European Security, cited above (Note 2), p. 428.

In practice, there are consensus decisions on budgetary measures (annual budgets, supplementary budgets, scale of distribution etc.) and organizational and/or institutional questions, on the admission of new participating States and/or establishing relations with new partner states, on the mandates and duration of missions which are to be established as well as those in existence, on proposals for appointments by the Chairperson-in-Office to the posts of the Secretary General and heads of institutions, on reports, declarations, decisions etc. to be presented to the Ministerial Council or meetings of the Heads of State or Government, on the time, place, agenda and modalities of Ministerial Councils and meetings of the Heads of State or Government, conferences and seminars, on plans of action, strategies and similarly comprehensive activity areas.

Other Forms of Expressing Consensus

Apart from formal Decisions, there are also other forms in which prevailing opinion can be expressed in the Permanent Council. It is the primary responsibility of the head of the permanent representation of the chairing country, who holds the office of Chairperson of the Permanent Council, to bundle and articulate the variety of opinion expressed in the Council. He/she has various mechanisms, built up by convention, at his/her disposal, such as declarations, summaries, and perceptions. As Chairperson, one would use a declaration to give emphasis and importance to the stance of the participating States via the authority of the Chair. A summary offers the opportunity to present contradictory opinions and finally to point out a path leading to the absence of contradiction. The most delicate instrument is the "Chairperson's perception", which inherently already conveys the thought that the envisioned summary does not have the total agreement of all delegations, but that the Chair would nevertheless like to make a recommendation on how to proceed further on the issue. The technique behind using all these statements is to conduct consultation that is as sound as possible beforehand as well as having sure instincts on the spur of the moment.

Consultation Mechanisms

The requirement of a formal or also informal consensus means that one of the most important tasks of the Chairperson of the Permanent Council is clarifying all intentions through consultation. In this connection, there is a whole series of consultation processes in various formats that have proven their worth, which each Chair can shape according to his own priorities. The weekly meetings of the Chairperson of the Permanent Council with the Representatives of the other two Troika States (the previous and succeeding

Chairs) as well as the OSCE Secretary General have been quasi-institutionalized.

In the consultations with the delegations of the participating States, one must of course be especially considerate of all participating States that are directly affected by a specific plan and/or those that show a special interest in the developments. This circle changes depending on the topic. However, there is a group of participating States that comment on every topic and who, because of the staff at their disposal, are also in a position to do this. In practice, these participating States together with the OSCE Troika form a kind of informal steering group, an instrument without which the Chairperson-in-Office could hardly fulfil his/her multi-faceted tasks and his/her responsibility for running the Organization.

The Common Foreign and Security Policy of the EU is reflected in a very strong coherence within the European Union on OSCE issues. The regular meetings with the participating State that holds the EU Presidency have the advantage that this information is conveyed to the 14 other EU member states and that common positions are then developed with them. Moreover, countries that are candidates for accession generally subscribe to these EU positions so that the Chairperson, through consultations with the delegation of the participating State who holds the EU Presidency, can reach a group of up to 28 countries. Another group whose members most often have common positions are the GUUAM states (Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova) as does the group of the Visegrád states (Hungary, Poland, the Slovak Republic, the Czech Republic), although only case by case. Alongside these, there are other groupings and informal formations which all help in the process of reaching agreement.

Despite this endless sequence of meetings of larger and smaller groups, there are a number of delegations that have repeatedly expressed criticism on the *issue of the insufficient transparency* of the decision-making process, as they do not feel they are being adequately informed. This has posed an almost insoluble task for the Chairperson. On the one hand, he/she must have the most important actors on board, but at the same time must not give other interested participating States the feeling that their interests are not being given adequate attention. This is a task which requires a huge amount of time, patience and diplomatic expertise.

Sub-Bodies of the Permanent Council

Preparatory Committee

In November 1999, a Preparatory Committee was established to “assist in its (the Permanent Council’s) deliberations and decision-making and to strengthen the process of political consultations and transparency within the Organi-

zation”.⁸ The Austrian Chair, who for the first time had the task of bringing life to this body, used the Committee to debate and clarify the willingness for consensus on impending decisions as well as to provide information on and discuss current developments and the Chair’s intentions. The informal atmosphere of this Committee was meant to allow for open discussion and had immense value for the Chairperson as consultations could be extended to all interested participating States. In addition to the process of finding a consensus, the Committee thus served to provide the transparency being rightly called for. Succeeding Chairs have not only not developed and improved the potential of this organ further, but have let it waste away; in fact, the Preparatory Committee is now leading a shadowy existence and is used merely (and not always even this) to determine whether there is willingness for a consensus with respect to decisions to be put before the Permanent Council.

Informal Open-Ended Working Groups

The Chair can, of his own accord or upon the application of participating States, establish informal working groups on regional issues as well as factual topics. It has become common practice that informal groups meet in which members have the opportunity to discuss the reports from Heads of OSCE Missions, namely before their appearance at the Permanent Council. There are topic-oriented working groups or they are being planned on gender issues and trafficking in human beings, in particular trafficking in women, on tolerance issues (i.e. in the area of racism and xenophobia) as well as on issues in which the Bucharest Ministerial Council tasked the OSCE with developing follow-up measures (terrorism, OSCE reform). The chairmanship of these topic-oriented working groups has to an increasing extent been transferred from the Chairperson-in-Office to the delegations of other participating States. This reasonable development allows for broader integration and support of interested and engaged personalities. The responsibility for building a consensus on the texts developed in these working groups, however, ultimately remains in the hands of the Chairperson-in-Office.

The Informal Financial Committee

The Informal Financial Committee (IFC) prepares Permanent Council Decisions on budgetary and organizational issues. Moreover, it provides the participating States with information from the Chair and the Secretariat. Already the fact that the OSCE budget is continually growing has led the IFC to develop into an important steering body in which not only the Secretariat and institution budgets, but also the individual field mission budgets are critically examined and analysed.⁹ In the past, the required funding for political ac-

⁸ Ibid., p. 435.

⁹ The regular OSCE annual budget for 2002 totalled 172 million euro.

tions, which due to critical developments had to be implemented rapidly, was sometimes only allocated after the fact. This practice no longer seems feasible. The process of forming opinions in the IFC has become increasingly difficult. For example, the total annual budget for the year 2002 was only accepted in April of the current budget year. There is a dangerous tendency by those who refuse to agree to a budget for projects they do not support to say these could be financed through voluntary payments. In addition to the necessary budgetary discipline, austerity and control, a certain amount of solidarity in funding operations that are not directly in one's own interest is also essential for a co-operative security organization. This is the Achilles' heel of the celebrated flexibility of the Organization.

The Economic and Environmental Sub-Committee

The establishment of this Sub-Committee, which was decided upon at the Bucharest Ministerial Meeting in December 2001, is to be seen in the context of strengthening the economic dimension of the OSCE. This Committee, with the involvement of the Co-ordinator of OSCE Economic and Environmental Activities, is to offer the participating States the opportunity for a permanent dialogue on economic and environmental issues, in particular from the point of view of security policy. In addition, it is to prepare the Economic Forum as well as implementing its follow-up measures. After only one meeting, an assessment of the work of this new body would be premature.

Reinforced Formations of the Permanent Council

The establishment of the Permanent Council in Vienna made the Senior Council, which is still in existence, *de facto* superfluous (up to now, the last Senior Council met at the Political Directors level in Prague in 1996). Instead of the Senior Council, the so-called *Reinforced Permanent Council* has been created, which allows calling in experts from state capitals on important regional as well as thematic issues.¹⁰ Reinforced sessions took place in July 2000 on the situation in Moldova and Georgia, in the year 2001 on the topic of OSCE reform as well as in 2002 on issues related to combating terrorism. However, the Senior Council does still meet annually in Prague as the *Economic Forum* and not least should be revitalized by the decision passed in Bucharest to strengthen the OSCE economic and environmental dimension as well as by the creation of the above-mentioned sub-committee of the Permanent Council.

The *Supplementary Human Dimension Meetings*, to be held three times a year, are also a new institution assigned to the Permanent Council. The Chair

10 The set phrase "meetings of the Permanent Council in a special or reinforced format" found its way into the Charter for European Security; the Senior Council was no longer mentioned.

selects the issues to be dealt with and although prior consultations are required on this, a consensus need not be reached. The decision to hold these meetings in Vienna emerged from the need to support the human dimension not exclusively at the annual Human Dimension Implementation Meeting in Warsaw, but to discuss topical issues with experts from other international organizations and the non-governmental area concentrated in one day and to draw conclusions from this. A follow-up by the Permanent Council is envisaged. The next logical step, namely the establishment of a sub-committee on the human dimension (similar to the Economic and Environmental Sub-Committee), which would meet on a case-by-case basis, did not find a consensus in Bucharest in 2001. The main argument against this was that the OSCE had already overly emphasized the human dimension and it should not be given even more focus.

A project that was also taken up again in the reform discussion last year, but not met with approval either, was the transformation of the autonomous Forum for Security Co-operation (FSC), the central body of the politico-military dimension of the OSCE, into a sub-committee of the Permanent Council. The FSC is now to become more closely linked to the Permanent Council primarily by having the Chair of the FSC represented in the Permanent Council Troika and vice versa.¹¹ As is so often the case, one has been unable within the OSCE to find a consensus for a solution which seems logical to outsiders - namely a Permanent Council with three sub-committees for the three OSCE dimensions. Thus it remains difficult for outsiders to see through the inter-governmental structure of the Organization.

Evaluation

The Permanent Council has continually performed the central consultation and steering role assigned to it by the Heads of State or Government of the OSCE participating States in Budapest (1994) and Istanbul (1999) and has proved its worth in this role.

Nevertheless, there have been criticisms as well as reform approaches. The cornerstones of possible reform could be, on the one hand, to further strengthen the Permanent Council at the cost of the Chairperson-in-Office. In detail, this would imply that as many decisions as possible - also those of a procedural and technical nature - be reserved for consensus-based decision-making by the Permanent Council. On the other hand, the necessary flexibility of the leading OSCE functionaries is also being emphasized, as otherwise the ability to react rapidly to emerging crises would no longer be assured.

11 The two Troika formations mentioned here are not identical: The FSC Troika rotates every three months according to the alphabet, the OSCE Troika is made up of the participating State which holds the Chair, the participating State that held the Chair in the preceding year and the participating State to hold the Chair in the succeeding year, which rotate annually.

Another criticism is directed at the substance of the activities of the Permanent Council. The development of the OSCE towards concrete operations starting with the first Missions of Long Duration in Kosovo, Sandjak and Vojvodina in 1992 and strengthened by the establishment of the first large OSCE Mission to Bosnia and Herzegovina, has led to a fact that not all participating States find desirable, i.e. that the Permanent Council has concentrated on events in participating States, which - in the words of the Russian delegation - are all "East of Vienna". To correct this "imbalance", the Permanent Council has also been dealing increasingly with topics that affect all participating States equally (e.g. terrorism, trafficking in human beings; issues in the area of racism and xenophobia are being considered for the future). Moreover, proposals to deploy "roving missions" - which, in addition to or instead of the quasi-permanent missions, are to take action on the demands of the host state(s) and in close co-operation with it (them) - point in this direction. Naturally, the weight that the Permanent Council carries is closely related to that of the entire Organization. Both developments in other European security organizations as well as the commitment of the individual participating States have their effect on the Organization.

Up to now, the OSCE has consistently adapted to the changing needs of the community of states in a flexible manner and provided proof of its merit in certain sectors. It is the author's personal hope that this unique security organization - which is comprehensively extensive, both spatially as well as thematically, which as a priority uses civilian, non-military instruments and whose participating States, equally and to a certain extent in a democratic dialogue, take action on measures directed at more stability and human dignity even though this is on the basis of unanimity - will, also in future, be able to prove its *raison d'être*.

Interpretative Statements at the Permanent Council: A Quantitative and Qualitative Analysis

Introduction

Decision-making within the OSCE is based on consensus. With a few notable exceptions, such as the Vienna and Moscow Human Dimension Mechanisms,² decisions still require - in the original language of 1973 - “the absence of any objection expressed by a Representative (of a CSCE participating State, R.M.) and submitted by him as constituting an obstacle to the taking of the decision in question”.³ Although consensus-based decision-making has its drawbacks, its most frequently cited merit is that states will more strongly support decisions to which they have given their (explicit or tacit) consent.⁴ The OSCE Handbook describes the consensus principle as a reflection of the Organization’s co-operative approach to security and the fact that all participating States have equal status.⁵

This original and fundamental principle of consensus, however, has come under increasing pressure recently by an uncontrolled proliferation of “interpretative statements” within the OSCE’s most important operational body, the Permanent Council (PC) which meets weekly in Vienna. The instrument of interpretative statements goes back to paragraph 79 of the Final Recommendations of the Helsinki Consultations, the so-called “Blue Book”, which reads:

Representatives of States participating in the Conference may ask for their formal reservations or interpretative statements concerning given decisions to be duly registered by the Executive Secretary and circulated to the participating States. Such statements must be submitted in writing to the Executive Secretary.⁶

1 Richard Müller is Political Assistant at the US Mission to the OSCE. The views expressed are those of the author and do not necessarily represent those of the US government.

2 On the mechanisms and procedures of the human dimension see Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 40-44; see also ODIHR, *OSCE Human Dimension Commitments: A Reference Guide*, Warsaw 2001, pp. 123-127.

3 Final Recommendations of the Helsinki Consultations, Helsinki, 8 June 1973, para. 69 (Chapter 6), in: Bloed (Ed.), cited above (Note 2), pp. 121-140, here: p. 133.

4 For thorough discussions of the consensus rule see Erika Schlager, *The Procedural Framework of the CSCE: From the Helsinki Consultations to the Paris Charter, 1972-1990*, in: *Human Rights Law Journal* 12/1991, pp. 221-237, here: pp. 223-224; see also Bloed (Ed.), cited above (Note 2), pp. 18-22.

5 Cf. OSCE Secretariat, *OSCE Handbook*, Vienna 2000, p. 28.

6 Final Recommendations of the Helsinki Consultations, para. 79 (Chapter 6), cited above (Note 3), p.135.

My argument is developed in three parts: In a quantitative analysis, I show that the frequency of interpretative statements increased dramatically in 2001. Moreover, I identify those countries which have most often employed this instrument. In a second step, I argue that not all interpretative statements are equally prone to eroding the OSCE acquis. Therefore, I propose a typology of five categories of interpretative statements, distinguishing four “benign” types from one “malign” type. The term I use for this latter category is “corollaries and caveats”. Again, I show which countries have used this type of statements most frequently. Finally, I discuss the possible effects of interpretative statements.⁷

Who Uses Interpretative Statements?

The Permanent Council was established by the Budapest Summit of 1994. Between 1994 and 2001, it adopted a total of 463 Decisions. These Decisions were accompanied by 79 “interpretative statements under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations”.⁸ In analyzing the frequency of interpretative statements since the establishment of the Permanent Council, one can observe a worrying increase in their absolute and relative numbers in 2001 (see Chart on p. 349). Between 1994 and 2001, an average of ten statements were made, i.e. 17 per cent of the average number of 58 PC Decisions per year. In 2001, however, a total of 32 statements were registered, amounting to more than 50 per cent of the 63 PC Decisions adopted that year. In other words, on every second Decision one or more delegations thought it necessary to have the last word on the issue. Yet, the dramatic increase in the number of interpretative statements in 2001 should not be mistaken as representing the highpoint of a continuous development: In fact, the percentage of statements increased steadily between 1994 and 1997, but decreased significantly in the years 1998 to 2000. In other words, the excessive use of interpretative statements in 2001 should be treated as a one-time aberration rather than be allowed to develop into a solidifying trend.

7 In the present paper, I limit myself to examining interpretative statements in connection with Permanent Council Decisions. Other OSCE decision-making bodies, such as Ministerials and Summits, or historical bodies, such as the Permanent Committee, fall outside the scope of this study.

8 A detailed compilation of all 79 interpretive statements with references to the corresponding PC Decision, the participating State who submitted the statement and a description of each type of statement may be obtained from the author.

Interpretative statements were most often used by Russia, Turkey, Greece and the former Yugoslav Republic of Macedonia (FYROM). The unusually high ranking of Greece and FYROM is due to the conflict over the proper name of the “former Yugoslav Republic of Macedonia” and/or the “Republic of Macedonia”. FYROM made six statements on this issue, which were rejected by Greece in four cases. Also contained in the list are six EU statements to which various other delegations subscribed. Table 1 depicts a ranking of participating States according to the number of interpretative statements made between 1994 and 2001.

*Table 1: Number of Interpretative Statements by Country (1994-2001)*⁹

Rank	Country	Statements
1.	Russian Federation	14
2.	Turkey	12
3.	Greece (6 EU plus 5 individual statements)	11
4.	FYROM	9
5.	Spain (6 EU plus 2 individual statements)	8
6.	Bulgaria, EU countries other than Greece and Spain (6 EU plus 1 individual statement each)	7
7.	US	6
8.	Albania, Malta, Poland	5
9.	Slovenia, Turkmenistan	4
10.	Belarus, Cyprus, Czech Republic, Estonia, Hungary, Kazakhstan, Latvia, Lithuania, Romania, Slovakia, Ukraine, Yugoslavia	3
11.	Croatia, Kyrgyzstan, Norway	2
12.	Armenia, Azerbaijan, Bosnia and Herzegovina, Canada, Liechtenstein, Moldova, Tajikistan, Uzbekistan	1
13.	Andorra, Georgia, Holy See, Iceland, Monaco, San Marino, Switzerland	none

What Do Interpretative Statements Say?

The proliferation of interpretative statements in 2001 could be seen as reflecting a growing difficulty to reach an authoritative or authentic interpretation of the meaning of PC Decisions. Good logic seems to suggest that not a single interpretative statement should have been necessary if it were not for the fact that delegations were unable to persuade others to incorporate their wishes into the Decision itself. Yet, there are indeed interpretative statements

⁹ As many of the statements represent joint statements, table sums would not depict the correct total of 79 interpretative statements.

the content of which could not possibly have formed part of a Decision, as they are, for example, responses to other previous interpretative statements. Moreover, there are interpretative statements the content of which theoretically *could* have formed part of a Decision, but which do not question the validity of the original Decision. This is mostly the case with statements of intent or policy, even if they frequently spread the *hautgout* of the “sore loser”.

In short, not all statements are equally prone to eroding or undermining the OSCE acquis. There are, so to speak, “malign” and “benign” interpretative statements. In order to better gauge the dangers lurking in different kinds of statements, I propose to distinguish interpretative statements according to their purpose. While I do believe that my inductive typology moves beyond anecdotal evidence by adding some methodological stringency, I am fully aware that clear lines between statements are not easily drawn and that their wording can often be misleading. I have identified the following five major types of statements:

Table 2: Number of Interpretative Statements by Type (1994-2001)

Type of Statement	Number of Statements
A. Reaffirmation of consensus	9
B. Non-recognition of precedence	8
C. Statement of intent or policy	18
D. Technical statement	1
E. Corollaries and caveats	43

A. *Reaffirmation of consensus*: A total of nine interpretative statements merely respond to other statements. With the exception of one statement by the US in 1995 qualifying the Chairman’s statement on a PC Decision,¹⁰ all these statements call into question interpretative statements by other delegations. Also in 1995, the US rejected a Bulgarian statement on PC Decision No. 93 on the grounds that it merely represented “a statement of national intent or policy”,¹¹ which would not affect the Decision taken by the Permanent Council. The main purpose of reactions to previous statements, therefore, has been a *reaffirmation of consensus*. One such statement was made by Albania, the remaining eight are equally divided between the US and Greece. It is interesting to observe that the US devoted three of its total of six interpretative statements at the Permanent Council to rejecting

10 Cf. Interpretative statements [sic!] under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, in: OSCE, Permanent Council, Journal No. 8, 16 February 1995, p. 3.

11 Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, OSCE, Permanent Council, Decision No. 93, PC.DEC/93, 5 December 1995, Annex 2.

interpretative statements by other delegations and one to replying to a Chairman's statement. All four Greek *reaffirmations of consensus* were provoked by FYROM's insistence that its constitutional name was "Republic of Macedonia".

B. Non-recognition of precedence: I have found eight interpretative statements that fall into this category. In general terms, *non-recognitions of precedence* state that a specific PC Decision does not create a new general rule which would be binding for participating States in the future. A good example is the EU's interpretative statement in connection with PC Decision No. 250 of 1998: When the Post Table was adjusted in order to convert the post of the Migration Expert at the Office for Democratic Institutions and Human Rights (ODIHR) into a fixed-term, salaried one the EU noted: "It is the understanding of the European Union that where posts and activities are agreed on the basis of voluntary contributions, there can be no obligation for the OSCE to assume their continued financing on an assessed basis should sources of voluntary funding be exhausted."¹² Whereas a *reaffirmation of consensus* aims at preserving the original meaning of a Decision, a *non-recognition of precedence* does not touch upon the Decision itself, but points towards future Decisions. *Non-recognitions of precedence* were deposited three times by Russia, two times by the EU and one time each by Albania, Malta and Turkey.

C. Statement of intent or policy: All in all, there were 18 *statements of intent or policy*. Whether it be Bulgaria urging a separate scale for large missions, Turkey and the US proposing to elevate the post of ODIHR Director to the level of the Representative on Freedom of the Media, or Russia suggesting a theme for the 2003 Economic Forum, all these statements were limited to announcing intentions or policies of participating States without calling into question the validity of the respective PC Decision. However, this did not exclude threats to block consensus in the future. In connection with PC Decision No. 447 of 2001 on "Reaching an Interim Agreement on the Helsinki Scale of Assessments", the delegations of Azerbaijan, Belarus, Kazakhstan,

12 Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, OSCE, Permanent Council, Decision No. 250, PC.DEC/250, 23 July 1998, Attachment. It is interesting to note that PC Decision No. 250 itself contained a rejection of precedence. Similar to UN General Assembly resolutions, OSCE documents and decisions are non-binding under international law. The fact that participating States make the effort at all to preclude the possibility of setting an unwanted precedent could be interpreted as suggesting a hidden fear that OSCE commitments might develop into international customary law. Yet, rightfully so, the burden of proof lies with those asserting such a development. On the view that "the Helsinki agreements are international legal instruments *in statu nascendi* or *soft law*" see Bloed (Ed.), cited above (Note 2), p. 23. On the understanding of OSCE commitments as expressions of *opinio iuris* see Ulrich Fastenrath, The Legal Significance of CSCE/OSCE Documents, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 411-427, here: pp. 422-423. See also Miriam Shapiro, Changing the CSCE into the OSCE: Legal Aspects of a Political Transformation, in: American Journal of International Law 89 (1997), pp. 631-637, here: pp. 631-632, especially footnote 4.

Kyrgyzstan, Turkmenistan and the Ukraine stated that they would “not agree to adopt an OSCE budget for 2002 before the Permanent Council takes a decision on the new Scale of Assessments”.¹³ The joint statement in no way touched upon the Decision at hand. It merely reasserted the obvious right of each participating State to withhold agreement on any issue at any time. The main theme of the Russian statement regarding PC Decision No. 449 of 2001 on “Extension of the Mandate of the OSCE Mission in Kosovo” was Russia’s “position of principle that the mandates of all OSCE field presences should be extended simultaneously for a period of one year”.¹⁴ Again, in no way did the interpretative statement add to or take away from the original thrust of the Decision. In both cases, delegations simply preferred paragraph 79 statements over corridor talks in order to relay their views to other delegations.

D. Technical statement: The Turkmen statement regarding PC Decision No. 446 of 4 December 2001 is the only statement of a purely technical nature I have been able to identify. Its purpose was to correct the Russian translation of a single sentence in the Bucharest Ministerial Declaration.¹⁵

E. Corollaries and caveats: Neither the nine *reaffirmations of consensus*, the eight *non-recognitions of precedence*, the 18 *statements of intent or policy*, nor the one *technical statement* call into question the consensus achieved by participating States. The very purpose of the first type indeed is to defend consensus against challenges. This is not the case for the remaining 43 interpretative statements. These *corollaries and caveats* more or less aim at modifying the original Decision. Some statements in this residual category are disguised as mere interpretations of text, others openly challenge the consensus just reached.¹⁶ *Corollaries and caveats* are a sign of discord; their very existence suggests that the original consensus was somewhat faked. They may have merits of their own and even make rightful claims such as Russia’s interpretative statement restating the prerogative of the Permanent Council, not the Chairman-in-Office or host government, to extend OSCE missions.¹⁷

13 Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, OSCE, Permanent Council, Decision No. 447, Reaching an Interim Agreement on the Helsinki Scale of Assessments/Corrected reissue, PC.DEC/447/Corr.1, 4 December 2001, Attachment 2.

14 Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, OSCE, Permanent Council, Decision No. 449, Extension of the Mandate of the OSCE Mission in Kosovo, PC.DEC/449, 10 December 2001, Attachment 2.

15 Cf. Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, OSCE, Permanent Council, Decision No. 446/Corrected reissue, Forwarding of Draft Documents to the Ministerial Council, PC.DEC/446/Corr.2, 4 December 2001, Attachment 1.

16 Readers should be aware that I identify *corollaries and caveats* by way of exclusion: All statements that cannot be clearly identified as “benign”, therefore, are counted as “malign”. This is not, however, to deny the immense differences among “malign” statements. Again, those 43 statements “more or less” threaten consensus in the Permanent Council.

17 Cf. Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, OSCE, Permanent Council, Decision No. 263, PC.DEC/263, 25 October 1998, Attachment.

Yet, as the US put it once in one of its *reaffirmations of consensus*, these *corollaries and caveats* “simply do not mean the same thing”¹⁸ as the original Decision. Take, for instance, the three separate statements by Turkey, Russia and Kazakhstan regarding PC Decision No. 408 of 2001 on the “Scale for Large OSCE Missions and Projects”: Turkey supplants the Decision’s criteria of “capacity to pay” by its own criteria,¹⁹ Russia equally challenges those criteria and puts forward the principle of “nothing is agreed until everything is agreed”²⁰ and Kazakhstan “does not consider itself bound”²¹ by those criteria. The US rightfully rejected the Russian and Kazakh statements.²² It is unclear why the Turkish statement was not rejected as well.

A few substantial areas can be identified to which *corollaries and caveats* were frequently applied: Nine such statements were made by FYROM and other participating States in order to have the “Republic of Macedonia” recognized under its constitutional name. More importantly, in eight cases host governments attempted to regulate the mandate or duration of OSCE field operations through interpretative statements. There can be no question about the sovereign right of participating States to decide whether or not to invite field operations onto their territory. However, their mandates need to be approved by the Permanent Council as a collective body, not just the host government. Interpretative statements are an improper means for host governments to assert themselves vis-à-vis the other 54 participating States. But not just field operations have frequently been the target of interpretative statements. In three cases each, participating States attempted to put their own special mark on the mandate of OSCE institutions or the agenda of OSCE meetings.

Another important question is which countries most often resorted to this category of interpretative statements. Table 3 depicts the number of *corollaries and caveats* by country and thus gives an even more exact picture than Table 1, which does not differentiate between “benign” and “malign” types of interpretative statements. Leaving aside the Macedonia problem, it is again the Russian Federation and Turkey which rank highest among participating States. Interestingly, not a single statement by the US has ever been prone to undermining consensus. In fact, four of the six interpretative statements by the US can be classified as *reaffirmations of consensus*, two as *statements of intent or policy*.

18 Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, Decision No. 93, cited above (Note 11).

19 Cf. Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, OSCE, Permanent Council, Decision No. 408, Scale for Large OSCE Missions and Projects/Corrected reissue, PC.DEC/408/Corr.1, 5 April 2001, Attachment 2.

20 Ibid., Attachment 3.

21 Ibid., Attachment 4.

22 Cf. *ibid.*, Attachment 5.

Table 3: Number of Corollaries and Caveats by Country (1994-2001)²³

Rank	Country	Statements
1.	FYROM	8
2.	Russian Federation, Turkey	7
3.	Bulgaria	5
4.	Belgium	4
5.	Albania, Malta, Poland, Slovenia, Ukraine	3
6.	EU countries (other than Belgium), Belarus, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Kazakhstan, Latvia, Lithuania, Norway, Romania, Slovakia, Turkmenistan, Yugoslavia	2
7.	Armenia, Bosnia and Herzegovina, Canada, Kyrgyzstan, Liechtenstein, Moldova, Tajikistan, Uzbekistan	1
8.	Andorra, Azerbaijan, Georgia, Holy See, Iceland, Monaco, San Marino, Switzerland, US	None

What Are the Effects of Interpretative Statements?

The Helsinki Process has evolved from a series of conferences into a permanent institution. OSCE practice continues to evolve. A quote from Arie Bloed's standard reference manual of 1993 serves to illustrate this point:

In practice, interpretative statements and reservations play a rather limited role, which is partly due to the fact that the texts are only incorporated in the daily journals of the CSCE meetings concerned. They are not included in the official publications of the texts of the CSCE documents. This explains why it appears to be extremely difficult to lay one's hands on the text of these interpretative statements and reservations, in particular because the daily journals have never been officially published. Even the "inner circles" of the CSCE process have difficulty in obtaining these texts.²⁴

This is no longer the case. All the above-mentioned documents, including interpretative statements, nowadays are accessible to the public either through the OSCE's public website²⁵ or the annually published OSCE Deci-

23 As many of the statements represent joint statements, table sums would not depict the correct total of 79 *corollaries and caveats*.

24 Bloed (Ed.), cited above (Note 2), p. 19.

25 The OSCE's public website can be found at: www.osce.org. PC documents are available electronically back to 1999.

sions reference manual.²⁶ Another example for the OSCE's ongoing institutionalization is the designation of paragraph 79 statements. In her in-depth analysis of procedural aspects, Erika Schlager noted in 1991:

The issue (of interpretative statements and reservations, R.M.) is further muddled in that statements entered into the journal of the day by the executive secretariat are not identified as either "reservations" or "interpretative statements", they are just identified as falling under the scope of recommendation 79.²⁷

Today's practice at the Permanent Council is different. All 79 recorded statements that include a reference to paragraph 79 are designated as "interpretative statements under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations". Not a single statement recorded in the Journal of the Day is designated as a "reservation." A few recorded statements do not refer to paragraph 79 at all.²⁸

OSCE practice regarding interpretative statements is more formalized than ever. Still, there remains enough ambiguity to allow for abuse. Can interpretative statements in any way derogate from the meaning of an original PC Decision? Do participating States have to accept statements such as the one by Kazakhstan that it "does not consider itself bound" by certain provisions, or are such statements to be considered "absurd and void", as the Romanian reservation at the Vienna Follow-up Meeting of 1989 was termed by Western states?²⁹

The Blue Book provides no further guidance as to what exactly interpretative statements and formal reservations are. In order to better understand the meaning of the two terms, one cannot avoid consulting international law. Although OSCE commitments are only "politically binding",³⁰ it is obvious that OSCE documents borrow their language from international law. This is also true regarding paragraph 79.

International law in state practice and doctrine has long seen a dichotomy between formal reservations and interpretative statements or "interpretative declarations", as they are most often called.³¹ Both legal instruments spring from multilateral treaty-making and can be traced back to the Vienna Con-

26 The annual reference manuals go back to 1993-94. The latest available edition is OSCE Secretariat, *OSCE Decisions: Reference Manual*, Vienna 2001.

27 Schlager, cited above (Note 4), p. 224.

28 Recorded statements without any reference to paragraph 79 are not considered in this article. It is unclear whether these statements fall under paragraph 79 and are not designated as such or they are outside the scope of paragraph 79.

29 Cf. Bloed (Ed.), cited above (Note 2), p. 19. For a detailed account of the "Romania episode" see Schlager, cited above (Note 4), p. 225.

30 Cf. Bloed (Ed.), cited above (Note 2), pp. 22-25.

31 For the most authoritative account of the dichotomy between formal reservations and interpretative declarations in international law see: Alain Pellet, *Third Report on Reservations to Treaties: Addendum 4*, International Law Commission, UN Doc. A/CN.4/491/Add.4 of 2 July 1998, New York 1998.

gress of 1815.³² Even without access to the Blue Book's *travaux préparatoires*, it appears reasonable to assume that, in 1972 and 1973, its drafters had this legal dichotomy in mind when agreeing on the OSCE's rules of procedure. As opposed to interpretative declarations, formal reservations are regulated in treaty law. The most important source in this respect is the Vienna Convention on the Law of Treaties of 1969. Article 2, paragraph 1 (d) defines a reservation as

(...) a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State.³³

Article 19 of the Vienna Convention, moreover, stipulates that reservations must not be "incompatible with the object and purpose of the treaty".³⁴ Alain Pellet, the International Law Commission's Special Rapporteur on Reservations to Treaties, concedes that, from the standpoint of applicable law, formal reservations and interpretative declarations were not clearly distinguished in state practice or doctrine.³⁵ The Special Rapporteur's report leaves no doubt, however, that it was high time to separate the two concepts unambiguously. From the standpoint of what the law ought to be, there can only be one useful distinction: Interpretative declarations and/or statements "do not (...) seek to modify or exclude the legal effect of certain provisions of the treaty and thus do not constitute reservations".³⁶

What lessons can be learned from this brief excursion into international law? *First:* The drafters of paragraph 79 have adopted a long-established, but ambiguous legal dichotomy from international law. They may have been aware of these ambiguities, but it is unreasonable to assume that they intended to adopt them as well. The OSCE's negotiating and decision-making bodies, therefore, should stick to their practice of treating interpretative statements as distinct from formal reservations and of rejecting their abuse. *Second:* Whereas interpretative declarations and/or statements and their relationship to reservations await further clarification through codification, there can be little doubt about reservations. As opposed to interpretative declarations and/or statements, reservations are regulated in the Vienna Convention on the Law of Treaties and related conventions. It is difficult to argue that the drafters of paragraph 79 had a different understanding of reservations in mind than that existing in international law.

32 Cf. *ibid.*, p. 3.

33 Vienna Convention on the Law of Treaties, 1969, opened for signature on 23 May 1969, Article 2, Use of terms, at: <http://www.un.org/law/ilc/texts/treatfra.htm>.

34 *Ibid.*, Article 19, Formulation of reservations.

35 Cf. Pellet, cited above (Note 31), p. 5.

36 *Ibid.*, p. 3.

This, then, is the crux of the matter: By introducing formal reservations into the Conference's rules of procedure, the Recommendations of the Helsinki Consultations opened the gates to a Trojan horse. The critical problem with paragraph 79 is that it allows for both interpretative statements as well as formal reservations. Even if certain interpretative statements were deemed inappropriate, participating States might be tempted to fall back upon the argument, *first*, that their statements actually represent formal reservations mislabelled as interpretative statements,³⁷ and, *second*, that paragraph 79 foresees such formal reservations.

OSCE practice has never accepted this historical mistake. "A country cannot take back with one hand what it has given with the other."³⁸ Be it the rejection by Western states of Romania's reservation at the Vienna Follow-up Meeting as "absurd and void" or the frequent rejections by the US of interpretative statements that "simply do not mean the same thing", participating States have persistently objected to giving with one hand and taking back with the other.

Indeed, one could argue that the introduction of the instrument of formal reservations into paragraph 79 was based on a misunderstanding: The drafters must have overlooked that multilateral treaty-making and consensus-based decision-making adhere to different logics. In consensus-based decision-making, states consider themselves bound by any given decision only if *all* states consider themselves bound. In multilateral treaty-making, states consider themselves bound by any given multilateral treaty only if *a predefined minimum number of states* consider themselves bound. The number of ratifications or accessions required for a multilateral treaty to enter into force usually falls far short of even a majority of potential parties to the treaty. It is, therefore, within the logic of multilateral treaty-making to facilitate additional ratifications or accessions by allowing potential parties to register reservations. The effect of reservations is that a multilateral treaty between the entire set of parties is transformed into a multitude of multilateral and bilateral treaties between different subsets of those parties. What makes sense for multilateral treaty-making, undermines the very foundations of consensus-based decision-making. Within the OSCE, there can only be one common set of commitments.

Conclusion

The mistake of 1972 and 1973 either needs to be remedied, or its cancerous consequences must be controlled. It is in the interest of all participating

37 Note the formulation "a unilateral statement, however phrased or named" in Article 2 of the Vienna Convention on the Law of Treaties, cited above (Note 33). See also Alain Pellet, Third Report on Reservations to Treaties: Addendum 3, New York: International Law Commission, UN Doc. A/CN.4/491/Add.3 of 19 June 1998, New York 1998, pp. 30-32.

38 Schlager, cited above (Note 4), p. 225.

States to safeguard the consensus principle and to protect the OSCE acquis. In 2001, too many PC Decisions were called into question by interpretative statements. Participating States, including the US, should be even more forceful in rejecting interpretative statements that are a mockery of the original Decision arrived at by consensus. The Chairman-in-Office might also assume a stronger role in this respect. Participating States that see themselves unable to support a given Decision should withhold consensus. Presumptuous statements such as those by Turkmenistan and Turkey, which pretended to exclude certain topics from discussion at the Tenth Economic Forum in Prague,³⁹ should be called what they are: void and without any consequence.

39 Cf. Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, OSCE, Permanent Council, Decision No. 429, Place, Date and Overall Theme for the Tenth Meeting of the Economic Forum, PC.DEC/429, 19 July 2001, Attachments 1 and 3.

The Forum for Security Co-operation¹

Establishment and Tasks of the FSC

The Forum for Security Co-operation (FSC) is in addition to the Permanent Council the second of the two consultation and decision-making bodies of the OSCE that meet regularly in Vienna. The core function of the FSC can be traced back to the Negotiations on Confidence- and Security-Building Measures (NCSBMs) which were started in March 1989 in Vienna. At the CSCE Summit Meeting in 1992 in Helsinki, it was formally established with the title “Forum for Security Co-operation” and superseded the NCSBMs that ended that same year. Originally it consisted of a Special Committee and the Consultative Committee of the Conflict Prevention Centre (CPC). Since the Ministerial Council Meeting in Rome in 1993, at which the Consultative Committee was abolished, it has existed in its present form and is responsible for arms control and politico-military questions of security within the OSCE framework.

The principal tasks of the FSC are:

- negotiations on arms control and disarmament agreements as well as treaties on confidence- and security-building measures (CSBMs), including their further development;
- monitoring that obligations made within this framework have been met;
- consultations on the further reduction of conflict risks;
- conflict prevention and settlement with the help of the FSC acquis; if necessary, setting into motion one of the mechanisms provided for in the acquis for conflict settlement within the framework of the politico-military dimension;
- conducting a security dialogue.

The Helsinki Document of 1992 provided for the harmonization and subsumption of the various obligations within the framework of disarmament and arms control under one FSC umbrella. However, this was never implemented and thus today, the Treaty on Conventional Armed Forces in Europe (CFE), the Open Skies Treaty as well as the Dayton Accords have their own consultative and decision-making bodies in Vienna for the Parties to each Treaty.

1 This article reflects exclusively the personal opinions of the author and not those of the German Foreign Office.

The FSC consists as a rule of the members of the delegations of the 55 OSCE participating States; only the Russian Federation maintains an independent delegation in Vienna on politico-military issues. A special feature of FSC delegations is that they include diplomats as well as military advisers. In the weekly plenary sessions of the FSC, the security dialogue and topical issues are at the centre of the agenda. New initiatives to implement or further develop measures are also proposed here. In addition, the FSC also generally meets weekly in two working groups: Working Group A deals with such issues as implementing all obligations undertaken, while the mandate of Working Group B covers the further development of OSCE politico-military instruments. Alongside these, there is also a Communications Group doing preliminary work for the FSC.

Other work consists of organizing seminars and workshops with experts from the participating States on various topics that have been prepared and conducted by the FSC. During the year 2001, for example, a seminar on military doctrines was held, during 2002, a meeting on combating terrorism and a workshop on small arms and light weapons took place. In addition, the FSC holds the Annual Implementation Assessment Meeting on the commitments in the Vienna Document as well as in other documents. In September 2002, it conducted the Third Follow-Up Conference on the Code of Conduct on Politico-Military Aspects of Security.

The FSC Chair rotates between countries in alphabetical order, since the beginning of 2002, in a trimester system. The work of the Chair is assisted by the FSC Troika which includes the Chairperson, his or her predecessor and his or her successor who meet weekly and set the FSC agenda. For larger projects - the last two of these were the revision of the Vienna Document in 1999 and the development of the Document on Small Arms and Light Weapons in 2000 - the FSC tasks a co-ordinator from the circle of delegates, who assumes the leadership in the negotiations.

Furthermore, a support unit in the Conflict Prevention Centre (CPC) of the OSCE Secretariat provides assistance to FSC work and particularly to that of its Chair. Over and above the advisory and support function, the CPC compiles the data from the various different information exchanges within the framework of each CSBM regime and reports regularly on this. In addition, the CPC assists the participating States in setting up information exchanges when they so desire. The FSC also resorts to CPC expertise to promote the implementation of, for example, the Code of Conduct or the OSCE Document on Small Arms and Light Weapons in various different countries and regions by carrying out seminars and workshops. The CPC also operates and maintains a Communications Network through which the participating States exchange information and receive notification on e.g. inspections within the framework of the Vienna Document, the CFE Treaty and the Open Skies

Treaty. After lengthy negotiations within the Communications Group, this Communications Network was provided with new (Internet-based) technology during the course of 2002. It is hoped that this will induce more participating States to become connected to this network as up to this writing only about two-thirds had done so.

The FSC's Politico-Military Acquis

Throughout the years, the OSCE has within the framework of the FSC - that is, apart from the independent CFE and Open Skies Treaties as well as the Dayton Accords - developed a historically and globally unique acquis of confidence- and security-building measures, which have through a tight network of politically binding commitments created a high degree of transparency in the OSCE region.

The Vienna Document (VD):

The Vienna Document is the most comprehensive politically binding agreement on confidence- and security-building measures in Europe. This document, signed in Paris in 1990, comprises the third generation of confidence- and security-building measures based on the Helsinki Final Act of 1975 and the decisions of the Stockholm Conference of 1986. Since then, the Vienna Document has been developed further in three stages in 1992, 1994 and 1999. Its primary goal is to consolidate confidence and security, its central element is the participating States' commitment to refrain from the threat or use of force in their mutual relations as well as in their international relations in general. The Vienna Document does not cover the entire territory of the OSCE region; parts of the non-European territories of Russia and Turkey are excluded, the US and Canada are only included with respect to their troops stationed in Europe.

The most important measures of the current VD 99, which are assessed annually as to their implementation in a special meeting, include:

- an annual information exchange on conventional land and air forces;
- an annual information exchange on defence planning and defence budgets;
- a mechanism for consultation in the case of intra- or inter-state crises with unusual military activities as well as in the case of incidents of a military nature;
- a comprehensive programme of military contacts and co-operation including the demonstration of new types of major weapon and equipment systems;
- the notification and observation of military activities of a certain magnitude;

- the limitation of the number of military activities;
- intensive verification of reported data on conventional armed forces and military activities; as well as
- the possibility to make additional regional and bilateral agreements that can go beyond the measures and limitations set by the VD.

Stabilizing Measures for Localized Crisis Situations (1993):

This is a catalogue of measures on OSCE crisis management. Although for the most part, this document is forward-looking and also covers e.g. irregular forces, non-governmental actors and intra-state conflicts, the participating States - even in several crisis situations - have never applied it.

Principles Governing Conventional Arms Transfers (1993):

This document contains criteria on the transparency of the conventional arms trade. Since 1997, there has been a mandatory annual reporting requirement.

Global Exchange of Military Information (1994):

In an annual exchange, information on command structures and number of personnel as well as on major weapon and equipment systems are exchanged. This is the only confidence- and security-building measure that includes the naval forces and goes beyond the OSCE area.

The Code of Conduct on Politico-Military Aspects of Security (1994):

The Code of Conduct is still one of the most important FSC documents. It was created as the direct answer to the changing role and position of armed forces in societies in transition and lays down norms with regard to the position of armed forces in society. With its comprehensive objective directed towards the rule of law, it goes beyond the narrow definition of the politico-military dimension of the OSCE and is the only document that sets intra-state norms. Although its implementation is the prerogative of the participating States, the FSC is involved in filing the mandatory annual report and at the end of September 2002, it conducted the Third Follow-Up Conference on the Code of Conduct. The following elements are its most important features:

- Its fundamental principle is the democratic control of armed forces and other armed state organs. Accordingly, armed forces must be integrated in society and under the effective control of democratically legitimized organs that must also decide on the corresponding budgets.
- The Code includes internal as well as external conflicts.
- Members of the armed forces must be informed about the international humanitarian law of war.
- States are not to support or tolerate non-governmental paramilitary forces.

- Furthermore, the Code obligates states to co-operate closely to prevent and combat terrorism. The yearly questionnaire on the national status of the implementation of the Code also contains a question regarding membership in international conventions on combating terrorism as well as their national implementation.

OSCE Document on Small Arms and Light Weapons (2000):

The OSCE Document on Small Arms and Light Weapons is up to now the last in the series of FSC norm-setting documents. It determines norms, principles and concrete measures to limit the destabilizing accumulation as well as uncontrolled spread of small arms and light weapons. To achieve this goal, the document covers all relevant fields: controls on arms manufacture, import, export, transit, as well as commitments regarding surplus weapons stocks, stockpile management and destruction.

A series of measures, for example weapons collection programmes, are seen as a contribution to conflict prevention and post-conflict rehabilitation. The OSCE is currently working on the possibilities to implement these measures according to Section V of this document. In this endeavour, co-operation between the FSC and the Permanent Council is just as necessary as the involvement of field missions on a case-by-case basis.

In this document, participating States have committed themselves to a comprehensive information exchange on their national policies and practices regarding small arms, in particular also on trafficking in these weapons. The corresponding information exchanges were carried out in June 2001 and June 2002. The first assessment workshop took place in February 2002 in Vienna. With this document and its implementation, the OSCE has unquestionably set a worldwide standard with regard to greater transparency in trafficking in small arms.

Defining the FSC Position

In face of the significance of the FSC acquis in the area of arms control already described, it may seem astonishing that the FSC even more so than the OSCE as a whole has for some time now been searching to define a new position for itself. It makes one stop and think that the norm-setting documents mentioned above without exception only became possible at a time when the East-West confrontation, which was the real reason behind the efforts on arms control, had already been ended. This means - in somewhat reduced polemic terms - that norm setting was only possible at a time when it had clearly lost relevance.

Thus to a certain extent, the FSC shares the "crisis of meaning" of arms control in Europe as a whole: Its motivation and objective were most closely linked to the situation during the Cold War. Real major successes in co-op-

erative conventional arms control policy were only achieved during a “fair weather” phase. However, it should not be forgotten that also the substantial conventional disarmament within the OSCE framework through the CFE Treaty has been a major achievement, which has at least contributed to the fact that the “big war” is highly unlikely in Europe today.

The network of treaties and agreements on confidence- and security-building measures is today so closely intermeshed that no doubt (for the time being) this process has come to an end. That this *acquis* has become less relevant is due primarily to the fact that it was conceived for the actions of states with regard to inter-state conflicts. The types of conflicts that prevail in the OSCE region today, which most often are summarized under the heading “new security challenges”, are not really covered by the measures agreed upon, as in these conflicts we are dealing as a rule with intra-state or supranational conflicts and/or non-governmental actors. The OSCE participating States have up to now only shown partial willingness to adapt the existing *acquis* or to develop new norms to meet these new challenges; proposals in this direction have to a certain extent been met with decisive rejection.

However, the OSCE’s Asian partners for co-operation (Thailand, South Korea, Japan), the Mediterranean partners for co-operation (Algeria, Egypt, Israel, Jordan, Morocco, Tunisia) as well other regions of the world have indeed shown a sustained interest in OSCE experience with confidence- and security-building measures. A series of conferences and seminars on this topic have already taken place. Thus, it cannot be excluded that an adjusted version of OSCE CSBM *acquis* may acquire a “second life” as an export item.

In addition to questions on the substance of arms control is the fact that the OSCE as a whole and in particular the FSC are taking action in a totally changed geopolitical environment and must newly define their position there. The upcoming enlargement of NATO and the European Union, NATO’s Euro-Atlantic Partnership Council, NATO and Russia’s new partnership, and finally the further development of the EU Common Foreign and Security Policy are changing the entire strategic situation in a large part of the OSCE region fundamentally. In addition, these institutions are also implementing genuine arms control policy, which is not always easy to separate from that of the OSCE. Here, the necessary definition of position, which can only be characterized within the framework of newly balanced co-operation between the EU, NATO and the OSCE, is far from being reached. However, the OSCE has already been tasked correspondingly through the concept of the Platform for Co-operative Security, which was adopted as a part of the Charter for European Security in November 1999 at the Istanbul Summit Meeting. It is potentially significant that the OSCE, in contrast to the organizations mentioned above, has, on the basis of the 1992 Helsinki Document, the authority to mandate peacekeeping operations, however, up to now this power has never been used. Nevertheless, for some time now, the OSCE High Level

Planning Group has considered the possibility of such an operation in Nagorno-Karabakh at an appropriate time. Also the entire complex of OSCE conflict prevention and crisis management (in association with other organizations) could again be newly addressed in the context of a fundamental debate on the future European security structure. During the most recent crises in the OSCE region, these mechanisms have in any case not had any bearing.

The FSC Discussion on Reform

In particular during 2001, the FSC dealt with the direction of its future work on a fundamental basis and in great detail. This debate was focused on two points: One was more structural and in particular dealt with the working methods of this body, and one handled the question of the future subject matter of the work, that is a potential new agenda.

The fact that in this process an agreement was reached by the start of the Ministerial Council in December 2001 in Bucharest was primarily thanks to EU initiative, as incidentally was the development and adoption of the OSCE Document on Small Arms and Light Weapons the year before. With regard to FSC working methods, the monthly change of the Chair up to that date had already been recognized as problematic some time ago as it often stood in the way of greater continuity in the work. Here, only in the discussions of the last year a solution was to be found: In due time before the Ministerial Council Meeting in Bucharest, the FSC decided that the Chair should rotate alphabetically as in the past, but on a trimester basis with a change at Easter break, the summer break as well as at year end. In 2002, when the Czech Republic, Turkey and Yugoslavia all held the Chair in succession, this new regulation had already proved its worth beyond all expectations.

Within the framework of the continuing reform debate in the OSCE as a whole, the position of the FSC within the entire OSCE system was discussed in particular. Some delegations questioned in principal the right of an independent FSC to exist as an autonomous decision-making body also in future. In reality, this autonomy is in any case rather theoretical as the FSC - as already mentioned - with the exception of Russia, is in any event supplied from the same delegations as the other OSCE bodies. In this connection, primarily a proposal for a solution was discussed in which the OSCE as a whole was to have a structure made up of committees. The Permanent Council was to have three committees working under it among which the FSC was to become the committee for politico-military affairs; alongside this a committee for the human dimension as well as one for the economic and environmental dimension were to be established. However, this comprehensive approach to systemizing the structure of the OSCE has not been accepted.

This proposal was in opposition to the standpoint that the FSC should maintain its autonomy, in particular, in order not to further marginalize the poli-

tico-military dimension of the OSCE but, if possible, to even strengthen it. After long negotiations, the solution was found that the FSC on the one hand would retain its autonomy, but in addition, it would take on an advisory role to the OSCE Permanent Council on politico-military issues. Moreover, institutionalized consultations between the troikas of the two bodies were established. In this manner, the structure-related concerns about the existence of two independent bodies were partially met, and furthermore, through the co-operation between both organs, which was laid down at the Ministerial Council Meeting in Bucharest, the possibility was opened for a stronger accentuation of the politico-military dimension of the OSCE.

This new mechanism is now bearing fruit for the first time due to a decision by the Permanent Council of 18 July 2002 in which the FSC was requested to present its proposals on the implementation of Section V of the OSCE Document on Small Arms and Light Weapons, which deals with early warning, conflict prevention, crisis management and post-conflict rehabilitation. In this connection, the OSCE field missions, which are under the direction of the Chairman-in-Office and the Permanent Council, are to be given a possible role.

The question as to the substance of future FSC work was also highly controversial during the negotiations in the course of the year 2001. If made more pointedly, this question is whether the FSC should have a new agenda with new tasks. As a compromise, in the corresponding passage of the Ministerial Council Decision on fostering the role of the OSCE as a forum for political dialogue, the comprehensive term "agenda" was avoided, however it was very definitely established that the FSC should deal with new security challenges.

Current Tasks and Outlook after the Ministerial Council in Bucharest

The terrorist attacks of 11 September 2001 have also had a major effect on FSC work: Although in the debate on a potential new FSC agenda it had been controversial up to that point whether the FSC should address the issue of combating terrorism as one of the most important of the recognized new security challenges at all, thereafter the topic of combating terrorism dominated the FSC agenda directly. As is true in other areas this topic served and still serves as a door opener for the wide field of activities for both the OSCE and the FSC, whose goal has always been the improvement of security in the OSCE region, but here and there has faced resistance because of political reservations or a lack of motivation.

The Bucharest Plan of Action for Combating Terrorism tasked the FSC as well as the other OSCE bodies and institutions with preparing a road map including each of their specific contributions to combating terrorism. The FSC was tasked with providing for enhanced implementation of existing politico-

military commitments by the participating States and with examining which of its documents are relevant to combating terrorism. Here, the main interest was directed towards the Code of Conduct on Politico-Military Aspects of Security and the OSCE Document on Small Arms and Light Weapons. The FSC was to focus on and analyse both these documents in light of the new challenges and tackle targeted improvements in their implementation.

During the year 2002, the FSC placed great emphasis on this task. The requested road map was already drawn up in February. All documents were analysed again as to their specific relevance. In March, a meeting of experts on combating terrorism within the framework of the politico-military dimension was held, whose recommendations gave important stimulus to further FSC work.

The Document on Small Arms and Light Weapons deserves special attention here as stemming the flow of trafficking in small arms and light weapons is potentially one of the most important FSC contributions to combating terrorism. Endeavours were made to optimize the comprehensive information exchange through model questionnaire answers and templates developed by the CPC on behalf of the FSC. Among others, an expert workshop in February also served this purpose. In July, the FSC decided to tackle the development of best practices on the different aspects of the problem, which had already been called for in the Document on Small Arms and Light Weapons and which was also repeated in the Bucharest Plan of Action. As has already been mentioned, the FSC and the Permanent Council are working together on the implementation of Section V of the Document.

Within this framework, the Code of Conduct also has special importance. In Article 6, it is explicitly stated that participating States have an obligation to co-operate in combating terrorism. The first question on the yearly questionnaire within this framework is directed at the national implementation of the relevant international conventions on combating terrorism. It is here in particular that the debate on the improved implementation of the Code of Conduct started. The issue of whether, in light of the new topicality of the terrorism challenge, the questionnaire should be adapted or extended or even whether a new questionnaire related only to combating terrorism should be developed, played an important role at the Third Follow-up Conference at the end of September 2002. In the end, a new and more detailed Question 1, on the issue of combating terrorism, was decided by the FSC in November 2002. The subject of whether to technically update the questionnaire - following a recommendation by the Follow-up Conference with the aim of enhancing the implementation of the Code - is still being discussed in the FSC.

Also in another even more comprehensive respect, the experience of 11 September 2001 was a kind of door opener for the OSCE and FSC: Paragraph 8 of the Bucharest Ministerial Declaration contains a wide-reaching mandate, which would not have been possible without this background. This mandate reads: "We affirm our determination to address the threats to security and

stability in the 21st century. We request that the Permanent Council develop a strategy for the OSCE to do its part to counter these threats. We request the Forum for Security Co-operation to make its own contribution, within its competencies and mandate.”²

With this mandate, the OSCE not only faces up to the so-called new security threats in a comprehensive manner, where alongside terrorism it also has its eye in particular on organized crime, trafficking in drugs, weapons and in human beings, illegal migration as well as the use of force by non-governmental actors. Indeed, one of the greatest challenges to the OSCE is the task of developing this kind of a strategy itself, which - if it is truly taken seriously and the political will of those involved exists - could lead to the creation of a new comprehensive foundation and thus a new relevance for the entire Organization as well as its politico-military dimension. Essential discussions were begun during the summer of 2002. One reason to be optimistic is that the US and Russia, two participating States that in the past have not always towed the same line, have decided to give special attention to this topic, and namely to address it jointly.

2 Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, reprinted in this volume, pp. 391-417, here: p. 393.

External Relations and Influences

Caught in the Crossfire: Children and Armed Conflict in Central and Eastern Europe and the Commonwealth of Independent States

Strengthening Co-operation between UNICEF and OSCE

*When the lives and fundamental rights of children
are at stake, there must be no silent witnesses*

Graça Machel¹

Introduction

In 1996, Graça Machel, in her report to the UN General Assembly on the Impact of Armed Conflict on Children, spoke of the "desolate moral vacuum" into which more and more of the world was being sucked. This, she said, is "a space devoid of the most basic human values, a place in which children are slaughtered, raped and maimed".²

What has happened since she made those comments? Graça Machel said recently: "In the years since the publication of the Report, the situation has only grown worse, not better. Conflict is proliferating - and it is now a routine fact of life that children are targets, not incidental casualties of conflicts." This sad truth has been only too apparent in recent years.

Children and Armed Conflict: The Global Context

In the last decade of the twentieth century, some two million children died as a result of war, while a further twelve million were left homeless and six million were injured or physically disabled.³ Each year, about 6,000 children are killed or maimed by landmines planted where children live, play and go to school.⁴ Those who survive these traumas suffer the long-lasting psychological effects of war's brutality.

More than 300,000 children below 18 years of age currently participate in ongoing conflicts around the world, forced or coerced to serve as soldiers,

1 Graça Machel, *The Impact of War on Children*, London, 2001, p. 4.

2 *The Impact of Armed Conflict on Children*. Report of Graça Machel, Expert of the Secretary-General of the United Nations, United Nations 1996.

3 Cf. Machel, cited above (Note 1), pp. 1-2.

4 Cf. UNICEF, *Annual Report 2000*, New York 2000, p. 14.

porters, messengers, cooks or sexual slaves.⁵ Children who are recruited into armed forces as soldiers are often compelled to administer or witness atrocities, suffering not only physical but also psychological trauma with severe and lasting effects.

Children are the first to suffer the poverty, malnutrition and ill health that result from the disruptions and dislocations caused by war. At least half of the world's estimated 40 million displaced are children, of whom about a third have been displaced within their own country's borders.⁶ More than one million children have been orphaned or separated from their parents by war. These children are often compelled to wait out interminable years in refugee camps. Their most basic rights to survival, well-being and development are threatened.

Still other children are the deliberate targets of campaigns to terrorize and subjugate. Girls are especially targeted for the rape and gender violence that serve as weapons of war. For adolescent girls who have suffered sexual abuse, their pain is often compounded by the badge of shame that can lead to ostracism by their communities. The rise of sexually transmitted diseases, and particularly of HIV/AIDS, adds a deadly dimension to their suffering.

Children and Armed Conflict in Central and Eastern Europe and the CIS⁷

War has continued to be a scourge in the lives of millions of children in Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS). Since the fall of the Berlin Wall in 1989, armed conflict has broken out in one third of the 27 transition countries. These conflicts include: Armenia and Azerbaijan (1988-94), the Ferghana Valley of Central Asia (1989-91), Georgia (1990-94), Moldova (1992), Tajikistan (1992-97), the North Caucasus (1992-present), Bosnia and Herzegovina (1991-95), Croatia (1991-95), Federal Republic of Yugoslavia (1998-99), and the former Yugoslav Republic of Macedonia (2001).⁸

By late 2000, 2.2 million people in the CEE/CIS region were registered as internally displaced. Almost one million people had become refugees as a result of recent wars and conflicts among states and within them. Hundreds of thousands of children have been killed, injured, traumatized or orphaned.

5 Cf. Machel, cited above (Note 1), p. 2.

6 Cf. UNICEF, UNICEF Actions on Behalf of Children Affected by Armed Conflict, New York 2000, p. 2.

7 Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Former Yugoslav Republic of Macedonia, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, Tajikistan, Turkey, Turkmenistan, Ukraine, Uzbekistan, Federal Republic of Yugoslavia. Turkey is included in the UNICEF regional administrative and programmatic structure for Central and Eastern Europe, the Commonwealth of Independent States and the Baltic states.

8 Cf. MONEE Project, A Decade of Transition, UNICEF Innocenti Research Centre, 2001, p. 5

Children have been deeply affected by all of these conflicts, and directly involved in many. The Coalition to Stop the Use of Child Soldiers notes: "In Bosnia-Herzegovina, Chechnya, Nagorno-Karabakh, south-east Turkey, Kosovo, possibly in Daghestan and the Former Yugoslav Republic of Macedonia, children have spied, conveyed messages, carried weapons and ammunition, and, inevitably, killed and been killed."⁹ Details of how specific conflicts in the region are affecting children appear below.

Reversing the Tides of War

What is the point of reference for people who are committed to helping innocent victims of conflict? First and foremost, the United Nations Children's Fund (UNICEF) would argue, we must have as our standard the Convention on the Rights of the Child (CRC), the most extensively ratified human rights instrument in history. The Convention sets out clearly what needs to be done when conflicts involve children: Children must not be recruited or forced to participate in armed conflict; the rights of child asylum seekers and refugees must be protected; support must be provided for child victims of war and their families; and there must be promotion of tolerance through education to prevent future conflicts. The CRC makes it UNICEF's business to ensure that children are identified as an explicit priority in peacebuilding and conflict resolution.

UNICEF has taken its commitment to children in armed conflict to a new level in the last decade. In 1996, Graça Machel released her groundbreaking report to the UN, *The Impact of Armed Conflict on Children*, which spelled out in excruciating detail the scale and scope of the problem. That same year, UNICEF launched its Anti-War Agenda, followed by its Peace and Security Agenda for Children, which was presented at the UN Security Council in February 1999. The latter agenda focuses on seven key elements: ending the use of children as soldiers; protection of humanitarian assistance and humanitarian personnel; support mine action; protection of children from the effects of sanctions; ensuring that peace-building specifically includes children; challenge the impunity of war crimes, especially those perpetrated against children; and promotion of early warning and preventive action for children.

Children's concerns have been given increasing significance by the UN Security Council in its recent resolutions and statements. Since 1998, the Security Council has held four debates on children affected by armed conflict and adopted three resolutions on the issue (Resolutions 1261, 1314 and 1379). In these resolutions, the Security Council has asserted that children's concerns should be taken into account in all aspects of peacebuilding, peacemaking and peacekeeping.

9 Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2001*.

The United Nations have taken an increasingly active role in protecting the rights of children. In May 2002, the General Assembly held an unprecedented three-day Special Session on Children, during which world leaders took measures to strengthen the protection for children in armed conflict. Also in 2002, two Optional Protocols to the CRC entered into force: The first forbids the sale of children, child prostitution and child pornography, and the second, "on the Involvement of Children in Armed Conflict", outlaws the compulsory recruitment and involvement of children under 18 in hostilities (see box at the end of this article). A number of nations used the occasion of the UN Special Session to ratify these Optional Protocols.

Other recent international agreements have also raised the profile of children's rights in the context of armed conflict. The Ottawa Convention bans the use of landmines; the ILO Convention on the Elimination of the Worst Forms of Child Labour (1999) prohibits the forced or compulsory recruitment of children for use in armed conflict; and the International Criminal Court (ICC) has labelled the conscription of children under 15 and their use as participants in hostilities as a war crime.

UNICEF has collaborated with the OSCE and/or with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to address the problem of children in armed conflict in the CEE/CIS and Baltic region, at both the regional and country levels. UNICEF has advocated for the strengthening of the OSCE's policies and programmes in support of children's rights, with an emphasis on those children who are affected by armed conflicts. In 2001, UNICEF and OSCE/ODIHR joined forces to conduct the 35-country Young Voices Opinion Poll of Children and Young People in Europe and Central Asia, to gather the views of children aged 9-17 on a wide range of issues. At the national level, a number of OSCE Missions and UNICEF Country Offices jointly launched the results of the poll and organized round tables and conferences on issues such as trafficking in children, development of national plans of action for children, conflict prevention and citizenship education.

This growing global effort on behalf of children in armed conflict represents a milestone. Children, once the invisible casualties of war, have now been given a face, a voice and the right to live in peace.

"Children present us with a uniquely compelling motivation for mobilisation", writes Graça Machel in her revised study, *The Impact of War on Children* (2001). "Our collective failure to protect children must be transformed into an opportunity to confront the problems that cause their suffering. The impact of armed conflict on children is everyone's responsibility. And it must be everyone's concern."

Protecting Children's Rights in Armed Conflict

With a strong presence in 161 countries, UNICEF is in the field before, during and after a conflict. Its actions are therefore guided by a clear perception of the need for links between relief and development and of the importance of promoting sustainable peace and stability. The principal goals of UNICEF's emergency-related efforts are to:

- prevent risks to children by addressing the *root causes of conflict*;
- ensure the survival of the *most vulnerable children and women*;
- ensure *protection against violence, exploitation, abuse, rape and recruitment into armed forces*;
- promote *demobilization, recovery and social reintegration of child soldiers*;
- support *landmine awareness and community-based rehabilitation programmes* for child victims of landmines;
- promote *lasting solutions* through the greater *empowerment* of families and communities, with particular support for women.

*Children in the CEE/CIS Conflict Zones*¹⁰

Armenia

Armenia is home to a sizable population of war-affected refugees. According to the United Nations High Commissioner for Refugees (UNHCR), 264,327 ethnic Armenians are registered as refugees in Armenia. Of these, 26,978, or ten per cent, are children under 17. Refugees comprise nearly one fourth of the student population of rural schools in Armenia, and they have a grade repetition rate several times that of the average Armenian student.

In 2001, UNICEF supported local and international NGOs to establish community-based centres for socially vulnerable children and their families. Special emphasis was given to 85 refugee children living in isolated, poor communities in Yerevan and the surrounding regions. These community-based centres supported the vocational training of vulnerable children and helped them integrate into the communities by organizing out-of-school activities involving families at risk.

UNICEF also contributed towards the printing of a Human Rights Education Manual for children and teachers. The project encompasses printing of both pupil and teacher manuals and training of teachers, with the aim of educating children and their families about children's rights.

10 All data in this section comes from reports from UNICEF Country Offices and Regional Offices.

Azerbaijan

By the end of 2000, there were 220,241 refugees and 568,989 internally displaced persons (IDPs) in Azerbaijan, 540,387 of whom were children and women. These people were displaced as a result of armed conflict with Armenia over the Nagorno-Karabakh province of Azerbaijan. The majority of the displaced have inadequate shelter, poor access to clean water and sanitary services and severely limited supplies of energy.

Poverty is particularly intense among IDPs and refugees. Only one third of all working-age IDPs are employed, and nearly three-fourths of the women are out of work. The prospects for income generation remain dismal. IDPs and refugees are entitled to a monthly "bread subsidy" of about 4.50 US dollars per person, and a subsidy of about two US dollars for each child whose per capita household income is less than 3.75 US dollars.

Displaced children are especially vulnerable to the scourges of poverty. Diarrhea is particularly prevalent among IDP children. A recent survey found that over one quarter of IDP children under five had suffered from diarrhea in the previous two weeks.

About 197,000 IDPs - or 35 per cent of the IDP population - are children of school age. The traumatic experiences of these children, their poor living conditions and limitations in their access to quality education have jeopardized their prospects for healthy and appropriate development. A 1995 study found that about one third of children working in the streets were IDPs or refugees.

UNICEF and the World Food Programme (WFP) jointly support multi-functional centres for preschool-age IDP children in an effort to ameliorate the psychological damage of war and displacement and to improve their educational prospects. The Office of the UNHCR is rehabilitating schools in IDP communities, and UNICEF is supporting programmes to educate children in peace and tolerance and provide vocational training for young IDP adults. In the absence of accelerated measures to improve their desperate living conditions, however, many displaced children may be drawn into crime or delinquency.

There are hopes that progress in peace negotiations between Azerbaijan and Armenia may lead to the occupied territories being restored to Azerbaijan. The option for uprooted people to return to their places of origin - freely, safely, voluntarily and in dignity - is a basic human right, and surveys have consistently found that the great majority of Azerbaijan's IDPs want to return to their homes. Enabling IDPs to return is thus a national priority.

Bosnia and Herzegovina

Bosnia and Herzegovina still struggles with the effects of a war that devastated the country and its population. In a country of 4.37 million people

(1991), the figures tell a tragic story: By 1996, up to 2.7 million people - nearly two out of every three citizens - had been displaced or became refugees; 1.5 million of these were women and children. A quarter-million people were killed, and 200,000 injured. In a conflict notorious for targeting civilians, children were frequently victims: An estimated 16,800 children were killed (nearly ten per cent of these were in Sarajevo alone), and 34,700 children were injured. An estimated 45,000 children lost one parent, and there are today 3,350 registered orphans. Half of the schools suffered major damage during the war. Some 10,000 professionals, including doctors, nurses and teachers, were killed in the war or fled the country. The enormous social upheaval endures: As of 2000, only about 40,000 displaced people had made it back to their original homes. At the end of 2001, there were still 500,000 IDPs within Bosnia and Herzegovina and 213,000 refugees in surrounding countries.

Restoring basic health care is a critical first step to ensuring the survival of children in conflict zones. In Bosnia and Herzegovina, the pre-war immunization rate for basic vaccines of over 90 per cent (1991) fell to an estimated 35 per cent or less during the war. By 2001, thanks partly to intensive immunization campaigns by UNICEF and the World Health Organization (WHO), immunization rates returned to their pre-war levels. UNICEF and WHO sponsored a national polio eradication strategy that succeeded in immunizing nearly 90 per cent of children under six in 2001.

Bosnia and Herzegovina is the most heavily mined country in Europe. The over one million landmines laid throughout the country pose significant danger of causing death and disability among children. The UNICEF Mine Awareness Campaign has helped to raise consciousness of the problem. This new awareness has saved lives: The number of landmine accidents decreased from 453 in 1995 (including 15 child fatalities and 68 children injured) to 79 in 1998, including two children killed. In the post-war period (1996-2001), a total of 237 children were killed or injured by landmines, including twelve children who were injured or killed in 2001.

Since the end of the war, UNICEF has supported a secondary school trauma project that is now in 30 per cent of primary and secondary schools country-wide. Surveys conducted by the project have shown that in some areas, up to three-fourths of children were forced to leave their homes, 59 per cent experienced their homes being bombed, and one fourth had seen somebody killed. The programme is run by specially trained counsellors and teachers under the supervision of psychologists and psychiatrists working in the community. The curriculum is designed to identify and support adolescents with histories of severe war trauma who continue to experience psychological problems after the war.

Croatia

An estimated 400,000 children were affected by the war in Croatia, and more than 50,000 were directly exposed to its horrors. The war in Croatia lasted from 1991 to 1995, but its long term effects are still felt. These include the traumatization of families, physical and social damage to communities, displacement, and the proliferation of landmines and unexploded ordnance (UXO).

The war also took a more direct toll: 303 children were killed, and 1,280 children were wounded, including 298 who suffer a permanent disability.

Many children experienced the disintegration of their social networks. Some 4,455 children lost one parent and 131 children lost both parents. The parents of 900 children are still missing.

Children were exposed to sustained artillery attacks and aerial bombardment. A study carried out by UNICEF in 1994 revealed that 27 per cent of displaced children spent more than a month in a bomb shelter, many of them separated from their families.

Displacement of children was the most common effect of the war. In early 1992, when forced displacement within Croatia reached its peak, an estimated 185,000 children were displaced. In 1992 and 1993, large numbers of refugees, many of them children, fled to Croatia from neighbouring Bosnia. In a third wave of forced migration, ethnic Serbs fled from Croatia in 1995.

The majority of the people who fled the conflict have now returned home. However, in Croatia there are still about 25,000 IDPs and 20,000 refugees from Bosnia and Herzegovina. Since 1996, some 86,000 refugees have returned to Croatia from Yugoslavia and Bosnia and Herzegovina under the organized repatriation programme.

Weapons continue to disrupt the social fabric of Croatia. Approximately one million landmines and UXO are strewn over eleven per cent of the country. Many families continue to keep weapons in their homes. Landmine incidents, the widespread availability of firearms and an increase in family violence are causing new traumas. These problems, together with a poor economy and high unemployment rate, continue to hinder post-war development.

For the last decade, UNICEF has supported various school- and community-based psychosocial programmes aimed at alleviating the lingering effects of the conflict. Mine awareness programmes were implemented through schools and the media. UNICEF funded school-based programmes to promote tolerance, peaceful problem solving and conflict resolution.

Ferghana Valley: Kyrgyzstan, Tajikistan and Uzbekistan

The disputed borders between the Central Asian republics of Kyrgyzstan, Tajikistan and Uzbekistan have been contaminated by the extensive use of anti-personnel mines. This border region has been destabilized as a result of a

fundamentalist insurgency which began with armed forays in 1998 that have affected all three countries. Although the underlying social and economic impact of these mines has been relatively low, dozens of civilian casualties, including children, have already been inflicted, mostly in Tajikistan. Figures for Uzbekistan - whose national armed forces continue to lay mines - are not known. Untold numbers of cattle have been killed. Tajikistan is additionally affected by landmines and unexploded ordnance left over from the civil war in the mid-1990s. Those at greatest risk from landmines are adolescent and adult shepherds and farmers; a number of children have also fallen victim to mines while playing. Most incidents appear to be the result of ignorance about the mine threat, or at least the location of mines.

The long-term solution to the threat posed to civilians in the region is, *firstly*, to end the mine-laying; *secondly*, clear contaminated areas to humanitarian standards; and, *thirdly*, adhere to and implement the Ottawa Convention that bans the use, production, stockpiling and transfer of mines. So far, of the three countries mentioned, only Tajikistan has acceded to the Convention, but there are doubts about whether the ban will be applied nationally. Kyrgyzstan has given positive indications of future adherence.

While moving towards the ultimate objective of eliminating all mines in the region, a series of interim measures could help to protect the civilian population, particularly children. Marking of known affected areas is an obvious starting point; to date, there has been little signposting of mined areas despite the requirements of international humanitarian law. Clearance capacity exists in Kyrgyzstan and Tajikistan (and presumably Uzbekistan) - the provision of maps, on which mine laying was recorded, would greatly speed the clearance process.

Community mine awareness education is a priority for UNICEF. Trained community teams can engage at-risk communities in a dialogue where information is exchanged, priorities are identified, and resources mobilized. Community risk mapping, where communities themselves identify dangerous areas and suggest possible solutions, will play a key role in the process.

Georgia

By 2001, there were 272,000 IDPs in Georgia - 80,000 of whom were children - as a result of the conflict in Abkhazia and the Tskhinvali region (South Ossetia). There are also approximately 5,000 Chechen refugees in Georgia. All of these conflicts remain unresolved, and there is still the possibility of renewed fighting in several parts of Georgia due to the general instability in the country. Children living close to the conflict areas thus remain threatened. The war, displacement, drought, and subsequent economic collapse has left much of the population of Abkhazia and South Ossetia vulnerable. Significant numbers of people living in these regions and adjoining areas face serious food shortages due to their poverty. Orphans and large families are at

greatest risk. Food insecurity has led to a higher degree of stunting among IDP children.

There are some programmes addressing the trauma and psychological problems resulting from the armed conflict and economic hardship faced by the IDPs and local population in Abkhazia and South Ossetia. In addition, there are a few programmes addressing the special needs of vulnerable children, many of whom are orphans living in collective centres.

While enrolment figures for IDPs are similar to the local population, some villages in war-affected areas lack schools (which were damaged or destroyed during the armed conflict) and adequate teaching materials. Many children are unable to attend schools due to lack of clothes, shoes and school materials. UNICEF has provided essential school equipment in the hardest hit areas, benefiting some 10,000 students.

In addition to UNICEF's support for health and educational interventions for the most marginalized women and children, UNICEF has also helped establish a mobile club on child's rights. The club has travelled throughout the conflict regions providing special education on the Convention on the Rights of the Child. As a result of the project, about 7,000 children in the region, including IDPs, have been educated about the rights of children. In addition, a 40-hour training course on child protection was conducted to enhance the capacity of 200 child-care providers to work with children in need of special protection, including IDPs. This has contributed to a better understanding and recognition of the special needs and problems of war-affected children. And it has given children an understanding of how conflicts can be resolved peacefully, in the hopes that this new generation can break the cycle of violence.

In 2000, UNICEF and its partners conducted a mine awareness campaign in the Zugdidi region, adjacent to the Abkhazia border. The education effort involved training teachers in landmine awareness, disseminating mine awareness posters, using mobile puppet theatre groups, TV broadcasts and distributing information leaflets at border-crossing points and in communities. The campaign resulted in the creation of a special task group, "Children Against Mines", which has continued disseminating mine awareness information in the region. Over 3,000 children benefited from this project.

Federal Republic of Yugoslavia: UN Administered Province of Kosovo

In the two and a half years since the end of the war in Kosovo, UNICEF has implemented one of its most complex and successful emergency and rehabilitation programmes, in the midst of continuing instability in the region and rapid political change in the province itself. The promotion of human rights - and child rights in particular - is perhaps nowhere more important, and is fundamental to securing the future of a territory that lies near the heart of Europe.

Approximately one million Kosovars were affected by the 1999 conflict, half of them children (Kosovo has the highest youth population in Europe), including internally displaced and refugee returnee populations. The violent experiences to which children and women were exposed caused widespread trauma and stress. Thousands of UXO and the planting of mines also pose great danger for the returnees.

Most of Kosovo's health and education infrastructure was damaged or looted, including 40 per cent of the schools and nearly a quarter of all immunization centres. The lack of functioning health, education and social services structures along with the breakdown of the judicial system had, and still have, serious long-term impacts on the life of women and children in Kosovo.

Kosovo now poses a critical development challenge. It remains the poorest territory in Europe, with some of the worst socio-economic indicators. Infant and maternal mortality rates are the highest in Europe, and chronic malnutrition rates (stunting) are also unacceptably high. Less than ten per cent of children with special needs attend primary school. By the age of 13, nearly one third of girls drop out of primary school. Pre-school education is almost entirely absent.

Kosovar youth represent the best hope for a prosperous and tolerant future for the province. A recent UNICEF survey found that Kosovar youth are the most optimistic in the region and the most willing to engage in civil society and to participate in decision-making processes, especially those concerning education and recreation. Nonetheless, young people are poorly equipped to face some of the most serious contemporary issues: HIV/AIDS awareness is extremely low, and drug use, involvement in organized crime and violence among youth is on the increase. Unemployment is high and few opportunities exist for young people - especially from poor, rural communities - to acquire the skills necessary for the job market.

UNICEF is linking the development of modern, child-centred education practices in its 35 pilot schools with the creation of a new school curriculum to lay the foundations for a quality, inclusive education system. UNICEF is also developing a comprehensive life-skills education programme, which teaches respect for human rights, conflict resolution skills and tolerance, and other vital life-skills such as HIV/AIDS awareness and reproductive health.

Former Yugoslav Republic of Macedonia (FYROM)

In 2001, FYR Macedonia faced the biggest threat to its existence in its recent history. Inter-ethnic tension developed into a military conflict between ethnic Albanian armed groups and Macedonian security forces. Although a framework peace accord brokered by the international community is being implemented, the potential for violence by extremists on both sides remains a continuing possibility.

During the height of the conflict, over 120,000 Macedonians of all ethnic groups were internally displaced or became refugees in neighbouring countries. Although most have returned to their homes, the forced displacement and return to damaged homes, schools and health facilities in the former conflict area has had a traumatic effect, particularly on children.

Children suffer from high levels of stress and anxiety, leading to problems such as bedwetting, aggressive behaviour and tearfulness. UNICEF has organized an overall psychosocial response and facilitated the needs of these affected populations.

Landmines and unexploded ordnance in the former conflict areas have resulted in over 30 deaths and injuries, including five children. As of May 2002, over 60 villages had yet to be cleared of landmines and UXO. As one of the key agencies involved in landmine and UXO safety awareness, UNICEF, through support to the UN Mine Action Office and ICRC, has sought to ensure that all returnees to the former conflict zones and families at risk are informed of safe practices in areas with landmines and UXO.

Given the circumstances in Macedonia today, it is vital to prepare children to respect cultural differences as they are reintegrated. Through its well-established network of government and NGO partners, youth centres and family support centres, UNICEF has promoted reconciliation and reintegration that includes psychosocial support, mine awareness, conflict resolution workshops, and a "back-to-school" initiative for returnee and displaced children and their families.¹¹ UNICEF has also undertaken a campaign to create awareness about children's rights among displaced communities, especially during this very complex period in their lives. Advocacy on child rights and respect for implementation of the CRC and its Optional Protocols is ongoing with government counterparts.

Since the start of the conflict, UNICEF has continuously provided access to primary education to refugee and internally displaced children in local schools. As populations return to the former conflict areas, UNICEF has worked with the government and other international agencies to repair and rehabilitate damaged schools. Throughout the country, UNICEF has initiated curriculum reform to include peace education and conflict resolution.

Providing continuous access to education for all children in Macedonia, including displaced children and children returning to conflict damaged areas, is critical. The classroom provides an environment of normalcy to distressed children and helps ensure that their education - and their future - is not cut short.

11 In this connection, it is worth mentioning that a survey conducted in 2000 by a Macedonian NGO revealed that 61 per cent of women reported that they had been victims of psychological abuse within their families, and 24 per cent had been victims of physical violence.

About 150,000 people are still displaced in the Republic of Ingushetia, some in organized camps, others in spontaneous settlements or staying with host families. Approximately 160,000 of the 600,000 people still living inside Chechnya are internally displaced. The city of Grozny, which had 350,000 inhabitants in the 1980s, now has a population of about 90,000 people, and its infrastructure is almost completely destroyed. A continuing lack of security inside the republic has deterred IDPs from returning to their homes.

There are currently about 32,000 internally displaced children in Ingushetia between the ages of seven and 17. About 9,000 of them attend classes in regular Ingush schools, and another 12,000 are enrolled in alternative wooden or tented schools in the proximity of the IDP camps and settlements. Both systems are supported by UNICEF. In Chechnya, there are approximately 200,000 children enrolled in around 400 school facilities. Up to one third of school buildings in some areas have been totally destroyed, and many others have been severely damaged. Children often attend classes in totally unsuitable premises that lack basic equipment. UNICEF has developed a rehabilitation programme for the school system in order to increase the enrolment capacity of the less damaged school buildings. In addition, textbooks and school materials have been provided to all IDP children enrolled in Ingushetia and Chechnya.

UNICEF has supported the creation of "Child Friendly Spaces" (CFS) - safe-havens where children of pre-school and primary school age can study, play, do sports, eat, receive counselling and generally live in a normal atmosphere. Small-scale CFS were developed in Grozny for more than 200 vulnerable children, and three kindergartens vacated by the IDPs have been rehabilitated in Ingushetia. UNICEF has also supported several recreational centres for adolescents to help reduce the risk that they may be drawn into risky activities.

There are approximately a half-million mines laid inside Chechnya. To date, 7,000 to 10,000 people, including about 4,000 children, have been injured by mines and UXO accidents. With the hostilities continuing, new mines are still being laid.

In 2001, the UNICEF mine awareness campaign reached out to approximately 52,000 IDP children in Ingushetia and about 20,000 children in Chechnya. UNICEF has also supported training of health care professionals in Ingushetia and Chechnya in community-based counselling techniques for mine victims. Throughout 2001 and 2002, a comprehensive programme for assisting child and youth mine victims has been developed in collaboration with a prosthetic workshop and a rehabilitation/physiotherapy centre. These centres enable victims and their care-givers to receive psychological counselling whenever needed.

UNICEF, in collaboration with a Polish NGO, has developed a large programme for the production and distribution of potable water in Grozny, where the urban water system was damaged during the conflict. Recently, a garbage and sewage collection system has been added to the programme. The focus of the water distribution and sanitation efforts is on schools and health facilities. Latrines and incinerators for destroying dangerous medical wastes have been built close to several hospitals.

The population in Ingushetia still suffers from a lack of adequate health care for women and children and a significant need for mental health rehabilitation. In Chechnya, the health needs of the population are largely unmet. The emergency situation has led to a total depletion of resources among the existing health facilities. The epidemiological surveillance system barely works. UNICEF is helping to restore one of the building blocks of the health care system: the immunization programme for young children. UNICEF is rehabilitating the vaccine cold-chain (the system of transport and storage used to maintain the efficacy of vaccines) and the Expanded Programme of Immunization (EPI) system both in Ingushetia and Chechnya. The programme has been adapted to the fluid political realities of the region: New vaccination cards have been distributed that can be carried in case of displacement and allow parents to keep an accurate record of the immunization status of their children. As always during war and displacement, UNICEF is urging parents to safeguard their children's health, and their future.

Federal Republic of Yugoslavia (Excluding Kosovo)

UNICEF programmes in the Federal Republic of Yugoslavia have two linked foci: assisting refugee and internally displaced children, and protecting children from the impact of sanctions. UNICEF's strategy has been to support social services to cope with the increased caseload caused by the influx of IDPs and refugees, as well as by the strain on resources caused by economic sanctions.

Social services were seriously affected by the NATO bombing in 1999. During the bombing, 384 schools (including 242 primary schools) were damaged, children lost an average of 50 school days, and schools were closed for about one month due to the lack of fuel and teachers' strikes.

Some 40,000 IDP primary school children came from Kosovo to Serbia and Montenegro after the NATO bombing. This resulted in school overcrowding and led to a system of three school shifts. Ten per cent of children in Yugoslavia express serious symptoms of trauma due the armed conflicts.

The overall goals of the UNICEF-assisted education programme are: a) to ensure that every child has access to a basic education; b) to promote tolerance and children's rights through education; c) to help create conditions for schooling as a vital step in creating a normal atmosphere for children who have been affected by the upheavals of wars.

The UNICEF education programme has funded actions that resulted in the provision of 1,000 classroom furniture kits, 200 teaching aids kits and repairs of the heating system in 40 schools. In addition, 3,500 teachers were trained in active learning methods and 300 were trained in non-violent conflict resolution. 10,000 students have participated in the "Education for Peace and Tolerance" programme. This latter programme is aimed at breaking the cycle of violence that has continued from one generation of Yugoslavs to the next.

"A world fit for children", writes UN Secretary-General Kofi Annan, "is a just and peaceful world."¹² Yet in parts of Central and Eastern Europe, the CIS and the Baltics, peace seems a dim and distant pipedream. UNICEF and its partners have worked to bring some normalcy and hope to children whose lives have been shaken or shattered by conflict.

The lasting solution to the problems of children and armed conflict lie in the hands of political leaders. But too many of those leaders have placed warfare ahead of welfare. "In tolerating this scourge of war against children, we ourselves are complicit in their suffering", declares Graça Machel. "No one (...) has done nearly enough to counter the power, greed and political expediency with which adults countenance the criminal sacrifice of children in war."¹³

As the CEE/CIS and Baltics wrestle with conflicts past and present, Machel's *cri de cœur* is fitting: "The international community must address the plight of war-affected children and women with new urgency. Their protection is not a matter for negotiation. Those who wage, legitimise and support wars must be condemned and held to account as surely as children must be cherished and protected. Children cannot afford to wait."¹⁴

12 Kofi A. Annan, *We the Children*, United Nations, New York, 2001, p. 101.

13 Graça Machel, *The Impact of War on Children*, p. 188.

14 Ibid.

Major International Conventions and Protocols Protecting Children in Armed Conflict

Signatory countries in Central and Eastern Europe, CIS and the Baltic States*

The *UN Convention on the Rights of the Child (CRC)* has been ratified by all countries in Europe and Central Asia.

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Landmine Ban Treaty):

Albania*, Bosnia and Herzegovina*, Bulgaria*, Croatia*, Czech Republic*, Hungary*, Lithuania, FYR Macedonia*, Moldova*, Poland, Romania*, Slovakia*, Slovenia*, Tajikistan*, Turkmenistan*, Ukraine

Non-signers: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Russian Federation, Turkey, Uzbekistan, Yugoslavia

Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography:

Azerbaijan, Belarus*, Bosnia and Herzegovina, Bulgaria*, Croatia, Hungary, Kazakhstan*, Latvia, FYR Macedonia, Moldova, Poland, Romania*, Slovakia, Slovenia, Turkey, Ukraine, Yugoslavia

Non-signers: Albania, Armenia, Czech Republic, Estonia, Georgia, Kyrgyzstan, Lithuania, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan

Optional Protocol to the CRC on the Involvement of Children in Armed Conflict:

Azerbaijan, Bosnia and Herzegovina, Bulgaria*, Croatia, Czech Republic*, Hungary, Kazakhstan, Latvia, Lithuania, FYR Macedonia, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, Turkey, Ukraine, Yugoslavia

Non-signers: Albania, Armenia, Belarus, Estonia, Georgia, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan

Ratification/accession countries are marked with an asterisk (*)

Annex

Ninth Meeting of the Ministerial Council¹

Bucharest, 3 and 4 December 2001

- I. Bucharest Ministerial Declaration
- II. Decision on Combating Terrorism and the Bucharest Plan of Action for Combating Terrorism
- III. Statements by the Ministerial Council
- IV. Decisions of the Bucharest Ministerial Council Meeting

¹ MC.DOC/2/01, 4 December 2001.

1. Bucharest Ministerial Declaration

1. We, the members of the Ministerial Council of the OSCE, have met together in Bucharest in a world profoundly affected by the outrageous attack by international terrorists in the United States. These events have generated a new determination among participating States, spanning the OSCE area, to strengthen and deepen our co-operation.

2. We resolutely condemn all acts of terrorism. Terrorism, whatever its motivation or origin, has no justification. No cause can justify the purposeful targeting of innocent people. In the fight against terrorism, there is no neutrality.

3. Reflecting the OSCE's solidarity, the Ministerial Council has adopted today a decision and Action Plan on Terrorism. We reiterate that the struggle against terrorism is not a war against religions or peoples. We reaffirm our commitment to protecting human rights and fundamental freedoms.

4. We are determined to protect our citizens from new challenges to their security while safeguarding the rule of law, individual liberties, and the right to equal justice under law. Organized crime, illicit traffic in drugs and arms, and trafficking in human beings, affect the security, economy and social structure of all participating States. The Ministerial Council supports enhanced efforts and greater international co-operation to combat these challenges, and urges participating States who have not yet done so to become parties to the United Nations Convention Against Transnational Organized Crime and its Protocols.

5. We welcome the review of the OSCE's structures undertaken at the initiative of the Romanian Chairmanship with the goal of strengthening the OSCE's efficiency, and the adoption today of decisions to foster the role of the OSCE as a forum for political dialogue on issues of security and co-operation in Europe. This reinforces our determination to make more effective use of OSCE means and mechanisms to counter threats and challenges to security and stability in the OSCE region. In particular, we have decided to strengthen our co-operation in the economic and environmental dimension and to enhance the OSCE's role in police-related activities; the Permanent Council has taken decisions on the necessary measures so that the OSCE can promote and support them. The Ministerial Council tasks the Permanent Council, through a working group on OSCE reform, to continue consideration of issues related to OSCE reform and report to the next meeting of the Ministerial Council.

6. We reiterate our full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris, the Charter for European Security and all other OSCE documents to which we have agreed. We reaffirm our determination to fulfil in a timely fashion without exception, all of our OSCE commitments.

7. We remain concerned over the persistence of conflicts in various regions in the OSCE area that threaten the observance of the principles of the Hel-

sinki Final Act in several participating States and may at the same time, threaten peace and stability in the OSCE region. We value the OSCE's important role in early warning, conflict prevention, crisis management, and post-conflict rehabilitation. We pay special tribute to the women and men serving in the OSCE institutions and field operations and commend their dedication and hard work.

8. We affirm our determination to address the threats to security and stability in the 21st century. We request that the Permanent Council develop a strategy for the OSCE to do its part to counter these threats. We request the Forum for Security Co-operation to make its own contribution, within its competencies and mandate.

9. We underline that arms control and confidence-and security-building measures remain a core element of the OSCE's comprehensive approach to security. We are determined to make further efforts within the Forum for Security Co-operation to address common security concerns of participating States and to pursue the OSCE's concept of comprehensive and indivisible security in its politico-military dimension.

10. We take note of the entry into force of the Open Skies Treaty on 1 January 2002. We look forward to the implementation of the Treaty by its States Parties.

11. Together we can meet the challenges we face today. We renew our commitment to close co-operation among ourselves, individually and within the Organization and with our Mediterranean Partners for Co-operation and with Japan, the Republic of Korea and Thailand, as well as between the OSCE and other international organizations, institutions and sub-regional groups, in accordance with the Platform for Co-operative Security.

12. We also renew our commitment to relations founded on sovereign equality, mutual respect, co-operation, and support for democracy. We are determined to build our relations in conformity with the concept of common and comprehensive security, guided by equal partnership, solidarity and transparency. We remain committed to an OSCE community from Vancouver to Vladivostok, whole, free, and at peace, that responds through concerted efforts to challenges to peace and stability.

II. Decision on Combating Terrorism and the Bucharest Plan of Action for Combating Terrorism

Decision No. 1 Combating Terrorism²

The 55 participating States of the OSCE stand united against terrorism, a scourge of our times.

² MC(9).DEC/1/Corr.1.

The OSCE participating States resolutely condemn the barbaric acts of terrorism that were committed against the United States on 11 September 2001. They represented an attack on the whole of the international community, and on people of every faith and culture. These heinous deeds, as well as other terrorist acts in all forms and manifestations, committed no matter when, where or by whom, are a threat to international and regional peace, security and stability. There must be no safe haven for those perpetrating, financing, harbouring or otherwise supporting those responsible for such criminal acts. Terrorism, whatever its motivation or origin, has no justification.

The OSCE participating States will not yield to terrorist threats, but will combat them by all means in accordance with their international commitments. This will require a long and sustained effort, but they take strength from their broad coalition, reaching from Vancouver to Vladivostok. They will defend freedom and protect their citizens against acts of terrorism, fully respecting international law and human rights. They firmly reject identification of terrorism with any nationality or religion and reconfirm the norms, principles and values of the OSCE.

The OSCE participating States pledge to reinforce and develop bilateral and multilateral co-operation within the OSCE, with the United Nations and with other international and regional organizations, in order to combat terrorism in all its forms and manifestations, wherever and by whomever committed. As a regional arrangement under Chapter VIII of the Charter of the United Nations, the OSCE is determined to contribute to the fulfilment of international obligations as enshrined, *inter alia*, in United Nations Security Council resolution 1373 (2001), and will act in conformity with the purposes and principles of the Charter of the United Nations. The OSCE participating States pledge to become parties to all 12 United Nations conventions and protocols related to terrorism as soon as possible. They call for a speedy finalization of negotiations for a Comprehensive United Nations Convention on International Terrorism.

The OSCE participating States have come together in political solidarity to take joint action. They look forward to the substantive contribution that the Bishkek International Conference on Enhancing Security and Stability in Central Asia, to be held on 13 and 14 December 2001, can render to global anti-terrorism efforts, and will support, also through technical assistance, the Central Asian partners, on their request, in countering external threats related to terrorism.

To that end, the OSCE Ministerial Council adopts The Bucharest Plan of Action for Combating Terrorism, annexed to this Decision.

I. Goal of the Action Plan

1. Terrorism is a threat to international peace and security, in the OSCE area as elsewhere. The OSCE stands ready to make its contribution to the fight against terrorism in close co-operation with other organizations and fora. This contribution will be consistent with the Platform for Co-operative Security and will benefit from interaction between global and regional anti-terrorism efforts under the aegis of the United Nations. The OSCE participating States commit their political will, resources and practical means to the implementation of their obligations under existing international terrorism conventions and pledge themselves to intensify national, bilateral and multilateral efforts to combat terrorism.

2. In contribution to the world-wide efforts to combat terrorism, the OSCE will seek to add value on the basis of the specifics of the Organization, its strengths and comparative advantages: its comprehensive security concept linking the politico-military, human and economic dimensions; its broad membership; its experience in the field; and its expertise in early warning, conflict prevention, crisis management, post-conflict rehabilitation and building democratic institutions. In addition, many effective counter-terrorism measures fall into areas in which the OSCE is already active and proficient, such as police training and monitoring, legislative and judicial reform, and border monitoring.

3. The aim of the Action Plan is to establish a framework for comprehensive OSCE action to be taken by participating States and the Organization as a whole to combat terrorism, fully respecting international law, including the international law of human rights and other relevant norms of international law. The Action Plan seeks to expand existing activities that contribute to combating terrorism, facilitate interaction between States and, where appropriate, identify new instruments for action. The Action Plan, which recognizes that the fight against terrorism requires sustained efforts, will identify activities to be implemented immediately as well as over the medium and long term.

II. International legal obligations and political commitments

4. United Nations conventions and United Nations Security Council resolutions (UNSCR) constitute the global legal framework for the fight against terrorism. UNSCR 1269 (1999), 1368, 1373 and 1377 (2001), along with the 12 relevant United Nations conventions and protocols on anti-terrorism issues, provide the basis for this framework and include a number of specific elements of combating terrorism. In addition, a range of OSCE documents, in-

3 Annex to MC(9).DEC/1/Corr.1.

cluding Summit declarations from Helsinki to Istanbul, spell out the OSCE's commitment to fight terrorism, in accordance with the Charter of the United Nations. The widest and most comprehensive participation in and implementation of existing instruments and commitments to combat terrorism by the participating States must be pursued and ensured.

5. Participating States: Pledge themselves to apply efforts to become parties to all 12 United Nations conventions and protocols relating to terrorism, by 31 December, 2002, if possible, recognizing the important role that parliamentarians may play in ratification and other anti-terrorism legislative processes. States are encouraged to inform the Permanent Council of steps taken in this regard. Will participate constructively in the ongoing negotiations at the United Nations on a Comprehensive Convention against International Terrorism and an International Convention for the Suppression of Acts of Nuclear Terrorism, with a view to their early and successful conclusion.

6. Office for Democratic Institutions and Human Rights (ODIHR): Will, on formal request by interested participating States and where appropriate, offer technical assistance/advice on legislative drafting necessary for the ratification of international instruments, in close co-operation with other organizations, including the United Nations Office for Drug Control and Crime Prevention (UNODCCP).

7. Participating States: Will consider how the OSCE may draw upon best practices and lessons learned from other relevant groups, organizations, institutions and fora in areas such as police and judicial co-operation; prevention and suppression of the financing of terrorism; denial of other means of support; border controls including visa and document security; and access by law enforcement authorities to information.

8. The participating States will also use the Forum for Security Co-operation (FSC) to strengthen their efforts in combating terrorism through full and timely implementation of all relevant measures agreed by the OSCE. To this end they will enhance implementation of existing politico-military commitments and agreements, in particular the Code of Conduct on Politico-Military Aspects of Security and the Document on Small Arms and Light Weapons (SALW).

The FSC will examine the relevance of its other documents to the fight against terrorism, and will assess whether there is a need to develop additional norms and measures. The Security Dialogue may serve as a suitable basis for regular consultations on these issues within the FSC.

The participating States will submit responses to the Code of Conduct Questionnaire that provide further transparency on international, regional and national commitments in combating terrorism, especially relevant United Nations conventions and resolutions. The FSC will consider ways to fully implement the Document on SALW, *inter alia*, Section V on early warning, conflict prevention, crisis management, and post-conflict rehabilitation. The FSC will examine the possibility of enhancing transparency on national

marking systems, exports and imports, and national stockpile management and security procedures, primarily by reviewing the information thus exchanged and developing best practice guides. The follow-up conference on the Code of Conduct and the SALW workshop, both of which will take place in 2002, could further enhance the application of these documents in combating terrorism.

III. Preventive action against terrorism in the OSCE area

9. No circumstance or cause can justify acts of terrorism. At the same time, there are various social, economic, political and other factors, including violent separatism and extremism, which engender conditions in which terrorist organizations are able to recruit and win support. The OSCE's comprehensive approach to security provides comparative advantages in combating terrorism by identifying and addressing these factors through all relevant OSCE instruments and structures.

10. Institution building, strengthening the rule of law and state authorities: ODIHR: Will continue and increase efforts to promote and assist in building democratic institutions at the request of States, inter alia by helping to strengthen administrative capacity, local and central government and parliamentary structures, the judiciary, ombudsman institutions and civil society. Will facilitate exchanges of best practices and experience between participating States in this regard. Will continue to develop projects to solidify democratic institutions, civil society and good governance.

11. Promoting human rights, tolerance and multi-culturalism:

Participating States/Permanent Council/ODIHR/High Commissioner on National Minorities (HCNM)/Representative on Freedom of the Media: Will promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard. Will provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, at the same time, promote their respect for the rule of law, democratic values and individual freedoms. Will work to ensure that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity.

12. Representative on Freedom of the Media: Will consider developing projects aimed at supporting tolerance towards people of other convictions and beliefs through the use of the media. Will promote measures aimed at preventing and fighting aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism in the media. Will continue to encourage pluralistic debate and increased media attention to promoting tolerance of ethnic, religious, linguistic and cultural diversity and will, in this context, promote broad public access to media as well as monitor hate speech.

13. Addressing negative socio-economic factors:

Participating States/Secretariat: Will aim to identify economic and environmental issues that undermine security, such as poor governance; corruption; illegal economic activity; high unemployment; widespread poverty and large disparities; demographic factors; and unsustainable use of natural resources; and will seek to counter such factors with the assistance, on their request, of the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), acting, among other things, as a catalyst for action and co-operation.

14. Preventing violent conflict and promoting peaceful settlement of disputes:

Drawing on all its capacities, the OSCE will continue and intensify work aimed at early warning and appropriate response, conflict prevention, crisis management and post-conflict rehabilitation; will strengthen its ability to settle conflicts; will increase efforts to find lasting solutions to unresolved conflicts, including through promotion of the rule of law and crime prevention in such conflict zones through increased co-operation with the United Nations, the European Union and other international organizations; and will further develop its rapid deployment capability (REACT) in crisis situations.

15. Addressing the issue of protracted displacement:

Participating States/ODIHR/HCNM/Representative on Freedom of the Media: Will explore strengthened OSCE potential for contributing to durable solutions, supporting and closely co-operating with other relevant organizations, primarily the Office of the United Nations High Commissioner for Refugees. Will closely monitor situations of protracted displacement.

16. Strengthening national anti-terrorism legislation:

Participating States: Will commit themselves to implementing all the obligations they have assumed under relevant conventions and protocols relating to terrorism as well as the United Nations Convention against Transnational Organized Crime and its additional protocols, sharing information and methods in this regard and considering ways and means of co-operation in implementation at bilateral, OSCE-wide and sub-regional meetings.

17. OSCE Parliamentary Assembly: Will continue its efforts to promote dialogue among OSCE parliamentarians with a view to strengthening legislation essential in combating terrorism.

18. ODIHR: Will, on request by interested participating States and where appropriate, offer technical assistance/advice on the implementation of international anti-terrorism conventions and protocols as well as on the compliance of this legislation with international standards, in accordance with Permanent Council decisions, and will seek co-operation with other organizations, especially the UNODCCP, to this end. Will consider facilitating contacts between national experts to promote exchange of information and best practices on counter-terrorism legislation.

19. Supporting law enforcement and fighting organized crime:

Participating States: Noting the close connection between terrorism and transnational organized crime, illicit trafficking in drugs, money laundering and illicit arms trafficking, will take the necessary steps to prevent in their territory illegal activities of persons, groups or organizations that instigate, finance, organize, facilitate or engage in perpetration of acts of terrorism or other illegal activities directed at the violent overthrow of the political regime of another participating State. Will afford one another the greatest measure of assistance in providing information in connection with criminal investigations or criminal extradition proceedings relating to terrorist acts, in accordance with their domestic law and international obligations.

20. Permanent Council: Will consider arranging regular meetings of law enforcement officials of participating States and, where applicable, of OSCE experts with relevant experience in the field to exchange best practices and ways of improving co-operation.

21. Secretariat: Will assist participating States, on their request, through measures to combat trafficking in human beings, drugs and small arms and light weapons, in accordance with relevant Permanent Council decisions, and will undertake efforts to assist in facilitating increased border monitoring, where appropriate. Will further assist participating States, on the request and with their agreement, through provision of advice and assistance on restructuring and/or reconstruction of police services; monitoring and training of existing police services, including human rights training; and capacity building, including support for integrated or multi-ethnic police services. Will, to this end, reinforce its existing police-related activities in conflict prevention, crisis management and post-conflict rehabilitation.

22. ODIHR: Will provide continued advice to participating States, at their request, on strengthening domestic legal frameworks and institutions that uphold the rule of law, such as law enforcement agencies, the judiciary and the prosecuting authorities, bar associations and defence attorneys. Will expand its efforts to combat trafficking in human beings and to support victims of trafficking. Will, where appropriate, support prison reform and improvements in criminal procedure.

23. Representative on Freedom of the Media: Will co-operate in supporting, on request, the drafting of legislation on the prevention of the abuse of information technology for terrorist purposes, ensuring that such laws are consistent with commitments regarding freedom of expression and the free flow of information.

24. Suppressing the financing of terrorism.

Participating States: Will, within the framework of the United Nations Convention on the Suppression of Financing of Terrorism and UNSCR 1373 (2001), take action to prevent and suppress the financing of terrorism, criminalize the wilful provision or collection of funds for terrorist purposes, and freeze terrorist assets also bearing in mind UNSCR 1267 (1999). Will, in ac-

cordance with their domestic legislation and obligations under international law, provide early response to requests for information by another participating State and relevant international organizations.

25. *Participating States/Secretariat*: Will, in the realm of the Economic and Environmental activities for 2002, also consider ways of combating economic factors which may facilitate the emergence of terrorism, economic consequences of terrorism as well as financial support for terrorists. Will consider how the OSCE may contribute, within the framework of its work on transparency and the fight against corruption, to the wider international effort to combat terrorism. Will consider taking on a catalytic role in providing targeted projects for the training of the personnel of domestic financial institutions in counter-terrorism areas, *inter alia* on monitoring of financial flows and on prevention of money laundering. Participating States will participate constructively in the forthcoming negotiations at the United Nations on a global instrument against corruption, with a view to their early and successful conclusion.

26. *Preventing movement of terrorists*:

Participating States: Will prevent the movement of terrorist individuals or groups through effective border controls and controls on issuance of identity papers and travel documents, as well as through measures for ensuring the security of identity papers and travel documents and preventing their counterfeiting, forgery and fraudulent use. Will apply such control measures fully respecting their obligations under international refugee and human rights law. Will, through the proper application of the exclusion clauses contained in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, ensure that asylum is not granted to persons who have participated in terrorist acts. Will provide for the timely detention and prosecution or extradition of persons charged with terrorist acts, in accordance with their obligations under international and national law.

IV. Action under the Platform for Co-operative Security - Co-operation with other organizations

27. The United Nations is the framework for the global fight against terrorism. Close co-operation and co-ordination between all relevant actors must be secured. The OSCE can take on a co-ordinating role for inter- and intra-regional initiatives. The OSCE reaches out through close contacts to non-governmental organizations (NGOs), civil society and parliamentarians, creating an ever-closer network for the international coalition against terrorism.

28. *Participating States/Secretariat*: Will strengthen co-operation and information exchanges, both formally and informally, with other relevant groups, organizations, and institutions involved in combating terrorism. Will strengthen co-operation with the European Union on analysis and early warning and reinforce synergy with the Stability Pact for South Eastern

Europe and the Central European Initiative in areas relevant to combating terrorism. Will promote dialogue within the OSCE area on issues relating to new threats and challenges. Will broaden dialogue with partners outside the OSCE area, such as the Mediterranean Partners for Co-operation and Partners for Co-operation in Asia, the Shanghai Co-operation Organization, the Conference on Interaction and Confidence-Building Measures in Asia, the Organization of the Islamic Conference, the Arab League, the African Union, and those States bordering on the OSCE area to exchange best practices and lessons learned in counter-terrorism efforts for application within the OSCE area.

V. Follow-up

29. The “Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism”, to be held on 13 and 14 December 2001 in Bishkek, will be a first opportunity to:

- discuss among a broad range of participants, on the basis of the present Action Plan, concrete experiences and best practices in combating international terrorism and
- due to the specific security challenges to which this region is exposed, apply relevant provisions of this Action Plan for practical support to participating States in Central Asia, including financial and technical assistance in concrete areas of their interest.

30. The Secretary General will, by 27 December 2001, report to the United Nations Counter Terrorism Committee on action on combating terrorism taken by the OSCE, and will thereafter inform the United Nations as appropriate. In addition, he will regularly inform the Permanent Council about OSCE activities under this Plan of Action. He will prepare a report for submission to the next OSCE Ministerial Council/Summit on activities of OSCE bodies in the anti-terrorism field, and thereafter as requested by the Permanent Council.

31. Each OSCE body called upon to take action under this Plan will prepare, for submission to the Permanent Council, a “road map” for implementation of these tasks, including a timetable, resource implications, and indication of activities requiring further Permanent Council decisions.

On the basis of information provided by other OSCE bodies, the Secretariat will prepare an indicative assessment of the administrative and financial implications of this Plan of Action, including the possible need for establishing an anti-terrorism unit or focal point within the Secretariat, and make recommendations for the approval by the Permanent Council of necessary resources within the 2002 budget. The Permanent Council, acting, *inter alia*, through the Chairman-in-Office and assisted by the Secretariat, will monitor the implementation of this Action Plan. It will further identify sources for assistance

in implementing counter-terrorism measures, including expert teams, and possible additional tasking by the Permanent Council of OSCE field presences in close co-operation and agreement with host governments.

III. Statements by the Ministerial Council

Decision No. 2

Statements by the Ministerial Council⁴

(1)

1. Since we last met, in November 2000 in Vienna, the OSCE remained actively involved in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia. We have witnessed progress in large parts of South-Eastern Europe but were also confronted with new challenges. The OSCE has continued to contribute substantially to conflict prevention, crisis management, and post-conflict stabilization, and thereby fostered peace and stability in the area. In this respect we stress the importance of regional co-operation, particularly in accordance with the Platform for Co-operative Security and of the European Union Stabilization and Association Process for the prosperity of the region.

2. We reaffirm that peace, prosperity and stability in South-Eastern Europe remain one of the strategic priorities for the OSCE. We confirm our commitment to the Stability Pact for South-Eastern Europe, which is under the auspices of the OSCE, as an important initiative to promote the objectives of democratic consolidation, economic prosperity and sustainable security. We welcome the results of the Regional Conference on 25 and 26 October 2001 in Bucharest. It sent a strong political signal that the countries of the region will continue their efforts toward reforms and regional co-operation and that the International Community will maintain its strong support for sustainable stabilization, democratization, institution building and economic reconstruction in South-Eastern Europe. We also encourage closer links between the Pact and other regional initiatives, such as the South East European Co-operation Process. We support initiatives to strengthen the Stability Pact by refocusing and reprioritising its future action. We welcome enhanced regional co-operation on issues related to refugees and displaced persons and encourage further co-operation on this issue.

3. We fully support the territorial integrity and the inviolability of borders of the States in South-Eastern Europe and condemn all terrorist acts of any origin or motivation, and all forms of ethnic nationalist and separatist violence. We expect full compliance with international obligations in particular the General Framework Agreement for Peace in Bosnia and Herzegovina (Day-

4 MC(9).DEC/2.

ton/Paris Peace Accords) and full co-operation by all with the International Criminal Tribunal for the former Yugoslavia and welcome the steps taken by the countries in the region in this respect. An increased number of indicted war criminals are now facing trial in The Hague. All those indicted by the Tribunal must be turned over to ICTY authorities to stand trial.

4. We welcome the conclusion of the Framework Agreement on 13 August 2001 and commend the Parliament for the adoption of the Constitutional amendments on 16 November 2001. In that regard, we value the contributions of the Chairman-in-Office and his Personal Envoy in close co-operation with the Special Envoys of the European Union and the United States for overcoming the crisis. Reaffirming our commitment to the sovereignty, territorial integrity and the unitary character of the state, we offer our sustained assistance for and strongly support the full and timely implementation of the Framework Agreement. In that regard, we welcome the invitation to assist in the implementation of the Framework Agreement and in particular of Annex C, including the programs on police training and reform, media, and interethnic relations. In agreement, close co-operation, and partnership with the government, the OSCE will make its experience available in all relevant fields of the Framework Agreement, including further enhancement of inter-ethnic confidence building. We look forward to the adoption of the revised Law on Local Self-Government and we underline the importance of convening a donors' conference as soon as possible thereafter, in order to support the implementation of the Framework Agreement's objectives and rebuild the economy. While condemning renewed acts of extremist violence, we reaffirm that only peaceful political solutions can assure a stable and democratic future for the country and the continuation of the reform processes, which will facilitate the development of closer and more integrated relations with the Euro-Atlantic community of nations, further enhance multiethnic democracy and promote peaceful and harmonious relations among its citizens. A stable and peaceful country is a precondition for a more stable and prosperous region.

5. We commend the consolidation of democracy in the Federal Republic of Yugoslavia and the efforts made to strengthen the rule of law, respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities. We note the contribution of the authorities of the Federal Republic of Yugoslavia to regional stability. We welcome the establishment and the work of the OSCE Mission to the Federal Republic of Yugoslavia. We stand ready to assist the Yugoslav people and the government in strengthening full democracy. We welcome the ongoing efforts of the Yugoslav and Serbian governments to carry out the plan for southern Serbia and call upon all involved to continue efforts towards ensuring a successful implementation. We are pleased with the progress that has been made on confidence-building measures in southern Serbia, in particular on multi-ethnic police training. We support a democratic Montenegro within a democratic

Yugoslavia and encourage dialogue between federal and republican authorities.

6. We reaffirm our commitment to the full implementation of United Nations Security Council Resolution 1244 regarding Kosovo, Federal Republic of Yugoslavia, including the establishment of a secure environment, assuring safe, sustainable and unimpeded return of all refugees and internally displaced persons to their homes and addressing the problem of missing persons. We commend the adoption of an UNMIK-FRY common document and expect its full implementation. We welcome the holding of Kosovo-wide election on 17 November 2001 and recognize the contribution of the OSCE and other international organizations and institutions in facilitating a free, fair and inclusive vote. The elections were an important step in the implementation of United Nations Security Council Resolution 1244 and mark the beginning of the phase of democratic provisional self-government in accordance with the constitutional framework. Conditions should be provided for all members of the new assembly and all ethnic communities to participate fully in this process. We call upon those elected and all ethnic communities to participate in full responsibility in this process.

7. We support the democratically elected authorities in Bosnia and Herzegovina at the State and entity level and call on them to make further progress, in particular with regard to strengthening State institutions, the return of refugees and displaced persons and the creation of a single economic space in accordance with the Dayton/Paris Peace Accords. Continuing development of civil society and increasing local ownership of the reform process will be key priorities of ongoing OSCE involvement. We commend the sustained efforts by the High Representative and the OSCE Mission aimed at improving co-ordination and efficiency of the international engagement in the field of civilian implementation of the Dayton/Paris Peace Accords. We favour a timely decision on the best options for the succession of UNIPTF to allow for a smooth and comprehensive transition. The OSCE has experience to offer in this regard.

8. We commend the positive role of the government of Albania in regional co-operation. We consider that the 2001 parliamentary elections in Albania marked progress over past elections. We call on the authorities of Albania to implement the recommendations contained in the OSCE/ODIHR final report on the 2001 Parliamentary elections and call on the political opposition to participate fully in the political process.

9. We welcome the continuing progress by the Croatian authorities to implement democratic and economic reforms and also the positive steps taken by the Croatian authorities towards regional stability, through substantial progress in regional co-operation. It is in Croatia's, as well as in the region's, interest that such measures be pursued. We welcome the OSCE Croatia Mission's sustained efforts in 2001, and we offer strong support for its future efforts in co-operation with Croatian authorities. We look forward to additional

steps being taken in Croatia as well as in other countries of the region to facilitate sustainable solutions to the plight of refugees and internally displaced persons, including the full exercise of their rights to return home and to repossess their properties throughout the region.

10. We commend the OSCE's continued work in assisting in the implementation of Articles II and IV of Annex 1-B of the Dayton/Paris Peace Accords. In this context, we support measures to enhance transparency and democratic control of armed forces, information exchange, and other co-operative activities, under Article II, that help to increase mutual confidence and stability, and efforts under Article IV in the field of arms control. We look forward to enhanced co-operation in the implementation of the Florence Agreement. We also welcome the adoption of the Concluding Document of the Negotiations under Article V of Annex 1-B of the Dayton/Paris Peace Accords. We welcome support extended by the Stability Pact for South-Eastern Europe towards the implementation of arms control and Confidence- and Security-Building Measures.

11. We reiterate our commitment to address the problem of the excessive and destabilising accumulation and uncontrolled spread of small arms and light weapons, including through, in particular, the OSCE Document on Small Arms and Light Weapons. We welcome activities undertaken by the countries in this regard.

12. We commend the contribution of all countries of South-Eastern Europe to enhance regional co-operation and to foster regional security and stability.

(2)

2. We welcome the fulfilment by the Russian Federation, ahead of the agreed time, of the commitments undertaken at the OSCE Istanbul Summit in 1999 on withdrawal and disposal of the CFE Treaty-Limited Equipment located in the Transdniestrian region of the Republic of Moldova by the end of 2001. We commend the Russian Federation on its accomplishment, as well as the other parties for their contribution to this achievement. We believe this should serve as a model for constructive and fruitful co-operation in dealing with other issues.

3. We look forward to the timely fulfilment of other commitments on Moldova undertaken by the OSCE participating States in Istanbul in 1999. We note in this regard the progress achieved in 2001 in beginning withdrawal from the Transdniestrian region of the Republic of Moldova of the Russian military equipment not limited by CFE Treaty, as well as in preparing for withdrawal or destruction in a fully transparent manner of ammunition belonging to the Russian Federation. We express our thanks to those participating States contributing to the relevant OSCE voluntary fund to allow OSCE to assist the Russian Federation in the timely fulfilment of its 1999

OSCE Istanbul Summit commitments. We also encourage participating States to make initial or additional contributions to the voluntary fund.

(3)

1. We express our firm commitment to support the independence, sovereignty and territorial integrity of Georgia and reaffirm previous OSCE Summit and Ministerial Council documents regarding Georgia.

2. We welcome developments in the peace process in Tskhinvali region/South Ossetia. We express appreciation for the efforts of the OSCE Chairman-in-Office and the OSCE Mission to Georgia, the European Commission and particularly the Russian Federation, which have resulted in tangible steps forward, including practical steps to reduce the quantities of small arms and light weapons in this region, and agreement on a schedule of future meetings of the Joint Control Commission and of experts. We welcome the financial assistance provided by the European Union. We welcome the signing of the Georgian-Russian Agreement on the economic rehabilitation. We look forward to further progress in 2002, building on the greater understanding between the parties particularly on defining the political status of Tskhinvali region/South Ossetia within the Georgian State.

3. We reconfirm the leading role of the United Nations in Abkhazia, Georgia and the importance of the Geneva process as the main framework of negotiations. We condemn the shooting down of a UNOMIG helicopter on 11 October and urge the honest fulfilment of all agreements, including, *inter alia*, the Moscow Cease-fire Agreement of 14 May 1994. We call for the resumption of a constructive dialogue aimed at achieving a comprehensive settlement, including defining the political status of Abkhazia as a sovereign entity within the state of Georgia. We remain concerned about human rights situation in Abkhazia, Georgia. We are convinced of the need to create the conditions for the safe, secure and dignified return of refugees and internally displaced persons to their previous places of permanent residence from which they have been forced to move as a result of mass destruction and forcible expulsion.

4. We acknowledge the significant contribution to stability and confidence in the region made by the OSCE Border Monitoring Operation along the border between Georgia and the Chechen Republic of the Russian Federation. We direct the Permanent Council to examine proposals to extend the Border Monitoring Operation to the Georgian border with the Ingush Republic of the Russian Federation.

5. We welcome the progress made this year towards meeting the commitments made in Istanbul on the future of Russian forces in Georgia. The closure of the Russian base at Vaziani and the withdrawal of the equipment from the Russian base at Gudauta were important steps forward. We look forward to the implementation of the other Istanbul commitments. We call for the re-

sumption of the Georgian-Russian negotiations concerning the elaboration of appropriate transparency measures with regard to the closure of the base at Gudauta. We hope for an early legal transfer of the infrastructure of the former Russian military base at Gudauta. We also look forward to an early agreement on the duration and modalities of the functioning of the remaining Russian military facilities. We welcome the contributions made by Participating States to the voluntary fund to support the withdrawal from Russian facilities, and agree to consider on an urgent basis proposals from the parties for the use of the fund.

6. We welcome the aspiration to good-neighbourly relations and development of co-operation that was manifested at the meeting between the President of Russia, Vladimir Putin, and the President of Georgia, Eduard Shevardnadze, on 30 November 2001, as well as the agreement to establish a joint commission to investigate the reported cases of bombardments in the border areas of the territory of Georgia.

(4)

1. Ten years ago the countries of Central Asia of the OSCE region proclaimed their independence and acceded to the Organization. We note with appreciation the progress they have achieved in such a short span of time. We note with satisfaction that the engagement of the OSCE towards co-operation with the five participating states of Central Asia has continued to grow in all dimensions. Based on its comprehensive, three-dimensional approach to security, the OSCE should find effective ways to promote further political and economic development in Central Asia in co-operation with other international institutions and on the basis of the Platform for Co-operative security. The support of the OSCE for social, economic and democratic reforms would contribute to stability and prosperity in the region. We support the efforts of the Central Asian participating States to promote co-operation in the field of economic development.

2. Threats to stability and security emanating from international terrorism, violent extremism, organized crime, drugs and arms trafficking are shared concerns among the OSCE participating States and are addressed jointly, *inter alia*, by the Bucharest Action Plan on Combating Terrorism. We recognize the specific problems in this context for the Central Asian participating States as neighbouring countries to Afghanistan and hope that the forthcoming Bishkek International Conference on Enhancing Security and Stability in Central Asia will make a valuable contribution to addressing these problems.

3. Being aware of the many challenges faced by them, we strongly reaffirm our sustained commitment in support of their endeavour towards further building of modern societies as well as the creation of a secure, stable and prosperous environment in the region.

(5)

1. We express deep concern at the failure to achieve a settlement of the Nagorno-Karabakh conflict despite the intensified dialogue between the parties and active support of the Minsk Group Co-Chairs. We reaffirm that the prompt resolution of this protracted conflict will contribute to lasting peace, security, stability and co-operation in the South Caucasus region.
2. We reiterate the importance of continuing the peace dialogue and call upon the sides to continue their efforts to achieve an early resolution of the conflict based on norms and principles of international law. We also encourage the parties to explore further measures that would enhance mutual confidence and trust, including the release of POWs.
3. We welcome the commitment of the parties to the ceasefire and to achieving a peaceful and comprehensive settlement. We encourage the parties to continue their efforts, with the active support of the Co-Chairs, aimed at reaching a just and enduring settlement.

IV. Decisions of the Bucharest Ministerial Council Meeting

Decision No. 3

Fostering the Role of the OSCE as a Forum for Political Dialogue⁵

The Ministerial Council,

Recognizing the importance of furthering the role of the OSCE as a forum of political dialogue in the Euro-Atlantic space,

Conscious of the importance of the political dialogue so that important matters relating to security and co-operation in Europe can be fully discussed by participating States,

Aware of the need to give political guidance to the Head of institutions and field operations,

Bearing in mind that the comprehensive approach to security covers the politico-military, economic and environmental and human dimension and that the development of expertise in these areas can contribute to the depth and value of the Permanent Council's own debates and conclusions,

Decides the following:

1. As the principal body for ongoing political consultations and decision-making of the OSCE, the Permanent Council will:
 - (a) provide a permanent framework for political dialogue of participating States;
 - (b) focus its weekly regular meetings on discussing issues of interest for the participating States;

5 MC(9).DEC/3.

- (c) continue to examine, at regular intervals, reports of the OSCE field operations, with the participation of their respective Heads; normally, the examination will be preceded by written activity reports distributed in advance to participating States, and previous informal open-ended discussions of delegations with the Head of field operation;
 - (d) with full respect of their respective mandates, continue to discuss, at regular intervals, reports by the Heads of OSCE institutions;
 - (e) make use of the Preparatory Committee in its decision-making and for focused political consultations among the participating States;
 - (f) as appropriate, hold discussions with representatives of other international organizations, as well as with others who can contribute to the political dialogue on security issues;
 - (g) adopt, whenever appropriate, public declarations or statements on topics of interest for the governments, civil societies and public opinion.
2. Recalling paragraph 18 of the Charter for European Security, the Ministerial Council tasks the working group on legal capacity to continue its work and seek to solve this issue.
3. Co-ordination and co-operation with the OSCE Parliamentary Assembly, in particular, to promote democratic values and respect for human rights and fundamental freedoms should be strengthened. To this effect, active communication and interaction, to include joint activities, between the Parliamentary Assembly and other OSCE structures should be developed, as appropriate.
4. Participating States reaffirm their commitment to seek the peaceful resolution of disputes as set out in the Charter of the United Nations and the Helsinki Final Act.
5. As a priority objective, the OSCE will apply renewed efforts to the settlement of conflicts in the OSCE area, in accordance with the standards and principles contained in the documents of the Organization to which participating States have agreed. The OSCE will continue to support participating States in their efforts to settle such conflicts, and will seek active involvement in facilitating or conducting negotiations with the parties to such conflicts, at the request of the participating States.
6. Meetings of the Ministerial Council, as the central political consultation, decision-making and governing body of the OSCE, will be effectively prepared by the Permanent Council, *inter alia* through:
- (a) establishment of the timetable and the organizational modalities, including international organizations and institutions to be invited at the meeting;
 - (b) preparation of documents to be submitted to the Ministerial Council in the Preparatory Committee or *ad hoc* open-ended working groups established with sufficient time in advance;
 - (c) appropriate review in the Permanent Council, the Preparatory Committee, or an appropriate working group of the stages of preparations.

7. Meetings of the Permanent Council, and those of the Preparatory Committee, other committees and working groups will be conducted with inclusiveness, equality and free exchange of views in order to address the interests of all participating States and to identify areas for co-operation and compromise.

8. In order to strengthen the politico-military dimension of the OSCE, the Forum for Security Co-operation, as the OSCE body for reviewing the implementation of OSCE commitments in the fields of arms control and confidence- and security-building, and for negotiating measures in the fields of arms control, and confidence- and security-building, will:

- (a) address those aspects of new security challenges which fall within its mandate, and update its activities accordingly;
- (b) while retaining its autonomy and decision-making capacity, be more closely connected with the overall OSCE work on current security issues and, to this end, will make available its expert advice on issues of a politico-military nature, at the request of the Permanent Council; this may include, as necessary, advice on politico-military issues of OSCE field operations, in accordance with their respective mandates. The Forum for Security Co-operation may also advise the Permanent Council or the Chairman-in-Office on its own initiative;
- (c) continue to fulfil its mandate and facilitate implementation of existing politico-military commitments, and to serve as a venue to negotiate measures in the politico-military field, in order to enhance security by fostering stability, transparency and predictability.

9. In order to facilitate interaction between the Permanent Council and the Forum for Security Co-operation, the OSCE Chairmanship will be represented at the Forum's Troika meetings. The Chairmanship of the Forum will also be represented at OSCE Troika meetings on matters of FSC concern.

10. The Ministerial Council welcomes the Forum's review of the modalities of its Chairmanship and its steps to enhance its organizational efficiency.

11. Bearing in mind the need to strengthen co-operation in the economic and environmental dimension, and with a view to improving organizational structure in this field, and without prejudice to the functions of the Economic Forum, an Economic and Environmental Sub-Committee of the Permanent Council is hereby established. It will normally meet in informal format and normally report to the Permanent Council through the Preparatory Committee. It will perform the following tasks:

- (a) to provide an ongoing framework for dialogue of the participating States on economic and environmental issues and to make recommendations to the Permanent Council, including on projects to be implemented;
- (b) to support the preparation of the meetings of the Economic Forum and make recommendations to the Permanent Council on the future programme of work, including actions to follow-up of recommendations made by the Forum;

- (c) to examine any important or topical economic or environmental issue relevant to the OSCE at the request of the Permanent Council, or at the initiative of any participating State;
- (d) to provide advice to the Permanent Council, as necessary, on economic and environmental activities of OSCE field operations, in accordance with their respective mandates.

12. Where appropriate, the Sub-Committee may invite representatives of the business community, business associations and relevant governmental and non-governmental organizations, the academic community, and non-participating States, particularly Partners for Co-operation, to participate in its meetings.

13. The OSCE Co-ordinator on Economic and Environmental Activities will provide working support for the activities of the Sub-Committee, subject to his mandate.

Decision No. 4 by the Ministerial Council⁶

The Ministerial Council,

Taking note of the decision of the Permanent Council aimed at enhancing the effectiveness of the Human Dimension Meetings (PC.DEC/428 of 19 July 2001),

Tasks the Permanent Council with reviewing further the modalities of the Human Dimension Meetings by 30 June 2002.

Decision No. 5 by the Ministerial Council⁷

The Ministerial Council,

Reaffirming its concern about manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, wherever they may occur,

Reiterating its determination to implement all OSCE commitments on taking measures in this regard,

Calls on participating States to promote tolerance and non-discrimination also through awareness raising campaigns and education,

Calls on OSCE institutions, particularly the ODIHR, the High Commissioner on National Minorities, and the Representative on Freedom of the Media, to pay increased attention to manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, to countering intolerance and discrimination on the ground of racial or ethnic origin, religious, political or other opinion and to fostering respect for rule of law, de-

6 MC(9).DEC/4.

7 MC(9).DEC/5.

mocratic values, human rights and fundamental freedoms, including freedom of expression, thought, conscience, religion or belief;
Tasks the Permanent Council to consider developing further measures in this regard.

*Decision No. 6 by the Ministerial Council*⁸

The Ministerial Council,

Reiterating its commitment to combat all forms of trafficking in human beings, which affects all participating States,

Affirming its commitment to developing co-operation and interaction among participating States on anti-trafficking measures and related crimes,

Calls on participating States to sign and ratify the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;

Welcomes the successful completion of the OSCE's Code of Conduct and Anti-Trafficking Guidelines and their dissemination to the OSCE staff;

Reaffirms its support for the work of the ODIHR, field operations and Stability Pact Task Force on combating trafficking in Human Beings;

Encourages information exchange with a view to strengthening investigation, law enforcement and crime prevention;

Calls on participating States to accelerate taking the necessary measures to fulfil their Vienna ministerial commitments which include prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices.

*Decision No. 7 by the Ministerial Council*⁹

The Ministerial Council,

Noting the conclusions of the Bucharest Conference on Equal Opportunities for Roma and Sinti,

Expressing its support for the work of the Contact Point on Roma and Sinti Issues and its commitment to strengthening the Contact Point,

Tasks the ODIHR to elaborate an Action Plan of targeted activities as mandated by the Istanbul Summit, as one of the ways the ability of the Contact Point can be strengthened to assist participating States in fulfilling their commitments to improve the situation of Roma and Sinti, and to submit it to the Permanent Council;

⁸ MC(9).DEC/6.

⁹ MC(9).DEC/7.

Encourages the Contact Point on Roma and Sinti Issues to continue its work in close co-operation with participating States, Council of Europe and other relevant organizations and to inform the Permanent Council of these matters.

*Decision No. 8 by the Ministerial Council*¹⁰

The Ministerial Council,

Recognizing that equality of women and men is essential to sustainable democracy and stability in the OSCE region,

Convinced of women's potential to contribute to conflict prevention, reconciliation and peace-building processes,

Confirming the commitment to protect and promote the rights of women and being aware of the vulnerability of women especially in conflict and post-conflict situations,

Determined to combat all forms of violence against women, including domestic violence,

Recognizing the need for rehabilitation centres for women affected by violence,

Welcoming the fact that during this year the OSCE has given more attention to the problem of violence against women, which affects all OSCE participating States,

Calls for the implementation of the Action Plan on Gender Issues;

Tasks the Permanent Council to consider how the OSCE can contribute to preventing violence against women.

Decision No. 9

*Police-Related Activities*¹¹

The Ministerial Council,

Reaffirming the understanding at the Istanbul Summit that new risks and challenges to security have arisen globally and in the OSCE area, and that these new challenges - international terrorism, violent extremism, organized crime and drug trafficking as well as the excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons - represent growing challenges to security;

Reaffirming the Istanbul commitment to co-operate more actively and closely with each other to meet these challenges, and to strengthen protection against these new risks and challenges;

10 MC(9).DEC/8.

11 MC(9).DEC/9.

Noting the commitment at Istanbul to meet common challenges, and the understanding that strong democratic institutions and the rule of law are the foundation for protection against these new risks and challenges;

Affirming that effective policing is essential to uphold the rule of law and to defend democratic institutions;

Also affirming that greater co-operation between and among participating States in police-related activities can contribute to meeting these new risks and challenges;

Recalling the undertaking by OSCE participating States at the Istanbul Summit to expand the ability to carry out police-related activities in order to assist in maintaining the primacy of law;

Recalling also the commitments contained in Articles 44 and 45 of the Istanbul Charter for European Security 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;

Recalling as well the Istanbul commitment to 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, and to 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;

Pursuant to the Decision of the Ministerial Council of 28 November 2000 on police-related activities, and taking note of the discussion at the meeting of police experts held in Vienna on 28 and 29 June 2001;

Noting the Decision of the Ministerial Council of 4 December 2001 on combating terrorism, and the pledge therein of all OSCE participating States to reinforce and develop bilateral and multilateral co-operation within the OSCE, with the United Nations and with other international and regional organizations, in order to combat terrorism in all its forms and manifestations, wherever and by whomever committed, in accordance with their international commitments;

Also acknowledging the role of law enforcement in furthering the Decision of the Ministerial Council of 28 November 2000 on enhancing the OSCE's efforts to combat trafficking in human beings, and in implementing the Forum for Security Co-operation Decision of 24 November 2000 on the OSCE Document on Small Arms and Light Weapons;

And noting the increase in requests from participating States to the OSCE for assistance in police-related activities, and the recent expansion of the Organization's efforts to monitor police activities and to provide police training, including in multi-ethnic and/or multi-religious police services, in crisis or post-conflict situations;

1. Agrees that in developing plans for OSCE police-related activities in meeting new security challenges and in enhancing OSCE police-related ac-

tivities directed to conflict prevention, crisis management and post-conflict rehabilitation, the OSCE will:

- strive to ensure continuity in institution building and functional transition from and disengagement of international assistance;
- explore and build on the role of police training, particularly integrated police training, in creating police services that can enjoy the confidence of the entire population, and as a confidence-building measure; and,
- examine the options and conditions for an OSCE role in law enforcement.

2. Decides to reinforce the OSCE's existing police-related activities in conflict prevention, crisis management and post-conflict rehabilitation including, at the request of participating States and with their agreement, through provision of advice and assistance on restructuring and/or reconstruction of police services; monitoring and training of existing police services, including training regarding human rights and fundamental freedoms; and capacity building, including support for integrated or multi-ethnic police services, where appropriate.

3. Decides to increase and promote co-operation among participating States in countering new security challenges, including by:

- at the request of participating States and with their agreement, and, as necessary in accordance with current OSCE procedures, on the decision of the Permanent Council, providing and co-ordinating OSCE police training, including at the subregional level, with a view to:
 - improving operational and tactical policing capacities;
 - enhancing key policing skills, including respect for human rights and fundamental freedoms, and, as appropriate, dealing with the criminal aspects of illegal migration; and,
 - increasing community policing, anti-drug, anti-corruption and anti-terrorist capacities; and,
- at the request of participating States and with their agreement:
 - providing advice or arranging for the provision of expert advice on requirements for effective policing (needs assessments) and how to meet them, including by facilitating or identifying funding to implement such advice from the OSCE; from its participating States through extra-budgetary funding; or from other relevant international or regional organizations; and,
 - encouraging where appropriate the exchange of information among and between participating States regarding lessons learned and best policing practices in countering these new security challenges.

4. In support of the above activities and undertakings, in accordance with the Platform for Co-operative Security, the OSCE will:

- convene as appropriate and preferably annually meetings of police experts from OSCE participating States, and representatives of other relevant specialized international and regional organizations;

- ensure that OSCE activities in police-related issues are conducted in co-ordination with other relevant actors and organizations, including reviewing and if possible enhancing compatibility with subregional, regional and international efforts, with a view to maximizing efficiency and benefit to the Organization, the host participating State, and to avoiding gaps, duplication or overlapping of competencies; and,
 - promote the capabilities and capacities of the Organization in designing, conducting and managing effective OSCE police training, monitoring and capacity building, including through the development of links to other relevant organizations and national agencies as well as the principal humanitarian aid agencies.
5. In keeping with the above undertakings, participating States commit to:
- enhance co-operation on police-related issues between and among themselves in order to address new risks and challenges to their security, both bilaterally and multilaterally, and, where appropriate, through increased contacts between relevant bodies; and,
 - share OSCE expertise and lessons learned in police-related activities with other relevant international organizations of which they are members with a view to more effective international action to address these new risks and challenges to security.
6. The Permanent Council will review annually OSCE police-related activities, on the basis of an annual report on OSCE police-related activities from the Secretary General, with a view, *inter alia*, to considering how these activities might best contribute to addressing challenges to security, and to decide appropriate follow-up action in accordance with OSCE procedures.

Decision No. 10

*Next Meeting of the Ministerial Council/Summit*¹²

The Ministerial Council,

Welcoming the offer of Portugal to host the next meeting of the Ministerial Council,

Decides that the Ministerial Council will take place in Porto in December 2002, unless the Ministers, on the recommendation of the Permanent Council, otherwise decide.

*Decision No. 11*¹³

The Ministerial Council decides that the Netherlands will exercise the function of the OSCE Chairmanship in the year 2003.

¹² MC(9).DEC/10.

¹³ MC(9).DEC/11.

Decision No. 12

*Concluding Document of the Negotiations Under Article V of Annex 1-B of the General Framework Agreement for peace in Bosnia and Herzegovina*¹⁴

The Ministerial Council,

Expressing its gratitude to Ambassador Henry Jacolin, the Special Representative of the Chairman-in-Office, and his collaborators for their excellent service in organizing and conducting the negotiations,

Welcomes the adoption of the Concluding Document of the Negotiations under Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina;

Underscores the importance of the full implementation of the General Framework Agreement and regards the adoption of the Concluding Document as an important step in this process;

Also welcomes as a valuable contribution to the OSCE's efforts to combat terrorism the commitment entered into in the Concluding Document by the Article V participating States to prevent their respective territories from being used for the preparation, organization or commission of acts of extremist violence, including terrorist activities, against other participating States and their citizens.

*Decision No. 13/Corrected reissue*¹⁵

*Reappointment by the Ministerial Council of Ambassador Jan Kubis as Secretary General of the OSCE*¹⁶

The Ministerial Council,

Recalling the decisions of the Ministerial Council at its third meeting in Stockholm in 1992 concerning the appointment of a Secretary General and his mandate,

Further recalling that the term of office of the current Secretary General expires on 14 June 2002, and that Ambassador Jan Kubis seeks reappointment, Reappoints Ambassador Jan Kubis as Secretary General of the OSCE exceptionally for a period of three years with effect from 15 June 2002. This exception should not be construed as a change of the rules regarding the appointment of the Secretary General of the OSCE.

14 MC(9).DEC/12.

15 Incorporates amendments to the title and text of the decision.

16 MC(9).DEC/13/Corr.1.

Forms and Fora of Co-operation in the OSCE Area

G-7/G-8 (Group of Seven/Eight)

Organization for Economic Co-operation and Development (OECD)

Council of Europe (CoE)

North Atlantic Treaty Organization (NATO)

Euro-Atlantic Partnership Council (EAPC)

EAPC Observers

Partnership for Peace (PfP)

NATO-Russia Council¹

NATO-Ukraine Charter/NATO-Ukraine Commission

European Union (EU)²

EU Association Agreements

Stabilization and Association Process (SAP)

Stabilization and Association Agreements (SAA)

Western European Union (WEU)

Associate Members of the WEU³

Associate Partners of the WEU

WEU Observers⁴

Eurocorps

Commonwealth of Independent States (CIS)

Baltic Defence Council

Barents Euro-Arctic Council

Nordic Council

Council of the Baltic Sea States (CBSS)

1 At the NATO Summit Meeting on 28 May 2002, the signing of the "Rome Declaration" established the NATO-Russia Council, which has replaced the 1997 NATO-Russia Founding Act.

2 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.

3 The NATO member states Iceland, Norway and Turkey joined the WEU as associate members on 6 March 1995. In practice, the WEU does not differentiate between associate and full members.

4 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.

Stability Pact for South Eastern Europe
Central European Free Trade Agreement/Area (CEFTA)
Central European Initiative (CEI)
Southeast European Co-operative Initiative (SECI)
South Eastern European Co-operation Process (SEECP)
SEECP Observers
Black Sea Economic Co-operation (BSEC)

North American Free Trade Area (NAFTA)

The 55 OSCE Participating States - Facts and Figures¹

1. Albania

Date of Accession: June 1991

Scale of Distribution: 0.19 per cent

Area: 28,748 km² (OSCE Ranking: 45)

Population: 3,146,000² (OSCE Ranking: 42)

GNP per Capita in US-\$ according to PPP³: 3,550 (OSCE Ranking: 45)⁴

GNP growth: 7.0 per cent⁵ (OSCE Ranking: 9)⁶

Armed Forces (Active): 27,000 (OSCE Ranking: 32)⁷

Memberships and Forms of Co-operation: CoE, EAPC, PfP, SAP, Stability Pact for South Eastern Europe, CEI, SECI, SEECP, BSEC

2. Andorra

Date of Accession: April 1996

Scale of Distribution: 0.125 per cent

Area: 467.76 km² (50)

Population: 67,627 (2001)⁸ (51)

GNP per Capita in US-\$ according to PPP: 18,000 (1996)⁹ (23)

GNP growth: n/a

Armed Forces (Active): none

Memberships and Forms of Co-operation: CoE

3. Armenia

Date of Accession: January 1992

Scale of Distribution: 0.15 per cent

Area: 29,800 km² (44)

Population: 3,790,000 (40)

GNP per Capita in US-\$ according to PPP: 2,570 (48)

GNP growth: 6.0 per cent (12)

1 Drawn up by Sven Wagener.

2 Data from: <http://unstats.un.org/unsd/demographic/social/population.htm>. Unless otherwise stated, the figures refer to 2002.

3 PPP: Purchasing Power Parity (figures as of 2000 in US-\$). PPP is defined as the number of units of a country's currency required to buy the same amounts of goods and services in the domestic market as US-\$ 1 would buy in the United States. See The World Bank, World Development Report 2002, Washington, D.C., 2002.

4 Out of 54 registered countries.

5 GNP growth for the year 2000.

6 Out of 50 registered countries.

7 Out of 49 registered countries.

8 Data from: <http://www.cia.gov/cia/publications/factbook/geos/an.html>.

9 Cf. *ibid.*

Armed Forces (Active): 42,060 (24)

Memberships and Forms of Co-operation: CoE¹⁰, EAPC, PfP, CIS, BSEC

4. Austria

Date of Accession: November 1972

Scale of Distribution: 2.05 per cent

Area: 83,858 km² (29)

Population: 8,070,000 (25)

GNP per Capita in US-\$ according to PPP: 26,310 (11)

GNP growth: 3.3 per cent (35)

Armed Forces (Active): 34,600 (27)

Memberships and Forms of Co-operation: OECD, CoE, EAPC, PfP, EU,

WEU Observer, Stability Pact for South Eastern Europe, CEI

5. Azerbaijan

Date of Accession: January 1992

Scale of Distribution: 0.15 per cent

Area: 86,600 km² (28)

Population: 8,147,000 (24)

GNP per Capita in US-\$ according to PPP: 2,760 (46)

GNP growth: 11.4 per cent (3)

Armed Forces (Active): 72,100 (16)

Memberships and Forms of Co-operation: CoE¹¹, EAPC, PfP, CIS, BSEC

6. Belarus

Date of Accession: January 1992

Scale of Distribution: 0.58 per cent

Area: 207,595 km² (19)

Population: 10,106,000 (20)

GNP per Capita in US-\$ according to PPP: 7,550 (35)

GNP growth: 6.0 per cent (12)

Armed Forces (Active): 82,900 (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 km² (43)

Population: 10,275,000 (18)

GNP per Capita in US-\$ according to PPP: 27,500 (7)

GNP growth: 3.3 per cent (35)

¹⁰ Since 25 January 2001.

¹¹ Since 25 January 2001.

Armed Forces (Active): 39,420 (25)

Memberships and Forms of Co-operation: OECD, CoE, 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 km² (36)

Population: approximately 4,127,000 (38)

GNP per Capita in US-\$ according to PPP: 1,700 (2000)¹² (53)

GNP growth: 8.0 per cent (2000)¹³ (8)

Armed Forces (Active): approximately 38,000 (26)¹⁴

Memberships and Forms of Co-operation: CoE¹⁵, SAP, Stability Pact for South Eastern Europe, CEI, SECI, SEECP Observer

9. Bulgaria

Date of Accession: November 1972

Scale of Distribution: 0.55 per cent

Area: 110,994 km² (23)

Population: 7,790,000 (26)

GNP per Capita in US-\$ according to PPP: 5,530 (40)

GNP growth: 4.8 per cent (22)

Armed Forces (Active): 77,260 (15)

Memberships and Forms of Co-operation: CoE, EAPC, PfP, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Stability Pact for South Eastern Europe, CEFTA, CEI, SECI, SEECP, BSEC

10. Canada

Date of Accession: November 1972

Scale of Distribution: 5.45 per cent

Area: 9,970,610 km² (2)

Population: 31,268,000 (11)

GNP per Capita in US-\$ according to PPP: 27,330 (8)

GNP growth: 4.7 per cent (23)

Armed Forces (Active): 56,800 (19)

Memberships and Forms of Co-operation: G-7/G-8, OECD, NATO, EAPC, Barents Euro-Arctic Council Observer, Stability Pact for South Eastern Europe, NAFTA

12 Data from: <http://www.cia.gov/cia/publications/factbook/geos/bk.html>.

13 Cf. *ibid*.

14 This OSCE rank is based on the total sum of the Armed Forces (Active) of the Muslim-Croat Federation and the Republika Srpska.

15 Since 24 April 2002.

11. Croatia

Date of Accession: March 1992

Scale of Distribution: 0.19 per cent

Area: 56,538 km² (35)

Population: 4,657,000 (35)

GNP per Capita in US-\$ according to PPP: 7,780 (34)

GNP growth: 3.6 per cent (31)

Armed Forces (Active): 58,300 (18)

Memberships and Forms of Co-operation: CoE, EAPC, PfP, SAP, SAA, Stability Pact for South Eastern Europe, CEI, SECI, SEECP Observer

12. Cyprus

Date of Accession: November 1972

Scale of Distribution: 0.19 per cent

Area: 9,251 km² (48)

Population: 797,000 (47)

GNP per Capita in US-\$ according to PPP: 19,080 (22)

GNP growth: 4.2 per cent in Greek Cypriot area; 4.9 per cent in Turkish Cypriot area¹⁶ (2000) (21)

Armed Forces (Active): 10,000 (41)

Memberships and Forms of Co-operation: CoE, 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 km² (30)

Population: 10,250,000 (19)

GNP per Capita in US-\$ according to PPP: 13,610 (28)

GNP growth: 3.1 per cent (38)

Armed Forces (Active): 53,600 (21)

Memberships and Forms of Co-operation: OECD, CoE, NATO, EAPC, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Stability Pact for South Eastern Europe, CEFTA, CEI

¹⁶ Data from: <http://www.cia.gov/cia/publications/factbook/geos/cy.html>.

14. Denmark

Date of Accession: November 1972

Scale of Distribution: 2.05 per cent

Area: 43,094 km² (39)

Population: 5,342,000 (30)

GNP per Capita in US-\$ according to PPP: 27,120 (9)

GNP growth: 2.4 per cent (44)

Armed Forces (Active): 21,400 (35)

Memberships and Forms of Co-operation: OECD, CoE, NATO, EAPC, EU, WEU Observer, Barents Euro-Arctic Council, Nordic Council, CBSS, Stability Pact for South Eastern Europe

15. Estonia

Date of Accession: September 1991

Scale of Distribution: 0.19 per cent

Area: 45,227 km² (38)

Population: 1,360,000 (46)

GNP per Capita in US-\$ according to PPP: 9,050 (31)

GNP growth: 6.4 per cent (11)

Armed Forces (Active): 4,450 (47)

Memberships and Forms of Co-operation: CoE, EAPC, PfP, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Baltic Defence Council, CBSS

16. Finland

Date of Accession: November 1972

Scale of Distribution: 2.05 per cent

Area: 338,145 km² (13)

Population: 5,183,000 (31)

GNP per Capita in US-\$ according to PPP: 24,610 (15)

GNP growth: 5.7 per cent (16)

Armed Forces (Active): 32,250 (32)

Memberships and Forms of Co-operation: OECD, CoE, EAPC, PfP, EU, WEU Observer, Barents Euro-Arctic Council, Nordic Council, CBSS, Stability Pact for South Eastern Europe

17. France

Date of Accession: November 1972

Scale of Distribution: 9.1 per cent

Area: 551,500 km² (7)

Population: 59,670,000 (5)

GNP per Capita in US-\$ according to PPP: 24,470 (16)

GNP growth: 3.2 per cent (37)

Armed Forces (Active): 273,740 (6)

Memberships and Forms of Co-operation: G-7/G-8, OECD, CoE, NATO, EAPC, EU, WEU, Eurocorps, Barents Euro-Arctic Council Observer, Stability Pact for South Eastern Europe

18. Georgia

Date of Accession: March 1992

Scale of Distribution: 0.17 per cent

Area: 69,700 km² (32)

Population: 5,213,000 (31)

GNP per Capita in US-\$ according to PPP: 2,470 (49)

GNP growth: 1.9 per cent (47)

Armed Forces (Active): 16,790 (37)

Memberships and Forms of Co-operation: CoE, EAPC, PfP, CIS, BSEC

19. Germany

Date of Accession: November 1972

Scale of Distribution: 9.1 per cent

Area: 357,022 km² (12)

Population: 81,990,000 (4)

GNP per Capita in US-\$ according to PPP: 25,010 (14)

GNP growth: 3.0 per cent (39)

Armed Forces (Active): 308,400 (4)

Memberships and Forms of Co-operation: G-7/G-8, OECD, CoE, NATO, EAPC, EU, WEU, Eurocorps, Barents Euro-Arctic Council Observer, CBSS, Stability Pact for South Eastern Europe

20. Greece

Date of Accession: November 1972

Scale of Distribution: 0.7 per cent

Area: 131,957 km² (22)

Population: 10,631,000 (16)

GNP per Capita in US-\$ according to PPP: 16,940 (25)

GNP growth: 4.1 per cent (26)

Armed Forces (Active): 159,170 (10)

Memberships and Forms of Co-operation: OECD, CoE, NATO, EAPC, EU, WEU, Stability Pact for South Eastern Europe, SECI, SEECF, BSEC

21. The Holy See

Date of Accession: November 1972

Scale of Distribution: 0.125 per cent

Area: 0.44 km² (55)

Population: 890 (2001)¹⁷ (55)
GNP per Capita in US-\$ according to PPP: n/a
GNP growth: n/a
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 km² (26)
Population: 9,867,000 (22)
GNP per Capita in US-\$ according to PPP: 12,060 (29)
GNP growth: 5.2 per cent (17)
Armed Forces (Active): 33,810 (29)
Memberships and Forms of Co-operation: OECD, CoE, 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 km² (24)
Population: 283,000 (50)
GNP per Capita in US-\$ according to PPP: 28,770 (6)
GNP growth: 3.6 per cent (31)
Armed Forces (Active): none
Memberships and Forms of Co-operation: OECD, CoE, NATO, EAPC, Associate Partner of the WEU, Barents Euro-Arctic Council, Nordic Council, CBSS

24. Ireland

Date of Accession: November 1972
Scale of Distribution: 0.55 per cent
Area: 70,273 km² (31)
Population: 3,878,000 (39)
GNP per Capita in US-\$ according to PPP: 25,470 (13)
GNP growth: 10.8 per cent (4)
Armed Forces (Active): 10,460 (40)
Memberships and Forms of Co-operation: OECD, CoE, EAPC, PfP, EU, WEU Observer, Stability Pact for South Eastern Europe

¹⁷ Data from: <http://www.cia.gov/cia/publications/factbook/geos/vt.html>.

25. Italy

Date of Accession: November 1972

Scale of Distribution: 9.1 per cent

Area: 301,318 km² (16)

Population: 57,450,000 (7)

GNP per Capita in US-\$ according to PPP: 23,370 (19)

GNP growth: 2.9 per cent (41)

Armed Forces (Active): 230,350 (7)

Memberships and Forms of Co-operation: G-7/G-8, OECD, CoE, NATO, EAPC, EU, WEU, Barents Euro-Arctic Council Observer, Stability Pact for South Eastern Europe, CEI

26. Kazakhstan

Date of Accession: January 1992

Scale of Distribution: 0.475 per cent

Area: 2,724,900 km² (4)

Population: 16,026,000 (14)

GNP per Capita in US-\$ according to PPP: 5,490 (41)

GNP growth: 9.6 per cent (5)

Armed Forces (Active): 64,000 (17)

Memberships and Forms of Co-operation: EAPC, PfP, CIS

27. Kyrgyzstan

Date of Accession: January 1992

Scale of Distribution: 0.15 per cent

Area: 199,900 km² (20)

Population: 5,047,000 (33)

GNP per Capita in US-\$ according to PPP: 2,590 (47)

GNP growth: 5.0 per cent (19)

Armed Forces (Active): 9,000 (42)

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 km² (34)

Population: 2,392,000 (43)

GNP per Capita in US-\$ according to PPP: 6,960 (37)

GNP growth: 6.6 per cent (10)

Armed Forces (Active): 6,500 (45)

Memberships and Forms of Co-operation: CoE, EAPC, PfP, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Baltic Defence Council, CBSS

29. Liechtenstein

Date of Accession: November 1972

Scale of Distribution: 0.125 per cent

Area: 160 km² (52)

Population: 32,528 (2001)¹⁸ (52)

GNP per Capita in US-\$ according to PPP: 23,000 (1998)¹⁹ (20)

GNP growth: n/a

Armed Forces (Active): none

Memberships and Forms of Co-operation: CoE, 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 km² (33)

Population: 3,681,000 (41)

GNP per Capita in US-\$ according to PPP: 6,960 (37)

GNP growth: 2.9 per cent (41)

Armed Forces (Active): 12,190 (39)

Memberships and Forms of Co-operation: CoE, EAPC, PfP, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Baltic Defence Council, CBSS

31. Luxembourg

Date of Accession: November 1972

Scale of Distribution: 0.55 per cent

Area: 2,586 km² (49)

Population: 447,000 (48)

GNP per Capita in US-\$ according to PPP: 45,410 (1)

GNP growth: 4.5 per cent (24)

Armed Forces (Active): 900 (49)

Memberships and Forms of Co-operation: OECD, CoE, 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 km² (46)

Population: 2,051,000 (44)

GNP per Capita in US-\$ according to PPP: 4,960 (42)

¹⁸ Data from: <http://www.cia.gov/cia/publications/factbook/geos/lr.html>.

¹⁹ Cf. *ibid*.

GNP growth: 5.1 per cent (18)
Armed Forces (Active): 16,000 (38)
Memberships and Forms of Co-operation: CoE, EAPC, PfP, SAP, SAA, Stability Pact for South Eastern Europe, CEI, SECI, SEECP

33. Malta

Date of Accession: November 1972
Scale of Distribution: 0.125 per cent
Area: 315.6 km² (51)
Population: 394,000 (49)
GNP per Capita in US-\$ according to PPP: 15,730 (27)
GNP growth: 1.8 per cent (49)
Armed Forces (Active): 2,140 (48)
Memberships and Forms of Co-operation: CoE, negotiations on accession to the EU, EU Association Agreement

34. Moldova

Date of Accession: January 1992
Scale of Distribution: 0.17 per cent
Area: 33,851 km² (42)
Population: 4,273,000 (37)
GNP per Capita in US-\$ according to PPP: 2,240 (52)
GNP growth: 1.9 per cent²⁰ (47)
Armed Forces (Active): 8,220 (43)
Memberships and Forms of Co-operation: CoE, EAPC, PfP, CIS, Stability Pact for South Eastern Europe, CEI, SECI, BSEC

35. Monaco

Date of Accession: November 1972
Scale of Distribution: 0.125 per cent
Area: 1.95 km² (54)
Population: 31,842 (2001)²¹ (53)
GNP per Capita in US-\$ according to PPP: 27,000 (1999)²² (10)
GNP growth: n/a
Armed Forces (Active): none
Memberships and Forms of Co-operation: Member of the European Economic and Monetary Space by special agreement with France

20 Without Trans-Dniestria.

21 Data from: <http://www.cia.gov/cia/publications/factbook/geos/mn.html>.

22 Cf. *ibid.*

36. Netherlands

Date of Accession: November 1972

Scale of Distribution: 3.8 per cent

Area: 41,526 km² (40)

Population: 15,990,000 (15)

GNP per Capita in US-\$ according to PPP: 26,170 (12)

GNP growth: 4.0 per cent (29)

Armed Forces (Active): 50,430 (22)

Memberships and Forms of Co-operation: OECD, CoE, NATO, EAPC, EU, WEU, Barents Euro-Arctic Council Observer, Stability Pact for South Eastern Europe

37. Norway

Date of Accession: November 1972

Scale of Distribution: 2.05 per cent

Area: 323,758 km² (14)

Population: 4,506,000 (36)

GNP per Capita in US-\$ according to PPP: 29,760 (5)

GNP growth: 2.2 per cent (45)

Armed Forces (Active): 26,700 (33)

Memberships and Forms of Co-operation: OECD, CoE, NATO, EAPC, Associate Member of the WEU, Barents Euro-Arctic Council, Nordic Council, CBSS, Stability Pact for South Eastern Europe

38. Poland

Date of Accession: November 1972

Scale of Distribution: 1.4 per cent

Area: 312,685 km² (15)

Population: 38,543,000 (10)

GNP per Capita in US-\$ according to PPP: 9,030 (32)

GNP growth: 4.1 per cent (26)

Armed Forces (Active): 206,045 (9)

Memberships and Forms of Co-operation: OECD, CoE, NATO, EAPC, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Barents Euro-Arctic Council Observer, CBSS, Stability Pact for South Eastern Europe, CEFTA, CEI

39. Portugal

Date of Accession: November 1972

Scale of Distribution: 0.85 per cent

Area: 91,982 km² (27)

Population: 10,048,000 (21)

GNP per Capita in US-\$ according to PPP: 16,880 (26)

GNP growth: 2.8 per cent (43)
Armed Forces (Active): 43,600 (23)
Memberships and Forms of Co-operation: OECD, CoE, 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 km² (18)
Population: 22,332,000 (13)
GNP per Capita in US-\$ according to PPP: 6,380 (39)
GNP growth: 1.6 per cent (50)
Armed Forces (Active): 103,000 (13)
Memberships and Forms of Co-operation: CoE, EAPC, PfP, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Stability Pact for South Eastern Europe, CEFTA, CEI, SECI, SEECP, BSEC

41. Russian Federation

Date of Accession: November 1972
Scale of Distribution: 9.0 per cent
Area: 17,075,400 km² (1)
Population: 143,752,000 (2)
GNP per Capita in US-\$ according to PPP: 8,030 (33)
GNP growth: 8.3 per cent (6)
Armed Forces (Active): 977,100 (2)
Memberships and Forms of Co-operation: G-8, CoE, EAPC, PfP, NATO-Russia Council, CIS, Barents Euro-Arctic Council, CBSS, Stability Pact for South Eastern Europe, BSEC

42. San Marino

Date of Accession: November 1972
Scale of Distribution: 0.125 per cent
Area: 60.57 km² (53)
Population: 27,336 (2001)²³ (54)
GNP per Capita in US-\$ according to PPP: 32,000 (2000)²⁴ (3)
GNP growth: n/a
Armed Forces (Active): none
Memberships and Forms of Co-operation: CoE

²³ Data from: <http://www.cia.gov/cia/publications/factbook/geos/sm.html>.

²⁴ Cf. *ibid*.

43. Slovakia

Date of Accession: January 1993

Scale of Distribution: 0.33 per cent

Area: 49,036 km² (36)

Population: 5,408,000 (29)

GNP per Capita in US-\$ according to PPP: 11,000 (30)

GNP growth: 2.2 per cent (45)

Armed Forces (Active): 33,000 (30)

Memberships and Forms of Co-operation: OECD, CoE, EAPC, PfP, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Stability Pact for South Eastern Europe, CEFTA, CEI

44. Slovenia

Date of Accession: March 1992

Scale of Distribution: 0.19 per cent

Area: 20,256 km² (47)

Population: 1,984,000 (45)

GNP per Capita in US-\$ according to PPP: 17,390 (24)

GNP growth: 4.5 per cent (2000)²⁵ (24)

Armed Forces (Active): 7,600 (44)

Memberships and Forms of Co-operation: CoE, 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: 3.8 per cent

Area: 505,992 km² (8)

Population: 39,924,000 (9)

GNP per Capita in US-\$ according to PPP: 19,180 (21)

GNP growth: 4.1 per cent (26)

Armed Forces (Active): 143,450 (11)

Memberships and Forms of Co-operation: OECD, CoE, NATO, EAPC, EU, WEU, Eurocorps, Stability Pact for South Eastern Europe

46. Sweden

Date of Accession: November 1972

Scale of Distribution: 3.55 per cent

Area: 449,964 km² (10)

Population: 8,823,000 (23)

GNP per Capita in US-\$ according to PPP: 23,770 (17)

²⁵ Data from: <http://www.cia.gov/publications/factbook/geos/si.html>.

GNP growth: 3.6 per cent (31)
Armed Forces (Active): 33,900 (28)
Memberships and Forms of Co-operation: OECD, CoE, EAPC, PfP, EU, WEU Observer, Barents Euro-Arctic Council, Nordic Council, CBSS, Stability Pact for South Eastern Europe

47. Switzerland

Date of Accession: November 1972
Scale of Distribution: 2.3 per cent
Area: 41,285 km² (41)
Population: 7,168,000 (27)
GNP per Capita in US-\$ according to PPP: 30,350 (4)
GNP growth: 3.4 per cent (34)
Armed Forces (Active): 23,270 (34)
Memberships and Forms of Co-operation: OECD, CoE, EAPC, PfP, Stability Pact for South Eastern Europe

48. Tajikistan

Date of Accession: January 1992
Scale of Distribution: 0.15 per cent
Area: 143,100 km² (21)
Population: 6,177,000 (28)
GNP per Capita in US-\$ according to PPP: 1,060 (54)
GNP growth: 8.3 per cent (6)
Armed Forces (Active): 6,000 (46)
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 km² (5)
Population: 68,569,000 (4)
GNP per Capita in US-\$ according to PPP: 7,030 (36)
GNP growth: 6.0 per cent (2000)²⁶ (12)
Armed Forces (Active): 515,100 (3)
Memberships and Forms of Co-operation: OECD, CoE, NATO, EAPC, EU Association Agreement, Associate Member of the WEU, Stability Pact for South Eastern Europe, SECI, SEECP, BSEC

²⁶ Data from: <http://www.cia.gov/cia/publications/factbook/geos/tu.html>.

50. Turkmenistan

Date of Accession: January 1992

Scale of Distribution: 0.15 per cent

Area: 488,100 km² (9)

Population: 4,930,000 (34)

GNP per Capita in US-\$ according to PPP: 4,040 (43)

GNP growth: 17.6 per cent (1)

Armed Forces (Active): 17,500 (36)

Memberships and Forms of Co-operation: EAPC, PfP, CIS

51. Ukraine

Date of Accession: January 1992

Scale of Distribution: 1.49 per cent

Area: 603,700 km² (6)

Population: 48,652,000 (8)

GNP per Capita in US-\$ according to PPP: 3,710 (44)

GNP growth: 6.0 per cent (12)

Armed Forces (Active): 303,800 (5)

Memberships and Forms of Co-operation: CoE, EAPC, PfP, NATO-Ukraine Charter, CIS, Stability Pact for South Eastern Europe, CEI, BSEC

52. United Kingdom

Date of Accession: November 1972

Scale of Distribution: 9.1 per cent

Area: 242,900 km² (17)

Population: 59,657,000 (6)

GNP per Capita in US-\$ according to PPP: 23,550 (18)

GNP growth: 3.0 per cent (39)

Armed Forces (Active): 211,430 (8)

Memberships and Forms of Co-operation: G-7/G-8, OECD, CoE, NATO, EAPC, EU, WEU, Barents Euro-Arctic Council Observer, 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 km² (3)

Population: 288,530,000 (1)

GNP per Capita in US-\$ according to PPP: 34,260 (2)

GNP growth: 5.0 per cent (19)

Armed Forces (Active): 1,367,700 (1)

Memberships and Forms of Co-operation: G-7/G-8, OECD, NATO, EAPC, Barents Euro-Arctic Council Observer, Stability Pact for South Eastern Europe, SECI, NAFTA

54. Uzbekistan

Date of Accession: January 1992

Scale of Distribution: 0.475 per cent

Area: 447,400 km² (11)

Population: 25,618,000 (12)

GNP per Capita in US-\$ according to PPP: 2,380 (50)

GNP growth: 4.0 per cent (29)

Armed Forces (Active): 50,000-55,000 (20)

Memberships and Forms of Co-operation: EAPC, PfP, CIS

55. Yugoslavia (Serbia and Montenegro)

Date of Accession: November 1972

Scale of Distribution: 0.19 per cent

Area: 102,173 km² (25)

Population: 10,523,000 (17)

GNP per Capita in US-\$ according to PPP: 2,300 (2000)²⁷ (51)

GNP growth: 15 per cent (2)²⁸

Armed Forces (Active): 105,500 (12)

Memberships and Forms of Co-operation: SAP, Stability Pact for South Eastern Europe, CEI, SEECP

Sources: International Institute for Strategic Studies (Ed.), *The Military Balance 2001-2002*, London 2001;

Website of the CIA: <http://www.cia.gov>;

Website of the OSCE: <http://www.osce.org>;

Website of the United Nations: <http://www.un.org>;

Website of the European Union: <http://www.europa.eu.int>;

Website of the World Bank Group: <http://www.worldbank.org>;

The World Bank, *World Development Report 2002*, Oxford University Press, Washington, D.C., 2002;

United Nations, *World Economic and Social Survey 2001*.

²⁷ Data from: <http://www.cia.gov/cia/publications/factbook/geos/sr.html>.

²⁸ Cf. *ibid*.

OSCE Conferences, Meetings and Events 2001/2002¹

2001

19-22 August	Round table at the OSCE Centre in Almaty on “Combating Poverty: Priorities and Best Practices”, Uralsk.
20 Aug.-3 Sept.	The OSCE Mission to Tajikistan hosts a civic education summer camp for Tajik university students, Khujand.
30 August	Conclusion of a Memorandum of Understanding between the OSCE and the IOM, Vienna.
30-31 August	The OSCE Office in Yerevan hosts a round table on the protection of minorities.
1-8 September	ODIHR and the OSCE Centre in Tashkent hold training on the monitoring of women’s human rights, Tashkent.
10-13 September	OSCE Conference on “Equal Opportunities for Roma and Sinti: Translating Words into Facts”, Bucharest.
11 September	The Chairman-in-Office and the Secretary General of the OSCE sharply condemn the terrorist attacks in New York and Washington.
13 September	Permanent Council Decision on the acts of terrorism in New York and Washington.
17 September	The Chairman-in-Office Mircea Dan Geoană declares that the OSCE will give the fight against terrorism highest priority.
17-27 September	Sixth Annual Human Dimension Implementation Meeting, Warsaw.
27-28 September	The OSCE Representative on Freedom of the Media visits the Council of Europe.
27-28 September	Round table on the reform of Ukraine’s registration system, organized by the ODIHR and the Administration of the Ukrainian President, Odessa.
28 September	The OSCE Secretary General visits the EU and NATO in Brussels.
28 September	The Permanent Council increases the strength of the international staff of the Spillover Monitor Mission to Skopje fourfold (159 employees).
September	Opening of the eleventh Political Resource Centre in Bihac.
September	The OSCE Mission to Bosnia and Herzegovina begins the youth campaign “ <i>Mi to možemo</i> ” (“We can do it”),

¹ For reasons of space, the trips of the HCNM and the Economic Co-ordinators as well as the individual interventions of the Representative on Freedom of the Media, are not listed in this compilation. This is also true for election observation activities.

	which is to counter the emigration of young people from the country.
10-11 October	OSCE Parliamentary Assembly Conference on Migration, Penha Longa.
15-16 October	ODIHR and the German Foreign Office organize an international conference on "Europe against Trafficking in Human Beings", Berlin.
19-21 October	ODIHR and the OSCE Centre in Almaty organize a training seminar for public prosecutors, Almaty.
23-27 October	First human rights film festival in Tajikistan, Dushanbe.
29-31 October	ODIHR and IOM organize a high-level meeting on cross-border co-operation on migration, Almaty.
30 October	2+2/3+3 meeting of OSCE and the Council of Europe, Vaduz.
31 October	OSCE Seminar "The Implementation of OSCE Economic and Environmental Dimension Commitments: the OSCE Experience and Its Relevance for the Mediterranean Region", Dubrovnik.
2-5 November	ODIHR training course on prison management, Almaty.
5-6 November	The Co-ordinator of OSCE Economic and Environmental Activities, the OSCE Mission to the Federal Republic of Yugoslavia and the Yugoslav Foreign Ministry organize a seminar on water resources, Belgrade.
13-14 November	ODIHR workshop for police officers on domestic violence, Baku.
20 November	In the presence of the first and the present High Commissioners on National Minorities, Max van der Stoep and Rolf Ekéus, the South East European University is opened in Tetovo.
29 November	ODIHR Seminar "A Society without Torture" in Azerbaijan.
30 Nov.-1 Dec.	Seminar of the OSCE Centre in Ashgabad and the UNODCCP on the growing drug problem among young people in Turkmenistan, Ashgabad.
1-3 December	OSCE Mission to Kosovo conference on advocacy for victims of crime, Pristina.
3-4 December	Ninth OSCE Ministerial Council, Bucharest.
4 December	The Permanent Council decides to establish the post of a Senior Police Adviser in OSCE Secretariat.
4-6 December	ODIHR strategic planning workshop on women in politics, Almaty.
9-16 December	First joint seminars for police officers and NGO representatives on police work, Baku.

10-11 December	Third Central Asian Media Conference organized by the OSCE Representative on Freedom of the Media, Almaty.
13-14 December	“Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism”, Bishkek.
14-15 December	Seminar organized by the Representative on Freedom of the Media and the OSCE Office in Baku for young Azerbaijani journalists on “Developing Freedom and Responsibility”.
15 December	OSCE Mission to Kosovo conference on the protection of journalists.
20-21 December	OSCE conference on the state of the death penalty in the CIS with a focus on Central Asia, Dushanbe.
26-28 December	The first of a total of six seminars for senior law enforcement officials on the prevention of trafficking in human beings, Khujand.
End of December	The mandates of the OSCE Missions to Estonia and Latvia are not extended beyond the year 2001. The respective Heads of Mission recommended the Permanent Council consider the mandates fulfilled.

2002

1 January	Portugal assumes the OSCE Chairmanship from Romania; Portuguese Foreign Minister Jaime José Matos da Gama OSCE becomes Chairman-in-Office.
8 January	ODIHR organizes a round table between the Roma community and municipal authorities on confidence building, Piatra Neamt (Romania).
21-22 January	Meeting of the OSCE Troika, Lisbon.
24-25 January	Workshop on freedom of information in Armenia, Yerevan.
25 Jan.-2 Feb.	ODIHR holds eight human rights training seminars for prison personnel in Tajikistan, Sughd.
29 January	First Meeting of the EU Troika with the Chairman-in-Office and the Secretary General of the OSCE. The topic of the talks is the expanded co-operation between both organizations on the ministerial level.
29 January	The Chairman-in-Office appoints the former Danish Minister of Defence Jan Trøjborg as his Personal Representative on Preventing and Combating Terrorism to coordinate OSCE anti-terrorist policy and activities.

29 January	Conclusion of four round tables, organized by ODIHR, on electoral legislation and election procedures in Kazakhstan, Almaty.
30 January	Meeting of the United Nations Secretary-General with the OSCE Secretary General, Vienna.
1 February	Round table on freedom of religion and belief, Dushanbe.
8 February	Annual High-Level Tripartite Meeting between the OSCE, Council of Europe and the United Nations, Strasbourg.
11-12 February	Preparatory Seminar for the Tenth OSCE Economic Forum on the topic "Water", Zamora.
11-12 February	OSCE seminar on the integration of women in political activities, Yerevan.
14 February	Eleventh OSCE Ball, Vienna.
14-17 February	ODIHR workshop on the development of leadership skills for women in Parliament, government and civil society, Tallinn.
15-16 February	OSCE Conference on freedom of belief and expression, Jalal-Abad.
21-22 February	Seminar for lawyers on case law of the European Court of Human Rights, Kharkiv.
21-22 February	First winter meeting of the OSCE Parliamentary Assembly, Vienna.
28 Feb.-1 March	ODIHR seminar on the prevention of trafficking in human beings, Kyiv.
4-6 March	Annual Implementation Assessment Meeting (Vienna Document), Vienna.
18-19 March	ODIHR and the Chairman-in-Office organize a meeting on preventing and combating violence against women, Vienna.
25-26 March	OSCE seminar on the socio-economic impact of disarmament, Paris.
6 April	After the parliamentary elections in Portugal, the new Foreign Minister António Martins da Cruz becomes OSCE Chairman-in-Office.
11 April	Opening of the travelling exhibition "The OSCE in Kosovo: September 1999 to December 2001" with photos by Lubomir Kotek, Vienna.
19. April	The seventh OSCE Prize for Journalism and Democracy is presented in Copenhagen.
23-25 April	The ODIHR and the Chairman-in-Office organize a seminar on "Judicial System and Human Rights", Warsaw.

25 April	Conference on “Combating Extremism and Strengthening Democratic Institutions: Problems and Prospects”, Dushanbe.
14-15 May	Expert Meeting on Combating Terrorism Within the Politico-Military Dimension of the OSCE, Vienna.
21-22 May	Follow-up meeting on trafficking in small arms and light weapons in Central Asia, Almaty.
28-31 May	Tenth Meeting of the Economic Forum of the OSCE, Prague.
3-11 June	Workshops on the Code of Conduct on Politico-Military Aspects of Security in the Caucasus, Baku, Tbilisi, Yerevan.
May - June	ODIHR round tables on gender issues in Kazakhstan and Uzbekistan.
3-5 June	High-level international meeting on migration and terrorism, Prague.
4-7 June	Second regional workshop on the Aarhus Convention for Central Asia, Dushanbe.
7-8 June	Round table organized by the ODIHR Contact Point for Sinti and Roma Issues on the housing situation of Roma and Sinti, Presov.
17-18 June	OSCE meeting on religious freedom while combating extremism, Baku.
24-25 June	The OSCE Centre in Almaty co-organizes the international conference “Islam and National Security of Newly Independent States in Central Asia”, Almaty.
26 June	Meeting of the Troika in Lisbon.
26 June - 9 July	The OSCE Mission to Tajikistan takes part in a country-wide campaign against torture by conducting human rights trainings.
8-9 July	Second OSCE Supplementary Human Dimension Meeting on prison reform, Vienna.
6-10 July	Eleventh Annual Session of the OSCE Parliamentary Assembly in Berlin. The Briton Bruce George is elected President of the Assembly.
10 July	The Parliamentary Assembly presents, in the presence of the OSCE Representative on Freedom of the Media Freimut Duve, the OSCE Prize for Journalism and Democracy to Pavel Sheremet (Belarus) and Friedrich Orter (Austria).
11-12 July	Seminar “Co-ordinating Regional Efforts to Increase Transparency and Facilitate Business”, Bucharest.

20-21 July	Conference organized by the OSCE Centre in Almaty on drinking water as guarantor of social and environmental security, Almaty.
29-31 July	Seminar on human rights regarding arrest, custody, investigation and trial, Tajikistan.

OSCE Selected Bibliography 2001/2002

Documents

Auswärtiges Amt in Co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Europe Against Trafficking in Persons. Europa gegen Menschenhandel. Conference, 15-16 October 2001, Berlin, Conference Report, n.p. [2001].

ODIHR, Annual Report 2001, Warsaw 2001.

ODIHR, Comments on the Draft "Referendum Law on the State Status of the Republic of Montenegro" Federal Republic of Yugoslavia, Warsaw 2001.

ODIHR, Human Dimension Implementation Meeting. Consolidated Summary, Warsaw, 17-27 September 2001, Warsaw 2001.

ODIHR, OSCE Supplementary Human Dimension Meeting on Preventing and Combating Violence Against Women. Background Paper. Definitions, International Standards and OSCE Commitments. Vienna, 18-19 March 2002, [Warsaw] 2002.

ODIHR, ODIHR Report Gender Action Plan, June 2000 - June 2001, Warsaw 2001.

ODIHR, ODIHR "Road Map" for Implementation of the Bucharest Plan of Action for Combating Terrorism, Warsaw 2001.

ODIHR, OSCE Commitments Relating to Human Rights Advocacy and Defenders. A Guide Prepared for the OSCE Supplementary Human Dimension Meeting on "Human Rights: Advocacy and Defenders", Vienna, 22-23 October 2001, Warsaw 2001.

ODIHR, OSCE Human Dimensions Seminar on Election Processes. Consolidated Summary (Revised Edition), Warsaw, 29-31 May 2001, Warsaw 2001.

ODIHR, OSCE Human Dimensions Seminar Judicial Systems and Human Rights. Consolidated Summary, Warsaw, 23-25 April 2002, Warsaw 2002.

ODIHR, OSCE/ODIHR Projects Implemented in the Field of Prison Reform (1994-2002), Warsaw 2002.

ODIHR, Ten Years of ODIHR. Working for Human Rights and Democracy (1991-2001), Warsaw 2001.

Office of the Co-ordinator for OSCE Economic and Environmental Activities, Consolidated Summary, Seminar on "The Socio-economic Impact of Disarmament", Paris, France, 25-26 March 2002, Vienna 2002.

Office of the Co-ordinator for OSCE Economic and Environmental Activities, Follow-up Seminar to the Ninth OSCE Economic Forum "Co-ordinating

- Regional Efforts to Increase Transparency and Facilitate Business”, Bucharest, Romania, 11-12 July 2002, Vienna 2002.
- OSCE, Field Presence Reports on Human Dimension Activities. Human Dimension Implementation Meeting, Warsaw, 17-27 September 2001, [Warsaw 2001].
- OSCE, OSCE decisions 2001, reference manual, Prague 2002.
- OSCE, OSCE Meetings on Human Dimension Issues 1999-2001. A Compilation of Final Reports from OSCE Supplementary Human Dimension Meetings and Human Dimension Seminars, Warsaw 2001.
- OSCE, *Chairman-in-Office*, High Level Meeting on the Prevention and Combat of Terrorism, Lisbon, 12th June 2002, Summary Conclusions, n.p. 2002.
- OSCE, *Chairman-in-Office*, Supplementary Human Dimension Meeting on Human Rights: Advocacy and Defenders, Vienna, 22-23 October 2001, Final Report, Vienna 2001.
- OSCE, *Chairman-in-Office*, Supplementary Human Dimension Meeting “Preventing and Combating Violence Against Women”, Final Report, Vienna, 18-19 March 2002, Vienna 2002.
- OSCE, *Chairman-in-Office*, Supplementary Human Dimension Meeting Prison Reform, Final Report, Vienna, 8-9 July 2002, Vienna 2002.
- OSCE, *Chairman-in-Office*, Supplementary Human Dimension Meeting Promoting Tolerance and Non-Discrimination, Final report, Vienna, 18-19 June 2001, Vienna 2001.
- OSCE, *Economic Forum*, Consolidated Summary, Second Preparatory Seminar for the Tenth OSCE Economic Forum, Zamora, Spain, 11 and 12 February 2002, Vienna 2002.
- OSCE, *Economic Forum*, Consolidated Summary, Third Preparatory Seminar for the Tenth OSCE Economic Forum, Baku, Azerbaijan, 15 and 16 April 2002, Vienna 2002.
- OSCE, *Economic Forum*, Ninth Meeting of the Economic Forum, Prague, 15-18 May 2001, Summary, n.p. 2001.
- OSCE, *Economic Forum*, Tenth Meeting of the Economic Forum, Prague, 28 to 31 May 2002, n.p. 2002.
- OSCE, *Forum for Security Co-operation*, Expert Meeting on Combating Terrorism within the Politico-Military Dimension of the OSCE, Vienna, 14 and 15 May 2002, Vienna 2002.
- OSCE, *Forum for Security Co-operation*, 2002 Annual Implementation Assessment Meeting, Vienna, 4 to 6 March 2002, Consolidated Report, Chairperson's Report, Reports of the Working Session Rapporteurs, Vienna 2002.
- OSCE, *Forum for Security Co-operation*, Workshop on Implementation of the OSCE Document on Small Arms and Light Weapons, Vienna, 4 and 5 February 2002, Consolidated Summary, Chairperson's Report, Reports of the Working Sessions Rapporteurs, [Vienna] 2002.

- OSCE, Mission in Kosovo*, Victim Advocacy Introductory Manual: Working with Victims of Crime, [Pristina 2001].
- OSCE, Mission to Croatia*, Special Report Domestic Violence in the Sibenik-Knin County, February 2002, Zagreb 2002.
- OSCE, Office of the Secretary General*, OSCE Structures and Institutions, [Vienna] 2002.
- OSCE, Office to the Secretary General, Action Against Terrorism Unit*, OSCE Action Against Terrorism. Status Report on Implementation of the Bucharest and Bishkek Documents, Lisbon, 12 June 2002, Vienna 2002.
- OSCE, Office of the Secretary General, Section for External Co-operation*, OSCE-Thailand Conference on the Human Dimension of Security, Bangkok, 20-21 June 2002, Vienna 2002.
- OSCE, Parliamentary Assembly*, Berlin Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted During the Eleventh Annual Session, Berlin, 10 July 2002.
- OSCE, Representative on Freedom of the Media*, Freedom of Expression, Free Flow of Information, Freedom of the Media: CSCE/OSCE Main Provisions, 1975-2001, [Vienna 2002].
- OSCE Representative on Freedom of the Media*, Current Media Situation in Kazakhstan, Report of the OSCE Representative on Freedom of the Media, Vienna 2002.
- OSCE Representative on Freedom of the Media*, Current Media Situation in Turkmenistan, Report of the OSCE Representative on Freedom of the Media, Vienna 2002.
- OSCE, Representative on Freedom of the Media*, "Road Map" of the OSCE Representative on Freedom of the Media for the Implementation of the Bucharest Plan of Action for Combating Terrorism, [Vienna] 2002.
- OSCE, Secretariat*, Contribution of the Organization for Security and Co-operation in Europe to the UN Regional Organizations Working Level Meeting on Co-operation in Conflict Prevention and Peace-building, Vienna 2002.
- OSCE, Secretariat*, OSCE on Terrorism, [Vienna] 2001.
- OSCE, Secretariat*, OSCE Secretariat's Road Map on Terrorism, Vienna 2002.
- OSCE, Secretariat*, OSCE Seminar on Preventive Functions of the OSCE. Experience, Possibilities, Tasks (Kyiv, 8 and 9 October 2001), Consolidated Summary, [Vienna] 2001.
- OSCE, Secretariat*, OSCE-Japan Conference 2000: "Comprehensive Security in Central-Asia - Sharing OSCE and Asian Experiences", Tokyo, 11-12 December 2000. Consolidated Summary, [Vienna] 2001.
- OSCE, Secretariat*, OSCE-Korea Conference 2001: "Applicability of OSCE CSBMs in Northeast Asia", Seoul, 19-21 March 2001. Consolidated Summary, [Vienna] 2001

- OSCE, Secretariat*, Survey of OSCE Long-Term Missions and other OSCE Field Activities, Vienna 2001.
- OSCE, Secretariat*, The 2001 Mediterranean Seminar on the Implementation of OSCE Economic and Environmental Dimensions Commitments. The OSCE Experience and its Relevance for the Mediterranean Region (Dubrovnik, 30 and 31 October 2001). Consolidated Summary, [Vienna 2001].
- OSCE, The Secretary General*, Annual Report 2001 on OSCE Activities (1 November 2000 - 31 October 2001), Vienna 2001.
- OSCE, The Secretary General*, Annual Report 2001 on Interaction between Organizations and Institutions in the OSCE Area (1 November 2000 - 31 October 2001), Vienna 2001.
- United Nations, Economic Commission for Europe*, UNECE Review of the Commitments of OSCE Participating States in the Economic Dimension, Prepared for the Tenth OSCE Economic Forum, 28-31 May 2002, Prague 2002.
- United States, Congress, Commission on Security and Cooperation in Europe*, Deterioration of Freedom of the Media in OSCE Countries. Hearing before the Commission on Security and Cooperation in Europe, One Hundred Sixth Congress, Second Session, April 4, 2000, Washington 2001.
- United States, Congress, Commission on Security and Cooperation in Europe*, Romania's Chairmanship of the OSCE. Hearing before the Commission on Security and Cooperation in Europe, One Hundred Seventh Congress, First Session, October 31, 2001, Washington 2002.
- United States, Congress, Commission on Security and Cooperation in Europe*, U.S. Policy Toward the OSCE. Hearing before the Commission on Security and Cooperation in Europe, One Hundred Seventh Congress, First Session, October 3, 2001, Washington 2002.

Monographs and Anthologies

- Amnesty International, International Secretariat*, OSCE Human Dimension Implementation Meeting 2001. Statements issued by Amnesty International, 2001.
- Amnesty International, International Secretariat*, OSCE Supplementary Human Dimension Meeting. Human Rights - Advocacy and Defenders, 2001.
- Barry, Robert*, The OSCE: A Forgotten Transatlantic Security Organization?, London 2002 (BASIC Research Report 3/2002).
- Bertozzi, Stefano*, Crocevia della grande Europa. Il Consiglio d'Europa, l'Unione Europea e l'OSCE, Bologna 2001.
- Binder, Johannes*, The Human Dimension of the OSCE. From Recommendation to Implementation, Vienna 2001 (Studienreihe des Ludwig Boltz-

- mann Instituts für Menschenrechte) [Study Series of the Ludwig Boltzmann Institute of Human Rights], Vol. 10, Vienna 2001.
- Booth, Ken (Ed.)*, The Kosovo Tragedy. The Human Rights Dimensions, London 2001.
- Bündnis 90, Die Grünen, Bundestagsfraktion*, Wer den Frieden will, bereite den Frieden vor. Beiträge zur Stärkung der zivilen Säulen internationaler Friedensmissionen. Dokumentation der Anhörung vom 12.10.2001 in Berlin, Berlin 2001.
- Burkey, Ingvild*, OSCE Mission to Bosnia and Herzegovina. Human Rights Officer October 1997 - December 2000. Nordem Report, Oslo 2001 (Institut for Menneskerettigheter Working Paper 10/2001).
- Centre for OSCE Research*, Annual Report 2001, Hamburg 2002.
- Centre for OSCE Research*, The CSCE/OSCE and the Environment 1975-2000. An Annotated Documentation of Selected Commitments, Decisions, Conclusions & Recommendations elaborated in the Framework of CSCE/OSCE Negotiating Bodies and Seminars, Hamburg 2002 (CORE Working Paper 5).
- Conde Pérez, Elena*, La protección de las minorías nacionales en la organización para la seguridad y la cooperación en Europa (OSCE), Madrid 2001.
- Cornell, Svante E.*, Small Nations and Great Powers. A Study of Ethnopolitical Conflict in the Caucasus, Richmond 2001.
- European Centre for Conflict Prevention*, Conflict Prevention in Central Asia - The Role of the OSCE, Roundtable Seminar Organised by the European Centre for Conflict Prevention and the Netherlands Ministry of Foreign Affairs, Thursday, March 7, 2002, Background Reader, Utrecht 2002.
- Evangelische Arbeitsgemeinschaft zur Betreuung der Kriegsdienstverweigerer (EAK)*, Gewalt überwinden! Die Kirchen, die OSZE und die zivile Konfliktbearbeitung. Bestandsaufnahme und Perspektiven, Dokumentation eines Studientages am 25. September 2001 in Bautzen-Schmochtitz, Bremen 2002.
- Figueiredo, Kenneth de*, OSCE Mission to Tajikistan: Kurghon-Teppa Field Office, January 2001 - May 2002, Oslo 2002 (Nordem Report 8/2002).
- Ghebali, Victor-Yves/Daniel Warner (Eds)*, The Operational Role of the OSCE in South-Eastern Europe. Contributing to Regional Stability in the Balkans, Aldershot 2001.
- Gießmann, Hans-Joachim*, Multilateral Regional Security - OSCE Experience and Lessons, Seoul 2001.
- Gulbraar, Cecilie*, OSCE Mission to Tajikistan. Kurghon-Teppa Field Office 1998-2000. Nordem Report, Oslo 2001 (Institut for Menneskerettigheter Working Paper 18/2001).
- Heinemann, Martin*, Abschluß und Modifikation des Vertrages über konventionelle Streitkräfte in Europa und dessen Beitrag zur Schaffung eines gesamteuropäischen Sicherheitssystems, Hamburg 2002.

- Hopmann, P. Terrence*, The Role of Multilateral Organizations in Conflict Resolution. The Case of the Organization for Security and Cooperation in Europe, Istanbul 2002 (Program on Conflict Analysis and Resolution Occasional Papers 2).
- Horváth, István*, Facilitating Conflict Transformation: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Romania, 1993-2001, Hamburg 2002 (CORE Working Paper 8).
- Hughes, James/Gwendolyn Sasse (Eds)*, Ethnicity and Territory in the Former Soviet Union. Regions in Conflict, London 2002.
- Hushagen, Anne, et al. (Eds)*, Kosovo/Federal Republic of Yugoslavia. OSCE Mission in Kosovo. Organising the Municipal Elections 2000. Nordem Report, Oslo 2001 (Institutt for Menneskerettigheter Working Paper 11/2001).
- International Crisis Group*, The OSCE in Central Asia: A New Strategy, Osh 2002 (ICG Asia Report 38).
- International Helsinki Federation for Human Rights*, Human Rights and Terrorism in the Central Asian OSCE Member States, Vienna 2001.
- International Helsinki Federation for Human Rights*, Human Rights in the OSCE Region: The Balkans, the Caucasus, Europe, Central Asia and North America. Report 2001 (Events of 2000), Vienna 2001.
- International Helsinki Federation for Human Rights*, Human Rights in the OSCE Region: The Balkans, the Caucasus, Europe, Central Asia and North America. Report 2002 (Events of 2001), Vienna 2002.
- International Peace Academy New York/Diplomatische Akademie Wien*, Promoting Institutional Responses to the Challenges in the Caucasus. The OSCE, UN, EU and the CIS, Vienna 2001 (Diplomatische Akademie Wien Favorita Papers 1/2001).
- Kandelia, Seema*, OSCE Human Dimension Seminar: Election Processes, Warsaw, 29-31 May 2001; OSCE Supplementary Human Dimension Meeting: Promoting Tolerance and Non-Discrimination, Vienna, 18-19 June 2001, Colchester 2001 (Papers in the Theory and Practice of Human Rights 34).
- Kandelia, Seema*, OSCE Implementation Meeting on Human Dimension Issues, Warsaw, 17-27 September 2001, Colchester 2002 (Papers in the Theory and Practice of Human Rights 35).
- Kartusch, Angelika*, Reference Guide for Anti-Trafficking Legislative Review. With particular Emphasis on South Eastern Europe, Warsaw 2001.
- Kemp, Walter A. (Ed.)*, Quiet Diplomacy in Action. The OSCE High Commissioner on National Minorities, The Hague 2001.
- Kern, Reiner*, Global Governance durch UN und Regionalorganisationen. OAU und OSZE als Partner der Weltorganisation beim Konfliktmanagement, Baden-Baden 2002 (Demokratie, Sicherheit, Frieden 145).

- Kulyk, Volodymyr*, Revisiting a Success Story: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Ukraine, 1994-2001, Hamburg 2002 (CORE Working Paper 6).
- Lennox, Corinne*, A Report of the OSCE Human Dimension Implementation Meeting. 17-27 October 2000, Warsaw, Wivenhoe Park 2001 (Papers in the Theory and Practice of Human Rights 31).
- McGonagle, Tarlach*, OSCE Supplementary Human Dimension Meeting: Freedom of Expression: New and Existing Challenges, Vienna, 12-13 March 2001, Colchester 2001 (Papers in the Theory and Practice of Human Rights 34).
- Netherlands Helsinki Committee*, Annual Report 2001, The Hague 2002.
- Netherlands Helsinki Committee*, 25 Years Helsinki Final Act. "The Significance of the CSCE Final Act for the Regaining of Democracy in Central and East Europe, and the Actual Importance of the Helsinki Process for the Future of Europe"; Symposium Contributions, The Hague, 9 October 2000, The Hague 2001.
- Pöllinger, Sigrid*, Minderheitenprobleme und Minderheitenschutz. Das Engagement internationaler Organisationen, Vienna 2001.
- Poleshchuk, Vadim*, Advice not welcomed. Recommendations of the OSCE High Commissioner to Estonia and Latvia and the Response, Münster 2001 (Kieler Schriften zur Friedenswissenschaft 9).
- Riedel, Sabine*, Minderheitenpolitik in der EU-Erweiterungsperspektive. Neue Konflikte durch Maßnahmen der positiven Diskriminierung, Berlin 2001.
- Sandole, Dennis J.D.*, Peace and Security in Post-Cold War Europe: A "Community of Values" in the CSCE/OSCE, Fairfax/VA 2001.
- Sarv, Margit*, Integration by Reframing Legislation: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Estonia, 1993-2001, Hamburg 2002 (CORE Working Paper 7).
- Seifert, Arne C.*, The Islamic Factor and the OSCE Stabilization Strategy in Its Euro-Asian Region, Hamburg 2001 (CORE Working Paper 4).
- Simhandl, Katrin*, Die Theorien des Nationalen und der Hohe Kommissar für Nationale Minderheiten der OSZE, Baden-Baden 2002 (Demokratie, Sicherheit, Frieden 146).
- Stoessel, Marcel*, The Role of the OSCE in Bosnia and Herzegovina, Geneva 2001.
- Thomas, Daniel C.*, The Helsinki Effect. International Norms, Human Rights and the Demise of Communism, Princeton 2001.
- Trifunovska, Snezana (Ed.)*, Minority Rights in Europe. European Minorities and Languages, The Hague 2001.
- Tudyka, Kurt P.*, Das OSZE-Handbuch. Die Organisation für Sicherheit und Zusammenarbeit von Vancouver bis Wladiwostok, 2nd ed., Opladen 2002.

- Wegener, Lars*, Friedliche Konfliktbearbeitung am Beispiel des georgisch-abchasischen Konfliktes, Flensburg 2001.
- Wuthe, Paul*, Für Menschenrechte und Religionsfreiheit in Europa. Die Politik des Heiligen Stuhls in der KSZE/OSZE, Stuttgart 2002 (Theologie und Frieden 22).

Articles

- Abela, Elizabeth*, The OSCE and Thailand. The Most Recent Partner for Cooperation and the Implications for Future Partnership, in: Helsinki Monitor 3/2002, pp. 233-246.
- Alexeev, Alexander N.*, The Future of the OSCE: Russia's Version, in: Daniel Warner/Valérie Clerc (Eds), Challenges Faced by the OSCE During 2001, Geneva 2002, pp. 151-166.
- Attinger Colijn, Beatrix*, Die OSZE und die Gender Task Force, in: Schweizerische Friedensstiftung (Ed.), „Frauen an den Krisenherd“. Der Beitrag von Frauen in der zivilen Konfliktbearbeitung. Tagungsband der gleichnamigen Tagung vom 28. Januar 2000 in Bern, Bern 2001, pp. 27-34.
- Bakker, Edwin*, International Challenge for the Netherlands: The OSCE Chairman-in-Office in 2003, in: Helsinki Monitor 3/2002, pp. 221-232.
- Balian, Hrair*, Ten Years of International Election Assistance and Observation, in: Helsinki Monitor 3/2001, pp. 197-209.
- Baudet, Floribert*, The Origins of the CSCE Human Dimension Mechanism. A Case Study in Dutch Cold War Policy, in: Helsinki Monitor 3/2001, pp. 185-196.
- Berndt, Michael/Werner Ruf*, Die Reform der Vereinten Nationen und die Zukunft der OSZE, in: Österreichisches Studienzentrum für Frieden und Konfliktlösung, Nach der Jahrtausendwende. Zur Neuorientierung der Friedensforschung, Friedensbericht 2001, Ergebnis der State-of-Peace-Konferenz 2001, Münster 2001, pp. 73-87.
- Biscop, Sven*, Network or Labyrinth? The Challenge of Co-ordinating Western Security Dialogues with the Mediterranean, in: Mediterranean Politics 1/2002, pp. 92-112.
- Bloed, Arie*, Bucharest Ministerial Adopts Plan of Action Against Terrorism, in: Helsinki Monitor 1/2002, pp. 72-76.
- Bloed, Arie*, OSCE in (Budget) Crisis, in: Helsinki Monitor 2/2002, pp. 193-197.
- Botoko-Claeysen, Catherine*, L'OSCE et l'observation des élections. Le rôle du Bureau des Institutions Démocratiques et des Droits de l'Homme (BIDDH), in: Revue trimestrielle des droits de l'homme 45/2001, pp. 55-76.
- Buchsbaum, Thomas M.*, The HDIM Needs Reform, in: Helsinki Monitor 3/2001, pp. 210-219.

- Buchsbaum, Thomas M.*, OSCE's Comprehensive Security: Integrating the Three Dimensions, in: Daniel Warner/Valérie Clerc (Eds), *Challenges Faced by the OSCE During 2001*, Geneva 2002, pp. 71-150.
- Buchsbaum, Thomas M.*, Die OSZE zur Halbzeit des österreichischen Vorsitzjahres, in: Österreichisches Studienzentrum für Frieden und Konfliktlösung (Ed.), *Wie sicher ist Europa? Perspektiven einer zukunftsfähigen Sicherheitspolitik nach der Jahrtausendwende*, Münster 2001, pp. 148-175.
- Burduli, Giorgio*, How Effective Has the OSCE Been in the Caucasus?, in: International Peace Academy New York/Diplomatische Akademie Wien, *Promoting Institutional Responses to the Challenges in the Caucasus. The OSCE, UN, EU and the CIS*, Vienna 2001 (Diplomatische Akademie Wien Favorita Papers 1/2001), pp. 61-67.
- Cederberg, Aapo*, OSCE Could Use Weapons Document to Hit Terrorism, in: *OSCE Review* 2/2002, pp. 1, 10-11.
- Collin, Bernard*, Défense en Europe. Le rôle de l'OSCE dans la défense de l'Europe, in: *Défense nationale* 7/2002, pp. 150-152.
- Cristiades, Adrian*, The Concept of Security and the OSCE, in: *Romanian Journal of International Affairs* 1-2/2002, pp. 270-281.
- Czaplinski, Wladyslaw*, The Activities of the OSCE in Kosovo, in: Christian Tomuschat (Ed.), *Kosovo and the International Community. A Legal Assessment*, The Hague 2002, pp. 37-44.
- Czempiel, Ernst-Otto*, Multilaterale Entspannungspolitik: KSZE-Prozess und das Ziel einer gesamteuropäischen Friedensordnung, in: Hans-Dieter Lucas (Ed.), *Genscher, Deutschland und Europa*, Baden-Baden 2002, pp. 135-154.
- Czempiel, Ernst-Otto*, UNO und OSZE als Rahmen für eine gewaltlose Einmischung, in: Österreichisches Studienzentrum für Frieden und Konfliktlösung (Ed.), *Wie sicher ist Europa? Perspektiven einer zukunftsfähigen Sicherheitspolitik nach der Jahrtausendwende*, Münster 2001, pp. 129-140.
- Daftary, Farimah*, Conflict Resolution in FYR Macedonia: Power-sharing or the "Civic Approach"?, in: *Helsinki Monitor* 4/2001, pp. 291-312.
- DeVrieze, Franklin*, Towards Self-government in Kosovo, in: *Helsinki Monitor* 1/2002, pp. 11-25.
- Everts, Daan W.*, The OSCE Mission in Kosovo - Two Years into Institution Building, in: *Helsinki Monitor* 4/2001, pp. 245-256.
- Freire, Maria Raquel Sousa*, Crisis Management: The OSCE in the Republic of Moldova, in: *Conflict, Security, Development* 2/2002, pp. 69-90.
- Gazdag, Ferenc*, International Organizations Against Terrorism and Hungarian Foreign Policy, in: Peter Talas (Ed.), *Responses to Terrorism. Or: Is There a Route From the "Hunt down" in Afghanistan to Sustainable Globalization?*, Budapest 2002, pp. 305-327.

- Geoana, Mircea Dan*, OSCE Priorities for 2001, in: *Romanian Journal of International Affairs* 1-2/2001, pp. 23-29.
- Ghebali, Victor-Yves*, The Balance Sheet of the OSCE Austrian Presidency (2000), in: Daniel Warner/Valérie Clerc (Eds), *The OSCE in the Landscape of European Security* (2000), Geneva 2002, pp. 5-17.
- Ghebali, Victor-Yves*, The Bucharest Meeting of the Ministerial Council (3-4 December 2001): Towards a New Consensus at the OSCE?, in: *Helsinki Monitor* 2/2002, pp. 157-166.
- Ghebali, Victor-Yves*, L'OSCE face aux critiques de la Russie de Vladimir Poutine, in: *Défense nationale* 4/2001, pp. 42-50.
- Ghebali, Victor-Yves*, The Role of the OSCE in Conflict Management: Some Reflections on the Case of "Frozen Conflicts", in: Daniel Warner/Valérie Clerc (Eds), *Challenges Faced by the OSCE During 2001*, Geneva 2002, pp. 27-45.
- Hill, William*, Making Istanbul a Reality: Moldova, Russia, and Withdrawal from Transnistria, in: *Helsinki Monitor* 2/2002, pp. 129-145.
- Homan, Cees*, Interview with Max van der Stoep, former High Commissioner on National Minorities, in: *Helsinki Monitor* 1/2002, pp. 3-10.
- Joseph, Kate/Taina Susiluoto*, Tackling Small Arms Trafficking in the OSCE, in: *Helsinki Monitor* 2/2002, pp. 179-192.
- Kamp, Christophe*, Increasing the Effectiveness of the HDIM: Can We Close the Gap Between Aspiration and Reality?, in: *Helsinki Monitor* 1/2002, pp. 26-35.
- Kemp, Walter A.*, Best Interests: Reconciling Competing Claims in Multi-ethnic States, in: *Helsinki Monitor* 1/2002, pp. 52-61.
- Kemp, Walter A.*, Between Assimilation and Secession: Integrating Diversity in Multi-Ethnic States, in: Daniel Warner/Valérie Clerc (Eds), *The OSCE in the Landscape of European Security* (2000), Geneva 2002, pp. 37-67.
- Khrychikov, Sergey/Hugh Miall*, Conflict prevention in Estonia: The role of the electoral system, in: *Security Dialogue* 2/2002, pp. 193-208.
- Kinkel, Klaus*, Eine KSZE für den Nahen Osten, in: *Internationale Politik* 5/2002, pp. 35-38.
- Kokott, Juliane*, Human Rights Situation in Kosovo 1989-1999, in: Christian Tomuschat (Ed.), *Kosovo and the International Community. A Legal Assessment*, The Hague 2002, pp. 1-35.
- Konrad, Helga*, Trafficking in Human Beings - The Ugly Face of Europe, in: *Helsinki Monitor* 3/2002, pp. 260-271.
- Lenzi, Guido*, Climbing Down from Peace Enforcement: The Growing Importance of Conflict Prevention and Resolution and the Role of the OSCE in Europe, in: Daniel Warner/Valérie Clerc (Eds), *Challenges Faced by the OSCE During 2001*, Geneva 2002, pp. 47- 69
- Linotte, Daniel*, Poverty in Central Asia, in: *Helsinki Monitor* 2/2002, pp. 167-178.

- Löffler, Siegfried*, OSZE - Auslaufmodell oder Hoffnung für die Zukunft?, in: Die politische Meinung 382/2001, pp. 56-62.
- Manutscharjan, Aschot*, Sicherheitspolitik im Kaukasus - Perspektiven für das 21. Jahrhundert, in: KAS-Auslandsinformationen 3/2002, pp. 33-56.
- Neukirch, Claus*, Russia and the OSCE - The Influence of Interested and Disinterested Fourth Parties on the Conflicts in Estonia and Moldova, in: JEMIE, Journal on Ethnopolitics and Minority Issues in Europe 7/2001.
- Oberschmidt, Randolph*, Georgia and Regional Stability: An OSCE Perspective, in: The Centre for Humanitarian Dialogue (Ed.), South Caucasus: Regional and International Conflict Resolution, Geneva 2001, pp. 30-39.
- Oberschmidt, Randolph*, Möglichkeiten und Grenzen der menschlichen Dimension des KSZE/OSZE - Von der Schlussakte von Helsinki (1975) zum Istanbuler Gipfel (1999), in: Erwin Müller/Patricia Schneider/Kristina Thony (Eds), Menschenrechtsschutz, Baden- Baden 2002 (Demokratie, Sicherheit, Frieden 143), pp. 136-154.
- Oberschmidt, Randolph*, Office for Democratic Institutions and Human Rights - An Interim Appraisal, in: Helsinki Monitor 4/2001, pp. 277-290.
- Oberschmidt, Randolph/Wolfgang Zellner*, The Contribution of Civil Society to the Achievement of the Objectives of the Stability Pact for Southeastern Europe, in: Daniel Warner/Valérie Clerc (Eds), The OSCE in the Landscape of European Security (2000), Geneva 2002, pp. 123-176.
- OSCE Economic Forum 2001*, Prague, 15-18 May 2001, in: Romanian Journal of International Affairs 1-2/2001, pp. 301-323.
- Petrakov, Mikhail*, Are there "Pupils" and "Teachers" in the OSCE?, in: International Affairs, Moscow 4/2001, pp. 19-25.
- Plate, Bernard von*, OSZE und Europarat - Stabilität durch Krisenmanagement und Interessenausgleich, in: Informationen zur politischen Bildung 274/2002, pp. 13-17.
- Price, Thomas L.*, The OSCE's Economic Dimensions: Lessons Learned, in: Helsinki Monitor 3/2001, pp. 165-176.
- Rhodes, Aaron/Paula Tscherne-Lempiäinen*, Human Rights and Terrorism in the Central Asian OSCE States, in: Helsinki Monitor 1/2002, pp. 36-51.
- Roditi-Rowlands, Ourania*, Romani Civil Society in Central-Eastern Europe: Historical Perspectives and Contemporary Issues, in: Helsinki Monitor 3/2002, pp. 247-259.
- Rotfeld, Adam D.*, The OSCE Role in Cooperation with NATO and the EU in Southeastern Europe, in: Daniel Warner/Valérie Clerc (Eds), The OSCE in the Landscape of European Security (2000), Geneva 2002, pp. 19-36.
- Salber, Herbert*, The Regional Approach: A Tool for the OSCE in Central Asia?, in: Helsinki Monitor 4/2001, pp. 272-276.
- Schlotter, Peter*, OSZE - Von „Kollektiver Sicherheit“ zum „Dienstleistungsbetrieb“, in: Mir A. Ferdowsi (Ed.), Sicherheit und Frieden zu Beginn des 21. Jahrhunderts, Munich 2002, pp. 291-306.

- Schneider, Heinrich*, „Umfassende Sicherheit“. Europäische Erfahrungen mit einem gutgemeinten Konzept, in: Österreichisches Studienzentrum für Frieden und Konfliktlösung (Ed.), *Wie sicher ist Europa? Perspektiven einer zukunftsfähigen Sicherheitspolitik nach der Jahrtausendwende*, Münster 2001, pp. 24-44.
- Schreiber, Hannes*, Die OSZE im Transnistrienkonflikt, in: *ÖMZ* 3/2002, pp. 312-317.
- Seifert, Arne C.*, Muslime im gemeinsamen Haus Europa - Der zentralistische Islam und die Sicherheitspolitik der OSZE, in: Bruno Schoch/Corinna Hauswedell/Christoph Weller/Ulrich Ratsch/ Reinhard Mutz (Eds), *Friedensgutachten 2002*, Münster 2002, pp. 117-125.
- Severin, Adrian*, OSCE PA. Balancing a System of Values and Ideas in Crisis Situations, in: *Romanian Journal of International Affairs* 1-2/2001, pp. 31-40.
- Severin, Adrian*, OSCE Parliamentary Assembly: Redesigning the Stability Pact, in: *Romanian Journal of International Affairs* 1-2/2002, pp. 219-224.
- Shustov, Vladimir*, OSCE's Place in Europe's Architecture, in: *International Affairs, Moscow* 1/2002, pp. 38-48.
- Solioz, Christophe*, Prospects for Balkan Stability Ownership, Transitional Process and Regional Integration in Bosnia and Herzegovina, in: Daniel Warner/Valérie Clerc (Eds), *The OSCE in the Landscape of European Security (2000)*, Geneva 2002, pp. 69-121.
- Stefan-Bastl, Jutta*, The Austrian OSCE Chairmanship. Assessment and Outlook, in: *Helsinki Monitor* 4/2001, pp. 257-271.
- Steyrer, Peter*, Umfassende Sicherheit in Europa, in: Österreichisches Studienzentrum für Frieden und Konfliktlösung (Ed.), *Wie sicher ist Europa? Perspektiven einer zukunftsfähigen Sicherheitspolitik nach der Jahrtausendwende*, Münster 2001, pp. 9-23.
- Stoel, Max van der*, Reflections and Suggestions on the Role of the High Commissioner on National Minorities, in: Daniel Warner/Valérie Clerc (Eds), *Challenges Faced by the OSCE During 2001*, Geneva 2002, pp. 7-25.
- Stoudmann, Gérard*, 25 Jahre KSZE/OSZE (1975-2000). Die „menschliche Dimension“ als Grundpfeiler eines umfassenden Sicherheitskonzeptes, in: *Jahrbuch Menschenrechte 2001*, Frankfurt/Main 2000, pp. 285-293.
- Sucharipa-Behrmann, Lilly*, Die Rolle der Vereinten Nationen und der OSZE in der zivilen Konfliktbearbeitung, in: Österreichisches Studienzentrum für Frieden und Konfliktlösung (Ed.), *Zivile Konfliktbearbeitung. Eine internationale Herausforderung*, Münster 2001, pp. 245-268.
- Talentino, Andrea K.*, Intervention as Nation-Building: Illusion or Possibility?, in: *Security Dialogue* 1/2002, pp. 27-43.
- Tudyka, Kurt P.*, Auswirkungen der ESVP auf die OSZE. Stärkung oder Schwächung?, in: Hans-Georg Ehrhart (Ed.), *Die Europäische Sicher-*

- heits- und Verteidigungspolitik, Baden-Baden 2002 (Demokratie, Sicherheit, Frieden 142), pp. 295-303.
- Vetschera, Heinz*, The Negotiations on Regional Arms Control under Annex 1-B, Art. V of the Dayton Agreement - A Preliminary Post-Mortem, in: Helsinki Monitor 3/2001, pp. 177-184.
- Wiersma, Jan Marinus*, Belarus - The Assessment of a Mission, in: Helsinki Monitor 2/2002, pp. 146-156.
- Zaagman, Rob*, Terrorism and the OSCE. An Overview, in: Helsinki Monitor 3/2002, pp. 204-215.
- Zagorski, Andrei*, The OSCE in the Context of the Forthcoming EU and NATO Extensions, in: Helsinki Monitor 3/2002, pp. 221-232.
- Zellner, Wolfgang*, Krisenprävention in gesamteuropäischer Verantwortung: Die OSZE, in: Reinhard Mutz (Ed.), Krisenprävention als politische Querschnittsaufgabe, Baden-Baden 2002 (Demokratie, Sicherheit, Frieden 148), pp. 60-72.
- Zellner, Wolfgang*, The 9th OSCE Ministerial in Bucharest 2001, in: Helsinki Monitor 1/2002, pp. 62-71
- Zellner, Wolfgang*, The OSCE: Uniquely Qualified for a Conflict-Prevention Role, in: Paul van Tongeren/Hans van den Veen (Eds), Searching for Peace in Europe and Eurasia, Boulder 2002, pp. 15-26.
- Zumach, Andreas*, Verpaßte Chance. Die Überwachungs-Mission der OSZE im Kosovo zwischen Oktober 1998 und März 1999, in: Jahrbuch Menschenrechte 2001, Frankfurt am Main 2000, pp. 85-104.

Diplom and Magister Theses

- Aichinger, Tristan*, Die Erweiterung des Selbstbestimmungsrechts der Völker durch die OSZE, Diplom thesis, University of Graz 2001.
- Bukovec, Nicholas*, Politisches, ziviles und militärisches Krisenmanagement der OSZE und der Partnerschaft für den Frieden im Vergleich, Diplom thesis, University of Vienna 2001.
- Hammer, Ralph*, Europäische Sicherheit. OSZE, NATO, WEU und GASP im Vergleich, Diplom thesis, University of Graz 2001.
- Pott, Tobias*, Kollektive Sicherheit in der neuen Weltordnung. Die Ansprüche der EU, NATO, OSZE und der VN in Hinblick auf Krisenbewältigung und Selbstverteidigung, Magister thesis, University of Eichstätt 2001.
- Rogl, Barbara*, Rechtsfragen der Tätigkeit des Medienbeauftragten der OSZE, Diplom thesis, University of Graz 2001.
- Schönbaumsfeld, Amélie*, Europäische Sicherheitsmodelle in Theorie und Praxis. Von Kant bis zur OSZE, Diplom thesis, University of Vienna 2001.
- Waniek, Gudrun*, Die Rolle der OSZE in Bosnien-Herzegowina, Diplom thesis, University of Graz 2001.

Acronyms

AAK	Alliance for the Future of Kosovo
ABA	American Bar Association
ABM	Anti-Ballistic Missile Treaty
ACEEEO	Association of Central and Eastern European Election Officials
AIAM	Annual Implementation Assessment Meeting (CSBM)
ASI	Assembly Support Initiative (Kosovo)
BSEC	Black Sea Economic Co-operation
CACO	Central Asian Co-operation Organization
CAEA	Central Asian Economic Association
CAP	Cantonal Administration Project (Bosnia and Herzegovina)
CARDS	Community Assistance for Reconstruction, Development and Stabilization Programme (EU)
CBMs	Confidence-Building Measures
CBSS	Council of the Baltic Sea States
CCER	Central Commission on Elections and Referenda (Tajikistan)
CDE	Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe
CEC	Central Election Commission
CEE	Central and Eastern Europe
CEEA	Co-ordinator of OSCE Economic and Environmental Activities
CEEOM II	Council of Europe Election Observation Mission
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CEO	Chief Executive Officer
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
CFS	Child Friendly Spaces (UNICEF)
CFSP	Common Foreign and Security Policy (EU)
CIS	Commonwealth of Independent States
CIU	Central Intelligence Unit (UNMIK)
CNR	Commission for National Reconciliation (Tajikistan)
CoE	Council of Europe
CORE	Centre for OSCE Research
CPC	Conflict Prevention Centre
CRC	Convention of the Rights of the Child

CRPC	Commission for Real Property Claims (Bosnia and Herzegovina)
CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since 1 January 1995: OSCE)
CSCM	Conference on Security and Co-operation in the Mediterranean
CSO	Committee of Senior Officials (since 1 January 1995: Senior Council)
CSDP	(European) Common Security and Defence Policy (EU)
CTC	Counter-Terrorism Committee (UN Security Council)
DOS	Democratic Opposition of Serbia
DPA	Democratic Party of Albanians (Macedonia)
DPKO	Department of Peacekeeping Operations (UN)
DUI	Democratic Union for Integration (FYROM)
EAPC	Euro-Atlantic Partnership Council
EBRD	European Bank for Reconstruction and Development
EC	European Commission
ECAC	Election Complaints and Appeals Sub-Commission (Kosovo)
EPI	Expanded Programme of Immunization (UNICEF)
EU	European Union
EUMM	European Union Monitoring Mission
FATF	Financial Action Task Force
FOM	Representative on Freedom of the Media
FRY	Federal Republic of Yugoslavia (Serbia and Montenegro)
FSC	Forum for Security Co-operation
FTA	Free Trade Agreement
FYROM	Former Yugoslav Republic of Macedonia
G7/G8	Group of Seven (Canada, France, Germany, Italy, Japan, UK, USA)/Group of Eight (G7 and Russia)
GDP	Gross Domestic Product
GNP	Gross National Product
GTZ	Deutsche Gesellschaft für technische Zusammenarbeit (German service company in international development co-operation)
GUUAM-	
States	Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova
HCNM	High Commissioner on National Minorities
HDZ	Croatian Democratic Union (Croatia; Bosnia and Herzegovina)
HNS	Croatian National Party
HRT	Croatian Radiotelevision
HRW	Human Rights Watch

HSLS	Croatian Social Liberal Party
HSP	Croatian Party of Rights
HSS	Croatian Peasant Party
IAC	Interim Administrative Council (Kosovo)
IAEA	International Atomic Energy Agency
ICA	Institute for Civil Administration (Kosovo)
ICAO	International Civil Aviation Organization
ICC	Informal Consultative Committee (Stability Pact for South Eastern Europe)
ICC	International Criminal Court
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IDS	Istrian Democratic Congress
IFC	Informal Financial Committee (OSCE Permanent Council)
IFES	International Foundation for Electoral Systems
IFIs	International Financial Institutions
ILO	International Labour Organization
IMF	International Monetary Fund
IMU	Islamic Movement of Uzbekistan
IOM	International Organization for Migration
IPTF	International Police Task Force
IRI	International Republican Institute
ISPA	Instrument for Structural Policies for Pre-accession (EU)
JIAS	Joint Interim Administrative Structure (Kosovo)
JEOMT	OSCE/UN Joint Election Observation Mission (Tajikistan)
KDTP	Turkish Democratic Party of Kosovo
KFOR	Kosovo Force
KIPA	Kosovo-Institute for Public Administration
KOCB	Kosovo Organized Crime Bureau
KP	Povratak Coalition (Kosovo)
KPS	Kosovo Police Service
KPSS	Kosovo Police Service School
KTA	Kosovo Trust Agency
KVM	Kosovo Verification Mission
LDK	Democratic League of Kosovo
LS	Liberal Party (Croatia)
MASTs	OSCE Media Access Support Teams
MIFI	Municipal Infrastructure Finance and Implementation Project (Bosnia and Herzegovina)

NACC	North Atlantic Co-operation Council (replaced by the EAPC in 1997)
NAFTA	North American Free Trade Area
NATO	North Atlantic Treaty Organization
NCSBMs	Negotiations on Confidence- and Security-Building Measures
NDI	National Democratic Institute
NGOs	Non-Governmental Organizations
NMD	National Missile Defense (US)
NTM	National Technical Means
OECD	Organization for Economic Co-operation and Development
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the (UN) High Commissioner for Human Rights
OHR	Office of the High Representative
OMIFRY	OSCE Mission to the Federal Republic of Yugoslavia
OMIK	OSCE Mission in Kosovo
OSCC	Open Skies Consultative Commission
OSCE	Organization for Security and Co-operation in Europe
OSI	Open Society Institute
PA	Parliamentary Assembly
PC	Permanent Council
PDK	Democratic Party of Kosovo
PDP	People's Democratic Party (Tajikistan)
PDP	Party for Democratic Prosperity (FYROM)
PDP	Party for Democratic Progress (Bosnia and Herzegovina)
PEC	Provisional Election Commission
PfP	Partnership for Peace
PHARE	Poland and Hungary Assistance for the Reconstruction of the Economy (EU)
PIC	Peace Implementation Council
PIR	Party of Islamic Rebirth (Tajikistan)
PISGs	Provisional Institutions of Self-Government (Kosovo)
PLIP	Property Law Implementation Plan (Bosnia and Herzegovina)
POWs	Prisoners of War
PRC	Political Resource Centre
PSOE	Partido Socialista Obrero Español/Spanish Socialist Party
PTK	Post Telekom Kosovo
RAE	Kosovo Roma Ashkali and Egyptians
REACT	Rapid Expert Assistance and Co-operation Teams
RTS	Serbian State Radio Television
SAA	Stabilization and Association Agreement (EU)
SALW	Small Arms and Light Weapons
SAP	Stabilization and Association Process (EU)

SAS	Social Assistance Scheme (UNMIK)
SBIH	Party for Bosnia and Herzegovina
SCO	Shanghai Co-operation Organization
SDA	Party of Democratic Action (Bosnia and Herzegovina)
SDC	Swiss Agency for Co-operation and Development
SDP	Social Democratic Party (Croatia; Bosnia and Herzegovina)
SDS	Serbian Democratic Party (Bosnia and Herzegovina)
SDSM	Alliance of Democratic Forces in Macedonia
SECI	Southeast European Co-operative Initiative
SEE	South-eastern Europe/South-eastern European
SEECF	South Eastern European Co-operation Process
SFOR	Stabilization Force
SIG	Successor Generation Initiative (Bosnia and Herzegovina)
SIOU	Sensitive Information and Operation Unit (UNMIK)
SOEs	Socially owned enterprises
SPAC	Senior Public Appointments Committee (Kosovo)
SPOC	Stability Pact Initiative to Fight Organized Crime
SRSG	Special Representative of the UN Secretary-General
TACIS	Technical Assistance for the CIS (EU)
UCK/KLA	Ushtria Çlirimtarë e Kosovës/Kosovo Liberation Army
UCK/NLA	Ushtria Çlirimtarë Kombëtarë/National Liberation Army (FYROM)
UCPMB	Ushtria Çlirimtarë e Preshevas, Medvegjas e Bujanovcit/ Liberation Army for Presevo, Medvedja and Bujanovac (Southern Serbia)
UN/UNO	United Nations/United Nations Organization
UNCPSG	United Nations Civilian Police Support Group
UNDCP	United Nations Drug Control Programme
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIPTF	United Nations International Police Task Force (Bosnia and Herzegovina)
UNITAR	United Nations Institute for Training and Research
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNMIK	United Nations Interim Administration Mission in Kosovo
UNMOT	United Nations Mission of Observers in Tajikistan
UNODCCP	United Nations Office for Drug Control and Crime Prevention

UNOMIG	United Nations Observer Mission in Georgia
UNPREDEP	United Nations Preventive Deployment Force (FYROM)
UNPROFOR	United Nations Protection Force
UNSCR	United Nations Security Council Resolution
UNTOP	United Nations Tajikistan Office of Peace-Building
USAID	United States Agency for International Development
USCENTCOM	United States Central Command
USIP	United States Institute of Peace
UTO	United Tajik Opposition
UXO	Unexploded ordnance
VD 90-99	Vienna Documents on Confidence- and Security-Building Measures (1990, 1992, 1994, 1999)
VMRO-	
DPMNE	Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity
WEU	Western European Union
WFP	World Food Programme
WHO	World Health Organization
WTO	World Trade Organization
WTO	Warsaw Treaty Organization

Contributors

- Dr Ravshan M. Alimov*, Director of the Institute for Strategic and Regional Studies under the President of the Republic of Uzbekistan; Tashkent
- Reinhard Bettzuege*, Ambassador, Head of the Permanent Mission of the Federal Republic of Germany to the OSCE until 15 August 2002; Vienna
- Kirsten Biering*, Ambassador, Head of the Delegation of Denmark to the OSCE; Vienna
- Dr Erhard Busek*, Special Co-ordinator of the Stability Pact for South Eastern Europe; Brussels
- Prof. Dr Ernst-Otto Czempiel*, Professor em. for Political Science, Johann Wolfgang Goethe University Frankfurt, Co-founder of the Peace Research Institute Frankfurt (PRIF); Frankfurt
- Dr Pál Dunay*, Course Director, Geneva Centre for Security Policy; Geneva
- Mircea Dan Geoană*, Foreign Minister of Romania, OSCE Chairman-in-Office 2001; Bucharest
- Prof. Dr Victor-Yves Ghebali*, Graduate Institute of International Studies; Geneva
- Kara Johnston Molina, M.A.*, Political Officer, Head of Reporting for the Mission, Office of the Head of the OSCE Mission in Kosovo; Pristina
- Prof. Dr Lena Jonson*, Senior Research Fellow at the Swedish Institute of International Affairs (SIIA), 2002 member of the OSCE Mission to Tajikistan; Dushanbe
- Angelika Kartusch, Mag.a iuris*, Legal Researcher at the Ludwig Boltzmann Institute of Human Rights, Consultant on anti-trafficking research projects to the OSCE ODIHR (2001, 2002), the UN Centre for International Crime Prevention/Global Programme Against Trafficking in Human Beings (2002) and the Council of Europe (2002); author of the “OSCE ODIHR Reference Guide for Anti-Trafficking Legislative Review with Particular Emphasis on South Eastern Europe”; Vienna
- Bernhard Knoll, M.A.*, 2001-2002 Policy Adviser to the Head of the OSCE Mission in Kosovo, Press Officer in the OSCE Mission to Bosnia and Herzegovina, Officer in the Political Department of the European Union Monitoring Mission (EUMM) in Sarajevo/Bosnia and Herzegovina; Pristina
- Dr Thomas Kurz*, Counsellor at the Permanent Mission of the Federal Republic of Germany to the OSCE; Vienna
- Dr Sabine Machl*, 2001 Deputy Head of the OSCE Mission to Estonia, since 2002 Senior Mission Programme Officer for Central Asia in the Conflict Prevention Centre, OSCE Secretariat; Vienna
- António Martins da Cruz*, Foreign Minister of Portugal, OSCE Chairman-in-Office in 2002; Lisbon

Dr Michael Merlingen, Department of International Relations and European Studies, Central European University; Budapest

Prof. Dr Eric Mlyn, Director of the Robertson Scholars Program, Adjunct Associate Professor of International Studies at the University of North Carolina at Chapel Hill and Public Policy at Duke University; Chapel Hill

Mag. Richard Müller, M.A., Political Assistant at the United States Mission to the OSCE; Vienna

Zenet Mujic, PhD candidate, Department of International Relations and European Studies, Central European University; Budapest

Philip O'Brien, Regional Director, UNICEF Regional Office for Central and Eastern Europe, the Commonwealth of Independent States and the Baltic States; Geneva

Joaquín Pérez Gómez, Ambassador, Head of the Permanent Mission of Spain to the OSCE; Vienna

Maria Prsa, M.A., Executive Assistant to the Senior Deputy Head of the OSCE Mission to Bosnia and Herzegovina; Sarajevo

Roy Reeve, Ambassador, Head of the OSCE Office in Yerevan; Yerevan

Stefano Sannino, Ambassador, Head of the OSCE Mission to the Federal Republic of Yugoslavia; Belgrade

Harald Schenker, since 1999 Minority Advisor of the OSCE Mission to Skopje, before and during the conflict in 2001 Spokesperson of the Mission, former member of OSCE Missions to Albania and to Bosnia and Herzegovina; Skopje

Jutta Stefan-Bastl, Ambassador, Head of the Permanent Mission of Austria to the OSCE, 2000 Chairperson of the OSCE Permanent Council; Vienna

Dr Ekaterina Stepanova, Senior Researcher at the Institute of World Economy and International Relations (IMEMO) of the Russian Academy of Sciences, Head of the Research Group on "Non-Traditional Security Threats", Researcher on armed conflict, terrorism and transnational crime at the Stockholm International Peace Research Institute (SIPRI); Moscow/Stockholm

Dr Max van der Stoep, Personal Representative of the OSCE Chairman-in-Office for Macedonia, OSCE High Commissioner on National Minorities 1993-2001, Foreign Minister of the Netherlands 1973-1977 and 1981-1982; The Hague

Dr Anara Tabyshalieva, Chair of the Institute for Regional Studies; Bishkek

Prof. em. Dr Kurt P. Tudyka, long-serving Editor-in-Chief of the OSCE Yearbook; Bonn

Dr Heinz Vetschera, Head of Section for International Security at the National Defence Academy, Vienna, 1991-1995 Senior Assistant to the Director of the OSCE Conflict Prevention Centre, 1996-1997 OSCE Mission to Bosnia and Herzegovina, 1998-2001 member of the Austrian Delegation to the OSCE, since 2002 OSCE Mission to Bosnia and Herzegovina; Sarajevo

Dr Hans-Georg Wieck, Ambassador, from December 1997 until December 2001 Head of the OSCE Advisory and Monitoring Group in Belarus, Member of the German Foreign Service 1954-1993, *inter alia* as Ambassador in Tehran, Moscow, NATO-Brussels und New Delhi; Berlin

Prof. Dr Irina Zviagelskaya, Vice President of the International Centre for Strategic and Political Studies; Moscow