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



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In Memoriam

Dieter S. Lutz

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Preface

The Organization for Security and Co-operation in Europe (OSCE) – and its forerunner the Conference on Security and Co-operation in Europe (CSCE) – has worked hard over the past 30 years to overcome the political antagonisms that divide people in our part of the world. The work has been tackled not only by governments, but also by people from all walks of life: non-governmental organizations, unions and associations, academics and numerous other groups and individuals.

Germany, like the Netherlands, has been a staunch supporter of the OSCE's work and efforts from the outset. The Organization and its participating States have come a long way following the upheavals that shook Europe during the nineties. Germany, more than any other participating State, has experienced these changes, this transformation of the political climate that culminated in the fall of the Berlin Wall and the subsequent reunification of the Federal Republic of Germany and the German Democratic Republic.

The Netherlands now holds the OSCE Chairmanship for the first time. It is the Chairmanship's responsibility to ensure the co-ordination and continuity of OSCE policies as well as to keep abreast of political developments both internationally and within the Organization.

Many important topics figure on the OSCE agenda for 2003 and beyond. From this wide spectrum of concerns, I would like to highlight two issues: terrorism and the fight against various forms of trafficking. The first issue has topped the international agenda since 11 September 2001. Only a comprehensive approach will suffice given the complex and global nature of terrorism. At the same time, fighting terrorism must not be allowed to undermine our citizens' fundamental human rights.

The Netherlands sees the second issue – trafficking in human beings, small arms and light weapons and drugs – as a clear example of a new threat to security and stability in the 21st century. Trafficking not only causes human misery, it undermines both national economies and political systems. It is therefore important for the OSCE to develop a strategy to address these new threats, as was decided upon in Porto last December. This strategy must be the result of our joint efforts, governments and civil society alike. And it is up to us to make it work.

In June 2003, the first Annual Security Review Conference was held in Vienna. This conference marked the start of a process that will hopefully come to serve as a valuable instrument for monitoring the extent to which the participating States fulfil their security commitments.

The OSCE has come a long way. But in the current climate of change, reforms are needed that will prepare the Organization for the challenges

ahead. Administrative reforms are therefore more than an internal organizational matter: They are dictated by the ever-changing international political landscape. It is our common goal to make the OSCE as effective as possible.

The OSCE is known for its comprehensive concept of security. Security is more than arms control and smoothing over political differences. In the last instance it is about people: giving people the protection they need to live their lives in dignity. Our primary concern is thus with the provision of security to individuals, minorities and socially vulnerable groups. Without due regard for human rights and economic and environmental development, it will be impossible to achieve lasting peace and sustainable security. The Organization's practical experience of making such connections at field level – something of which it can certainly be proud – demonstrates that the OSCE is permanently working at the cutting edge of conflict management. This is clearly the OSCE's unique selling point compared to other international organizations.

We in the OSCE must continue our efforts, impelled by the joint commitments of all participating States. The OSCE has always made a point of collaborating closely not just with governments and international institutions, but also with the various groups and organizations that constitute civil society, with non-governmental organizations and with the academic world. This 2003 Yearbook is once again proof of the scope of activities of institutions like the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH) and the active stand they take in the OSCE region. The book contains a wealth of information and analysis bearing on a wide range of issues related to our work.

We are grateful for the valuable contribution that institutions such as the IFSH make to the never-ending efforts to establish and maintain peace and security in our part of the world. Their contribution not only benefits academic discourse in this area, but also, and more importantly, it enhances the ongoing political and public debate on this important matter in Germany and elsewhere in the OSCE region.

Foreword

Two years ago, the foreword to the OSCE Yearbook began by asking, “is the OSCE going through a crisis?” To anyone who has been following the discussions of recent months – within the OSCE, but also among academics, politicians and the interested public – it is clear that most observers would answer this question with a “yes”. The general impression is of a long-term and extremely serious crisis.

At first glance, several indicators seem to support this view: EU and NATO enlargement means that powerful actors, maybe even rivals, are penetrating ever more deeply into an area in which the OSCE was, until recently, the only organization with responsibility for security and stability. This is true despite the fact that Vienna has long been seen above all as a staging post on the road to Brussels. The EU and NATO will soon have members that until recently still hosted OSCE missions – something that is not easy to square with the standard image of an EU country, especially in view of EU states’ claims that they possess adequate democratic and constitutional mechanisms for the resolution of conflicts (e.g. those involving minorities) and do not need to rely on the OSCE and its institutions, such as the High Commissioner on National Minorities. Moreover, the EU has begun to take on civilian conflict-management tasks, thereby entering a field that has until now been the OSCE’s core area of activity.

The OSCE’s field missions have generally received high praise for their active and frequently successful engagement in areas such as post-conflict rehabilitation – and hence also the prevention of further conflicts – and are universally acknowledged to be the Organization’s key comparative advantage. But even these have now come in for criticism and have even been condemned as superfluous by several states – the accusations ranging from interference in internal affairs and geographic imbalance, to the claim that the OSCE’s practical work focuses too much on the human dimension. Some states have even argued that OSCE missions are a stigma that stands in the way of their integration into the West. The fact that the critics include the Russian Federation must be seen as a serious problem given that Russia was long one of the Organization’s strongest supporters. Recently, Russia has not only displayed decreasing interest in the OSCE, but has become one of the Organization’s sharpest critics. It now belongs to the group of countries that question the value of the Organization as a whole.

Finally, the unilateralism that is currently in fashion – and appears to go hand in hand with a tendency towards seeking military solutions to security problems – threatens to undermine the OSCE’s fundamental commitment to multilateralism and to conflict management through non-military means.

Perhaps our opening question should therefore be rephrased as “does the OSCE have a future?” Have the developments listed above rendered the Organization superfluous? Are the tasks it performs being gradually taken over by other organizations?

But even this – apparently pessimistic – question is not new, as Adam Daniel Rotfeld notes in his contribution to the current volume. That in itself is cause for optimism: For the question of the OSCE’s future that we have made the central topic of this Yearbook is no longer primarily posed – as Rotfeld also notes – by the Organization’s critics, but above all by its defenders. As a result, we may hope to find well thought-out, factually based, creative and properly “forward-looking” answers.

It appears that the “great” questions of the past – the questions of giving the OSCE a legal basis, of giving it precedence over other security organizations, the question of competition versus co-operation and co-ordination – are now all either of secondary importance or have already been answered. OSCE decisions will thus not become legally binding for the foreseeable future. A hierarchization of security organizations with the OSCE at the top has now also been excluded – not only as a result of political developments, but explicitly in the Charter for European Security. Co-operation and co-ordination with other organizations that share “responsibility” for security and stability, democracy, the rule of law, and human rights have become a matter of course – so much so that it is now possible to dismiss the “competition and duplication” and “inefficiency and waste” that continue to exist alongside the expected and hoped-for synergies as “natural wastage” and “unavoidable everyday occurrences”, as Ingo Peters does in his contribution to this volume. Although enhancing co-operation and co-ordination remains as important as ever, it now appears to be something that is not only feasible but is desired by all parties. Consequently, the problem of inter-institutional co-operation between European security organizations can be said to be largely solved.

The events of 11 September 2001 have also played a not inconsiderable role in bringing the frequently abstract, time- and energy-consuming debates and discussions of principle on legal personality and hierarchization, “repoliticization” and “revitalization” to an abrupt end. The new focus is on concrete, acute, urgent problems that require decisive – and collective – action.

The real question should therefore not be whether the OSCE has a future, but what sort of a future it will have. What will its concrete tasks be? How will it be able to carry them out in practice? What powers and capabilities will it require? What areas should the OSCE engage in? Should it narrow its focus or diversify? Limit or expand its activities? Should it (or will it be forced to) restrict its work to certain regions and countries, or will it retain its pan-European focus? And, as important as ever: What shape will the division of labour between international organizations take in practice in view of the “new threats to security” and the “challenges of the 21st Century”?

The current volume reflects the OSCE's comprehensive spectrum of long-established, newly assumed and potential future tasks and areas of engagement. The Organization's traditional involvement in conflict prevention and crisis management, democratization and the promotion of human rights and the building of co-operative security has now been joined by – above all – its role in combating terrorism, where the Organization has a role to play, for example, as a result of its assumption of tasks in the areas of border monitoring and border security. Further contributions to this year's Yearbook deal with the OSCE's role in security-sector reform, its growing involvement in environmental matters, such as the protection of vital natural resources (and, through that, the prevention of environmental conflicts) and its commitment to media freedom and the protection of persecuted journalists. New and urgent topics include a consideration of Islam as an integral part of the cultures found between Vancouver and Vladivostok and organized crime and its role in acute or "frozen" conflicts – something that sheds a whole new light on these conflicts.

Facing as many threats and dangers, urgent issues and tasks requiring attention as it does, Europe cannot afford to ignore an actor as experienced as the OSCE, especially one that has come to focus so strongly on its operational activities and work in the field. A premium should therefore be placed on the Organization's practical experience, even if this is occasionally seen in terms of "niche activities", and the OSCE itself described – in my opinion, degradingly – as a "niche organization".

The OSCE is still the most inclusive security organization in the Northern hemisphere. It looks set to retain this position in the long term, even if the number of states that belong to no other (Western) organization has declined and will continue to do so in the years to come. The OSCE also remains the organization with the most comprehensive concept of security, one that includes not only the politico-military, but also the economic-environmental and the human dimensions. The view that only an approach of this kind is adequate to deal with contemporary security challenges has won general acceptance in the past decade following the unexpected outbreak of new types of conflict and the equally unexpected (at least in terms of their extent) appearance of new threats. At the same time, the recognition has also grown that no single organization is capable of managing all the tasks that need to be dealt with.

For the OSCE, this means continuing along familiar paths whilst simultaneously taking on new tasks in perhaps unfamiliar areas. Of course, within this, the Organization needs to strive for a new balance between the dimensions and in the geographical distribution of its activities. Although this is not one of the more urgent of the Organization's many tasks – no one seriously doubts the importance of the OSCE in promoting human rights or deny the differences between participating States in terms of democratic and constitutional practice – it is unavoidable in order to ensure the continued sup-

port of a large and important section of OSCE States – as well as to promote fairness and to reduce complacency on the part of the Organization's other participating States.

It is important to note, as Wolfgang Zellner does, that “in a certain sense, crises have always accompanied the development of the CSCE and the OSCE”. However, it is also clear that, against the background of the challenges and problems that Europe faces, the question “does the OSCE have a future?” can and must be answered in the affirmative.

The authors featured in the current volume have brought great skill and dedication to bear in producing an exceptionally wide-ranging variety of contributions. They have gone some considerable way towards identifying the new challenges facing the OSCE and working out ways to meet them. The editors would like to thank all of them for their valuable contributions to this – vitally necessary – discussion on the future of the OSCE.

Dieter Lutz, founder of the OSCE Yearbook and the Centre for OSCE Research (CORE) and, from 1994, Director of the Institute for Peace Research and Security Policy at the University of Hamburg (IFHS), died suddenly in January 2003 at the age of 53. This book is dedicated to him.

I.

States of Affairs – Affairs of State

OSCE: Developments and Prospects –
Focus on the Future of the OSCE

The Future of the OSCE

At the beginning of the Dutch Chairmanship of the Organization for Security and Co-operation in Europe (OSCE), the relevance of the Organization was seriously challenged by several pundits in the security field. The enlargement of both NATO and the European Union entailed a double encroachment upon the traditional preserve of the OSCE. Had the old girl outlived her usefulness, or was there life in her yet? A number of seminars and articles were dedicated to analysing and debating this issue. One quarter of the way through the Dutch Chairmanship, the critical voices went quiet. The war in Iraq was occupying everyone's attention. And there is no *Schadenfreude* in saying that neither the European Union nor NATO can provide the comprehensive security umbrella the OSCE region desperately requires. More than at any time during the last half-century, ordinary citizens – individuals as well as communities – feel threatened as they go about their daily lives. Terrorism – or the fear of terrorism – is a new threat in the region, one that is directly affecting the lives of millions of people within the area. Military solutions alone cannot address these fears. A broad-based agreement is emerging that real, long-term security involves looking into root causes as well, irrespective of whether these are economic, humanitarian, political or of any other nature. For those familiar with OSCE matters, my intention should be clear: to highlight once again the good old OSCE concept of comprehensive security.

Freud in Vienna: The OSCE on the Couch?

In the recent past, the OSCE has often been described as at a turning point – midway between a very successful past and an uncertain future. This has generated a certain amount of self-reflection within the OSCE, if not self-doubt. Some have even referred to an identity crisis. But while this may be fitting, given the Organization's seat in the birthplace of psychology, I have always considered such talk to be overdoing things. Nevertheless, as the Dutch took over the presidency on 1 January 2003, it was certainly high time to face this matter head on and to help determine where the OSCE as an organization was standing and where it was heading. One could say that the OSCE, having brought about near-miracles, is the victim of its own success. To put it bluntly, and with only slight exaggeration, I would dare to say that the Berlin Wall would not have fallen without the OSCE, certainly not as early as 1989. And without the networks of Helsinki Committees, the various people-to-people links, and the OSCE's advocacy work on human-rights is-

sues, the political landslide that took place overnight in 1989 would have certainly been more violent and bloody than it turned out to be.

The big question staring the OSCE straight in the face is this: After the successes of the past, is there any role it can play in the future? The environment has changed drastically. Half of the OSCE participating States will soon be members of the EU, while many of them and some others will shortly join the growing ranks of NATO members. Even those who remain outside will be brought into the orbit of the EU and NATO to some extent through Stabilization and Association Agreements, Partnership for Peace arrangements and other forms of co-operation. It is clear that the area is shrinking in which the OSCE is the only player in the game. But are there any problems that still require an organization like OSCE? This only begs the next set of questions, namely, what is the OSCE for? What is so special about it? Why is it better equipped to tackle some problems than other existing international organizations? Or can the non-governmental structures created through the OSCE, the famous Helsinki networks, keep the flame burning?

Back to Basics: The Determining Features of the OSCE

Before answering these questions, I would like to return to fundamentals. What really is the core of the OSCE? What makes it different and distinctive? Four unique features spring to mind:

Breadth of Participation

The *first* factor is of course the Organization's broad circle of participants. From Vancouver to Vladivostok, fifty-five states in all participate in the OSCE. There is no other forum in the region with that kind of inclusivity. There is also no other international security organization that so clearly defines security as a co-operative responsibility. Security, as defined by the OSCE, is interdependent and indivisible. All OSCE participating States are stakeholders in each other's security and in the security of Europe. Only by co-operating can crises be prevented. The underlying assumption is that co-operation brings benefits to all, while the insecurity of one state can affect the well being of the rest: The Three Musketeers translated into the field of international security.

The Peer Review

The *second* feature – not often mentioned, yet distinctive to the OSCE – is that it is a platform for what I would call “peer review”. By this I mean that states engage in mutual “self-examination”. It is the only forum that I know where a domestic issue, problem or question concerning the state of democ-

racy or human rights in a country is a matter for all members to review, examine and act on. Such a situation is unthinkable for those who have been raised with the traditional diplomatic concept of non-interference – something that has often been used to hide the effects of bad governance. It is maybe fair to say that this peer review is the most fascinating aspect of the OSCE: an organization that allows domestic developments to be scrutinized or at least reviewed by other members or – as they are officially known – participating States.

The Moscow mechanism is a good example of such a peer-review process. During the Dutch Chairmanship, this mechanism was set in motion for only the second time (the first time was in 1992 over Croatia). Ten participating States expressed their concern over the response by the Turkmen authorities to an attempt to kill President Niyazov. The number of arrests and the treatment of those arrested, as well as the response of the Turkmen government to a request for information, which was perceived as inadequate, led to the invoking of the Moscow mechanism. Without going into details, and making no pretence that all problems have been ironed out since then, it is fair to say that the mechanism has brought the issue into the open, giving a fair chance to both parties to raise their concerns and to engage in critical dialogue that can be continued both within the OSCE and in other international forums.

Comprehensive Security

A *third* distinguishing feature of OSCE is its “comprehensive concept of security”, as mentioned in the introduction to this contribution. Security is more than arms control, conflict prevention, crisis management and the settling of political differences. Without due regard for human rights and economic and ecological development, no sustainable security, no lasting peace can be reached. In OSCE terms, we talk about three dimensions, all of which are directly related to the security situation. They are the politico-military dimension, the economic-environmental dimension and the human dimension. The interdependence among these three dimensions has since been widely recognized by other international agencies, such as NGOs. The derogatory distinction between “hard” and “soft” security topics has not been heard for some time. September 11 and other terrorist strikes, as well as resource-related conflicts such as that over water in the Ferghana Valley have brought the message home: Seemingly “soft” subjects can have violent consequences when not dealt with properly.

Field Presence

The *fourth* distinctive feature of OSCE is its operational presence in the field. The Organization’s missions in almost 20 countries are its eyes and ears and

one of its best-known assets, offering hands-on expertise and assistance where they are most needed. The OSCE field missions are often described as the Organization's front line. They give it an active presence in countries that require assistance, and are the vehicle through which political decisions are translated into action. Their work addresses all phases of the conflict cycle: early warning, preventive diplomacy, conflict management and post-conflict rehabilitation. In each and every phase, human rights form an integral part of their work. Every field mission has its own specific mandate, but no field mission's mandate can ignore human rights advocacy.

Challenges Ahead: Old ...

Having looked at the OSCE's history and its defining features, I now want to consider if there are any challenges in 2003 that require the special attention of this unique organization. This question forces us to consider the present and future security landscape, including possible security threats and challenges.

For starters, I think it is only fair to acknowledge that, despite the successful past of the OSCE and its predecessor, the CSCE, not all the problems of the past can be consigned to the history books. Some old problems are still awaiting a solution. These include conflicts resulting from the break-up of the former Soviet Union that, despite being frozen for a while, still pose a serious threat to overall security. An example is provided by the ongoing negotiations on the settlement of the political status of Transdniestria within Moldova. There also continue to be legitimate concerns with regard to democratic developments and human rights in various parts of the OSCE world. The increasing concentration of media ownership in established democracies such as Italy, or the recent regression of human rights and democracy in Central Asia following the promising start that had been made in the nineties, are just two areas where the OSCE needs to continue its work. Comprehensive security is a work in progress. It is never finished.

... and New

Alongside established threats to security, there are a number of new threats and challenges that would seem to justify a continued role for the OSCE. Some of these are completely new, while others have re-emerged like a political "Revenge of the Mummy". These new threats can be grouped in four clusters:

Terrorism

The *first* new threat that has to be mentioned is of course terrorism (and extremism in general). Not only September 11, but also the attack on the Moscow theatre and the Bali bombing have brought the message home loud and clear: Terrorist acts carried out by non-state actors and directly affecting ordinary citizens lives represent one of the most serious new threats to stability and security throughout the OSCE region. In December 2002, towards the end of the Portuguese OSCE Chairmanship, two crucial decisions were taken in Porto in this regard. The adoption of the OSCE Charter on Preventing and Combating Terrorism and the document on the “Development of an OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century”¹ have prepared the ground for the OSCE to play a role in the fight against terrorism. It would be absurd to imagine that the OSCE should or could be the only international organization to play a major role in this fight. The Organization should define the added value it can bring in terms of its specific experience and expertise. The niche the OSCE seems best suited to fill seems to be in the areas of policing, border security, anti-trafficking and the suppression of terrorist financing. True to the OSCE’s spirit of equality and solidarity, the Organization should be ready to assist all participating States in preventing and fighting terrorism. The OSCE’s traditional concept of common and comprehensive security provides an excellent point of departure. Only a strategy that combines the three dimensions and makes use of all the OSCE’s bodies and institutions will produce the desired results. Given the complex and global nature of terrorism, one-dimensional approaches will not be sufficient. In all its efforts, the OSCE will need to work closely together with other international organizations in accordance with the Platform for Co-operative Security as adopted at the Istanbul Summit in 1999.

Strict adherence to the principles of good governance and democracy will help to protect our societies from the threat of terrorism. The rule of law and the full participation of all citizens in political life are essential in the fight against terror. The only societies that have the strength to challenge the extremists in their midst are those where the right to question is beyond dispute. The fight against terrorism should never infringe the fundamental human rights of our citizens. This would not only be contrary to the basic and timeless principles of the OSCE, it would also make our citizens vulnerable to extremist manipulation of any kind.

Trafficking in Human Beings, Arms and Drugs

The *second* threat that should be mentioned is trafficking. It poses a clear threat to stability and security, both inside and outside the OSCE region.

1 The Documents and Decisions of the Tenth OSCE Ministerial Council are reprinted in this volume, pp. 421-455, here: pp. 425-428 and pp. 443-445.

Trafficking has a wide geographical distribution and is a central element of international crime. Under trafficking we understand the trade in human beings and the illicit trade in drugs and small arms and light weapons. Trafficking in human beings is a particularly repulsive crime and is rapidly becoming a major scourge. Estimates of the total number of victims of this new slave trade in recent years range from 700,000 to four million. Drugs trafficking is a multi-billion dollar business that directly affects the economies of all our countries. It also has a seriously destabilizing impact on our civil fabric. Finally, trafficking in small arms and light weapons also represents a clear and present threat to security. Trafficking does not just cross borders, it also crosses dimensions. It not only causes human misery but devastates national economies and puts undue pressure on political systems. The impact of trafficking across the whole OSCE region is negative and destabilizing. These are, briefly put, the reasons why the Netherlands has proposed that "trafficking" be made a major theme for this year's OSCE Economic Forum in Prague.

New Minorities

A *third* cluster of new threats and challenges is associated with the emergence of new minorities in several societies, particularly in Western Europe. The social exclusion of minorities may lead to social disruption and instability. Growing tensions and feelings of unease have had their impact on recent elections in the region, including those held in the Netherlands. If national governments do not tackle these issues properly – and, I may add humanely – they may sow the seeds of future crises. This is an area where matters could escalate rapidly. It is a matter of relations between civilizations, cultures and religions. The logical consequence could be the involvement – in an advisory capacity – of the OSCE, specifically through the person of the High Commissioner on National Minorities (HCNM). This could take the form of, for instance, general and specific recommendations on social policies made to national governments. In this way, social disruption and emerging crises could be nipped in the bud. The decision of the OSCE Rome Ministerial Council of 1993, which already invites the HCNM to get involved in combating xenophobia, points in this direction. The mandate of the HCNM has in fact been extended to general matters of non-discrimination.

Rich and Poor in the OSCE

The *fourth* cluster of new threats is associated with the growing discrepancy between the two parts of the OSCE world. I am referring to the economic imbalance between those countries that are already part of or are about to join the EU and those that remain outside. Stark differences in economic performance are already evident, and these may be exacerbated over time if we do

not address this imbalance. The risk exists of a dangerous “great divide” developing between those OSCE countries (maybe the bulk of them) that participate in mainstream economic development and those that are left behind. A new – and widening – divide between a massive, powerful EU bloc and the rest, between the “haves” and the “have-nots” will pose real problems, encouraging antagonism, tension and disintegration throughout the OSCE region.

In Short: There Are enough Challenges to Justify the Continued Existence of the OSCE

The conclusion we have to draw is clear: As well as a number of outstanding unresolved challenges from the past, some major new challenges are emerging that require the attentions of an organization structured like the OSCE – and require them in all three dimensions: the politico-military, the economic-environmental and the human. The OSCE’s all-inclusiveness – in terms of geographical coverage, breadth of coverage (the three dimensions), and its focus on both soft and hard security – place it squarely in the centre of any discussions of regional security. This is by no means to suggest that the OSCE is the only player in the game. Far from it: Other international and regional organizations (as already mentioned), national governments and NGOs play an important role, too. Examples of successful intervention, whether in terms of conflict prevention or crisis management, are often those where all actors played their part and were prepared to give way to better-suited players at certain times.

The OSCE can indeed look back on a successful past. But it would be wrong to pretend that no adjustments are needed to procedures or to the way the Organization co-operates with other players in the field of security. Organizations need to develop – to learn from their experience. There is always room for improvement. The OSCE is no different from any other institution in that regard.

The history of the region also shows the need for proper planning and co-ordination among the different agencies on the ground. It is absolutely vital for international actors to work together at the structural level and to make transparent arrangements as to the division of tasks. In comparison with Kosovo, Bosnia and Herzegovina saw far less properly structured co-operation between the main international actors. As a result, there was more parallel activity, duplication and sometimes even rivalry, with consequent time, energy and resource wastages. In Kosovo, the plan from the start was to have one structure, UN-led, in which EU, OSCE and UNHCR (because of the refugee problem in this specific case) would work together. The result was a single structure with an overarching organization and very clearly defined

areas of competence. This made for greater efficiency in post-conflict and rehabilitation work.

The regional imbalance of the OSCE has come in for criticism in the past owing to the fact that the Organization has mainly addressed issues “east of Vienna”: in former Yugoslavia, the Caucasus and now also Central Asia. Issues “west of Vienna” were left largely untouched. Paying more attention to the new challenges I have detailed here would make it possible to redress the geographical balance of the Organization’s work. After all, issues like trafficking, “new minorities” and terrorism affect the whole region. Nevertheless, it has to be said that there can never be an excuse for the OSCE not to act merely out of geopolitical considerations. At the end of the day, the OSCE has to act where the problems are – whether they are in the East or the West.

The same can be said for the other perceived imbalance in OSCE’s work: the imbalance among the dimensions. In the past, the focus was very much on the human dimension, on human-rights issues. As important as this is – and it is certainly not to be belittled – the fact that it received virtually all the OSCE’s attention was often criticized by certain countries in the East as unfair and one-sided. In their opinion, some of their other needs – in the economic and environmental sphere, for instance – were neglected. Having heard these views and acknowledging that some grounds for criticism exist, I would like to be unequivocally clear in this regard. The Netherlands, and therefore the Dutch Chairman-in-Office, remain in the vanguard of countries working for the improvement of the human rights situation world-wide. This means that in no way will any efforts be supported that would undermine the current human-rights focus of the OSCE. In 2003, human rights remain, as far as the incumbent Chairman-in-Office is concerned, firmly on the Organization’s agenda. In other words, worries among the human-rights fraternity that the OSCE may be weakening the intensity of its focus are unfounded. The simple and tragic fact of life is that human rights abuses “west of Vienna” are not of the same order as those to the east of the city where the OSCE has its headquarters. The impact of the latter on security and human dignity is clear and the OSCE has to act true to its mandate. Anything less would be “an insult to ordinary citizens in the OSCE region”.

Does the OSCE Have a Future?

Introduction

The question raised in the title is not an original one.² Surprisingly enough, however, these days it is generally not posed by those politicians, diplomats and researchers who have always either ignored or underestimated the role of the OSCE and its predecessor, the Conference on Security and Co-operation in Europe (CSCE). For them, the CSCE has never been an important instrument for shaping security – neither in Europe nor in the transatlantic area as a whole. They have always been convinced that the process initiated 30 years ago in Helsinki was just an element of the “public diplomacy” necessary during the Cold War to undermine the legitimacy of totalitarian regimes in Central and South-eastern Europe and especially in the Soviet Union.³ If the CSCE’s goals, so defined, had been accomplished, a new political environment would render any further OSCE activities meaningless. As far as those critics are concerned, the end of the Cold War and the collapse of the bipolar system have deprived the CSCE of legitimacy. Events, however, have not confirmed this logic. The 1990 Charter of Paris for a New Europe and the subsequent decisions taken at the Summits in Helsinki (1992) and Budapest (1994) transformed the process started by the adoption of the Helsinki Final

1 Adam Daniel Rotfeld is Secretary of State at the Polish Ministry of Foreign Affairs. This chapter is a revised and updated version of a paper originally presented at the OSCE Cluster of Competence in Geneva, September 2002, and in Zurich at the International Security Forum, 14-16 October 2002.

2 This was also the title of an event held by the Woodrow Wilson Center for Scholars. Participants included three American diplomats and researchers: William Hill, former Head of the OSCE Mission to Moldova, Robert Barry, former Head of the OSCE Mission to Bosnia and Herzegovina, and P. Terrence Hopman, Director of Global Security Program, Watson Institute for International Studies, Brown University. See Sabina Crisen/Martin Sletzinger (of the East European Studies Program), *Conflict Prevention in Europe: Does the OSCE Have a Future?*, at: http://wwics.si.edu/index.cfm?topic_id=1422&fuseaction=topics.publications&doc_id=7441&group_id=7427. Eduard Brunner, one of the “founding fathers” of the Helsinki process, raised similar questions in June 2002. More on the same lines is given in: Eduard Brunner, *Lambris dorés et coulisses: souvenir d’un diplomate*, Geneva 2001, pp. 34-60.

3 In this respect, the views of two main architects of US security policy in the 1970s and 1980s are particularly instructive. In his memoirs, Zbigniew Brzezinski wrote that he advised the State Department to adopt a policy of confrontation at the CSCE forum; cf. Zbigniew Brzezinski, *Power and Principle: Memoirs of the National Security Adviser 1977-1981*, New York 1983, p. 297. At the end of 1988, former Secretary of State Henry Kissinger suggested that the new US administration reach a “gentlemen’s agreement” with the Soviet Union not on how the Soviet Union could safely remain in Europe (which was a Soviet goal in the 1970s), but on how it could safely leave Europe; see William Pfaff’s editorial in the *International Herald Tribune*, 5 April 1989.

Act into a formal structure. On 1 January 1995, the Organization for Security and Co-operation in Europe (OSCE) was established.

Following the second round of NATO enlargement, which saw seven new countries receiving an invitation to join the Alliance at the November 2002 summit in Prague, and the completion, at the end of 2002, of negotiations for the accession of ten additional countries to the European Union (EU), the question of the future of the OSCE is at the top of the agenda. But now this issue is being addressed – as already mentioned – not by the opponents and traditional critics of the OSCE, but rather by the supporters of and participants in the Helsinki process, who are looking for ways and means of revitalizing the Organization.⁴ The enlargement of the EU and NATO (and, under the auspices of NATO, the Partnership for Peace and Euro-Atlantic Partnership Council with their broader circles of participants), the fact that most OSCE States are members of the Council of Europe and, last but not least, the democratic transformation (with the introduction of political pluralism, the rule of law and market economies) of the states of Central and South-eastern Europe challenge us to rethink the OSCE mandate in general. Having said this, it must be acknowledged that some countries or areas will still need an OSCE umbrella of the old type for many years to come. I am thinking in particular of Belarus, the Caucasus and Central Asia. Unlike the Balkan states, which will one day be integrated within the existing security structures of NATO and the EU, the countries of the Caucasus and Central Asia (and Belarus) will remain outside those structures. It is therefore necessary to redefine the OSCE's specific mandate to increase its efficiency in these regions.

For a while, the fundamental goal of the OSCE was to provide a framework to help more than 20 European states make a peaceful transition from a totalitarian to a democratic system. Principles, rules and mechanisms laid down at Helsinki played an essential role in that process. Generally speaking, one can conclude that in most of the OSCE countries in transition, the mandate agreed upon almost 30 years ago has been fulfilled. Under these circumstances, it is natural to pose the question: "What next?"

Two Basic Questions: "Who?" and "What?"

Two basic questions need to be answered regarding the future of the OSCE. The first one, "who?", is made up of a series of interrelated sub-questions: Who are the addressees of new OSCE decisions? Whom do the OSCE's recommendations mainly target? Are all 55 participating States equally affected, or do the decisions concern just a few countries? And, if the latter is true, which countries in particular and why?

4 Cf., for example, Robert Barry, *The OSCE: A Forgotten Transatlantic Security Organization?*, BASIC Research Report 3/2002, London 2002.

At first glance, this seems to be a pointless question, since, according to the first principle of the Final Act of Helsinki, relations between states are based on sovereign equality and respect for the rights inherent in sovereignty. However, the key fact to remember is that most decisions adopted by the OSCE address the domestic situations of participating States. This constitutes a specific and in fact unique value of the OSCE. It also explains the OSCE's efficiency in conflict prevention and crisis management. One notes that since the end of the Cold War, all conflicts in the OSCE area have been intra-state and not inter-state matters.⁵ This is true for the whole European, North American and Central Asian areas.

Against this background, a reasonable question is often raised: Why are there OSCE missions in the Balkans, the Caucasus and Central Asia, but not in the Basque country in Spain, Northern Ireland in the UK or Corsica in France, where separatism is in each case strong and a cause of crises and sometimes violent conflicts? The answer is quite simple: OSCE missions are needed in countries where the effective conflict prevention mechanisms available to a democratic state and an open society either do not exist or are very weak. The OSCE is a kind of external support structure. It operates where democratic standards and procedures do not work in practice, regardless of what is claimed. In most cases, it is newly established and immature institutions of democracy and the open society that need external support. It is not surprising that this type of activity is necessary in Bosnia and Herzegovina, Albania, Belarus, Macedonia, Moldova, the Caucasian states and Central Asia.

There is no need, however, for OSCE field missions in those states where democratic mechanisms are functional (even if not always very effective). Moreover, as a rule, democratic states have at their disposal other international structures, institutions and organizations to help them, such as NATO, the EU and the Council of Europe and are obliged to respect established rules for conflict prevention and the peaceful settlement of disputes as provided within these security institutions and structures. Very few OSCE States do not belong to those structures, and after the latest rounds of NATO and EU enlargement, this group will be even smaller.⁶ For obvious reasons, therefore, OSCE activities will be focused on the situation in those remaining countries.

OSCE mechanisms, procedures and missions are also needed in weak states. These states look for external support, particularly when engaged in disputes with a stronger neighbour (Moldova and Georgia provide good ex-

5 According to the Stockholm International Peace Research Institute (SIPRI), in the last twelve years there have been approximately 60 major armed conflicts in the world. Only four of them (Iraq vs. Iran, Iraq vs. Kuwait, India vs. Pakistan and Ethiopia vs. Eritrea) were between states; the others were intra-state conflicts; see SIPRI Yearbook 2001, Oxford 2001, p. 7, and SIPRI Yearbook 2002, Oxford 2002, p. 11.

6 This group consists in practice of Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan and Serbia and Montenegro (formerly Yugoslavia).

amples of attempts to involve third parties in the search to resolve a conflict situation).

As far as large states – especially global powers – are concerned, multilateral security institutions are meaningful only if they can be used as instruments for pursuing their national interests. Otherwise, as Russian policy towards the OSCE proves, great powers are likely to be of little use to the work of multilateral organizations.

From the beginning of the Helsinki process, the Soviet Union – and later Russia – attached great importance, first to CSCE and then to the OSCE. Even before the Budapest Summit (5-6 December 1994) and especially during the debate on the new European Security Model, Russia was promoting its ambitious project for the continent's security architecture. Within this framework, the OSCE was to play a central role, co-ordinating other regional security institutions.⁷ In the second half of the 1990s, the main goal of Russian diplomacy was to prevent, counteract or at least delay NATO extension to the East. This is the main reason why the OSCE played such an important role in Russian politics in those years: The goal was to question NATO's future *raison d'être*. Russia argued that the North Atlantic Alliance should preferably be dissolved as happened with the Warsaw Pact. As we now know, this approach failed, and Russian engagement in the OSCE radically decreased. Disengagement reached its lowest point at the end of the Ministerial Council of the OSCE in Vienna in November 2000, when, as a result of Russian opposition, no final document was adopted.

The turnaround in Russia's approach to the OSCE was merely a signal of deeper shifts in the country's security policy. The change was a result of Boris Yeltsin's withdrawal from power and Vladimir Putin's appointment as President. New priorities for Russian security policy were established and new instruments were created for achieving them. At this point, it is worth recalling an incident, almost forgotten today, which took place ten years ago in Stockholm.

On 14 December 1992, during the CSCE Ministerial Meeting, Andrei Kozyrev, the then Russian Minister of Foreign Affairs, surprised all participants by declaring:

I am obliged to introduce corrections in the general direction of Russian foreign policy. I wish to inform you briefly about these to the extent that they concern CSCE problems.

First: While fully maintaining the policy of entry into Europe, we clearly recognize that our traditions in many respects, if not fundamentally, lie in Asia, and this sets limits to our rapprochement with Western Europe.

7 For more details, see SIPRI Yearbook 1995, Oxford 1995, pp. 286-301, and SIPRI Yearbook 1996, Oxford 1996, pp. 296-308.

We see that, despite a certain degree of evolution, the strategies of NATO and the WEU, which are drawing up plans to strengthen their military presence in the Baltic and other regions of the territory of the former Soviet Union and to interfere in Bosnia and the internal affairs of Yugoslavia, remain essentially unchanged.

Clearly, sanctions against the FRY were dictated by this policy. We demand that they be lifted, and if this does not happen, we reserve our right to take the necessary unilateral measures to defend our interests, especially since the sanctions cause us economic harm. In its struggle, the present Government of Serbia can count on the support of the great Russia.

Second: The space of the former Soviet Union cannot be regarded as a zone of full application of CSCE norms. In essence, this is a post-imperial space, in which Russia has to defend its interests using all available means, including military and economic ones. We shall strongly insist that the former USSR Republics join without delay the new Federation or Confederation, and there will be tough talks on this matter.

Third: All those who think that they can disregard these particularities and interests – that Russia will suffer the fate of the Soviet Union – should not forget that we are talking of a state that is capable of standing up for itself and its friends. We are, of course, ready to play a constructive part in the work of the CSCE Council, although we shall be very cautious in our approach to ideas leading to interference in internal affairs.⁸

This declaration caused uproar and great concern, but after a break Kozyrev explained that his statement should be treated as a “rhetorical device”: “I would like to assure you and all others present that neither President Yeltsin, who remains the leader and guarantor of Russian domestic and foreign policy, nor I myself, as Minister for Foreign Affairs, would ever agree with what I read out in my previous statement [...] It was inspired by the most serious concern that you should all be aware of the genuine threats which face us on our course towards a post-Communist Europe. The text which I read out previously is a fairly accurate compilation of the demands of the opposition and not just the most radical opposition in Russia.”⁹

8 (First) Statement by the Russian Foreign Minister Andrei Kozyrev at the Stockholm Ministerial Council Meeting on 14 December 1992; source: CSCE Secretariat, Prague (author's translation from the Russian).

9 (Second) Statement by the Russian Foreign Minister Andrei Kozyrev at the Stockholm Ministerial Council Meeting on 14 December 1992; source: CSCE Secretariat, Prague (unofficial translation from the Russian). These two statements were later published. As the result of later developments, the Russian position at many later meetings (e.g. Istanbul 1999, Vienna 2000) was frequently close – in terms of both of the arguments used and the manner in which they were expressed – to that of Kozyrev's initial statement in Stockholm.

Since that statement was made ten years ago, sweeping changes have taken place in Russia. In particular, Russia has moved from refusing Central and Eastern European countries the right to freely choose their own security arrangements (including the right to join or not to join NATO), to adopting a joint NATO-Russia declaration on qualitatively new relations between the two sides at the NATO summit in Rome in May 2002. Russia also reconciled itself to NATO's invitation, extended at the Prague summit in November 2002, for Estonia, Latvia and Lithuania to join the Alliance. With Bulgaria, Romania, Slovenia, Slovakia and the three Baltic states in NATO, the Alliance has enlarged the area of political and military stability in Europe. Against this background, one may feel quite justified in asking whether it would not be reasonable for the Euro-Atlantic Partnership Council (EAPC), under the auspices of NATO, to take over the tasks currently performed by the OSCE in the same way that the Common European Security and Defence Policy within the framework of the EU took over the functions of the Western European Union. Given that the current round of NATO enlargement is not likely to be the last, this question is even more justified.¹⁰

At this point, it is time to consider the second question: "What?"

More precisely: What are the reasons for keeping alive an organization such as the OSCE? What goals does it serve, given that so many of its functions and tasks are also carried out by other European security institutions, particularly by NATO, the EU and the Council of Europe? In the past, the role and position of the OSCE within the European security architecture was determined by three factors.

Firstly, the OSCE has taken a comprehensive approach to the different dimensions of international relations: political and military rules and principles (which I shall call basket one), economy, tourism and environment (basket two) and human contacts, information, culture and education (basket three).

Secondly, the OSCE's approach has been characterized by flexibility, understood as an ability to adapt to a changing international environment and to undertake new challenges. In the first decade after it was founded in Helsinki (1975 to 85), the CSCE focused on respect for and implementation of human rights and on the free flow of people, information and ideas (basket three). At the end of the 1980s and in the early 1990s (1986 to 92), attention shifted to the military aspects of security, especially to the reduction of conventional arms and forces in Europe (CFE) and to the establishment of confidence- and security-building measures (CSBMs). After the second Helsinki Summit (1992), high priority was given to conflict prevention and crisis management. For the last ten years, the objectives of the OSCE have been declared as follows:

10 Countries that have expressed an official interest in joining NATO include Albania, Macedonia, Bosnia and Herzegovina, Croatia, Ukraine and Georgia.

- To consolidate the participating States' common values and help in building fully democratic civil societies based on the rule of law
- To prevent local conflicts, restore stability and bring peace to war-torn areas
- To overcome real and perceived security deficits and avoid the creation of new political, economic or social divisions by promoting a co-operative system of security.¹¹

The bulk of these activities consists in looking at the domestic situation in states within the OSCE area and, to a lesser extent, relations between participating States. In other words, states have expressed their willingness to accept OSCE activities defined in the past by the Soviet Union and its satellites as illegal "interference in domestic affairs". By making a commitment to respect decisions taken within the OSCE framework, each state, implicitly, removes limits imposed by Principle VI of the Helsinki Final Act ("non-intervention in internal affairs").¹²

Finally, the OSCE provides a framework for partnership between 55 states in Europe, Central Asia and North America. In other words – and in contrast to the EU or the Council of Europe – the OSCE legitimizes the political presence of the United States in this area. Thus, the OSCE is a transatlantic organization that stabilizes the whole region – from Vancouver to Vladivostok.

From Inter-State to Intra-State Relations

Today, there are 17 missions actively operating in the OSCE area. Their main focus is on internal democratization, the rule of law, the development of free media and respect for human rights – with an emphasis on minority rights – economic and environment consulting and assistance in organizing free and fair elections. Those and similar issues were previously matters for the exclusive discretion of each state; and any attempt to address them through regulations, supervision, control or verification was treated as an intervention (or interference) in a state's internal affairs. Currently, these issues are addressed on a daily basis by approximately 4,000 people working in field missions in 17 countries all over the OSCE area. Field activities have played an important role in ending civil wars (Tajikistan), in preventing or limiting conflicts concerning national minorities (Ukraine, Croatia, Macedonia, Georgia) and in searching for lasting peaceful solutions to internal disputes (e.g. in Moldova

¹¹ Cf. OSCE, OSCE Handbook, Vienna 2001, pp. 17-18.

¹² The Lukashenko regime in Belarus still appeals to this rule. In fact, President Lukashenko of Belarus suspended the activities of the OSCE Advisory and Monitoring Group, whose main goal was to assist that country's authorities in promoting democratic institutions and complying with other OSCE commitments. The OSCE Office reopened in February 2003 headed by Ambassador Eberhard Heyken.

between the central government in Chişinău and the self-proclaimed Republic of Transdniestria). It is impossible to exaggerate the role played by OSCE missions in laying the foundations of civil society after the end of the recent Balkan wars (in Albania, Bosnia and Herzegovina and, more recently, Kosovo). The network of field operations – especially in Central Asia and the Caucasus – provides an early warning system that prevents local tensions from turning into open conflicts. These activities are particularly useful in restraining the role and influence of violent organizations that appeal to Islamic fundamentalism.

Existing long-term missions need to become more professional. Staff recruitment based on secondment and rotation should be reduced and to a large extent replaced by a contract system based on competition and professional qualifications. Field missions need more experts, especially in finance, project management, policing and environmental management.

Some OSCE participating States will probably never join the Council of Europe or the EU. Nor will NATO take over all those tasks that are currently carried out by the OSCE.¹³ However, the most urgent necessity for the OSCE is that it re-define its tasks to adapt to an evolving security environment.

The Agenda Ahead

It would be a mistake to limit the OSCE's mandate to activities in a decreasing number of states in Central Asia, the Caucasus and the Balkans. In his address at the opening plenary session during the Human Dimension Implementation Meeting in Warsaw (9-19 September 2002), Martti Ahtisaari, former President of Finland, focused his attention on trafficking in human beings, stating that:

Trafficking is one of the gravest human right violations and so far the ability of the international community to deal with the issue effectively has been lacking. The increased ease and speed of travel, and the availability of the latest information technology has increased the capacity of criminal networks to engage in trans-national crimes.¹⁴

In the context of the global struggle to combat international terrorism, one has to take two simple facts into consideration. Firstly, trafficking in human beings, as Ahtisaari rightly noted, has increased throughout the world, and

13 In his essay "Eradicating the seeds of terror", Robert Barry recently wrote, "Whatever direction NATO takes after it enlarges and establishes the NATO-Russia Council, it is in no position to do conflict prevention or post-conflict 'peace-building' in former Soviet republics that are not NATO members. Nor does the Council of Europe include members from Central Asia." Global Beat Syndicate, 16 September 2002.

14 Address by Martti Ahtisaari, Opening Plenary Session of the OSCE Human Dimension Implementation Meeting, Warsaw, 9 September 2002.

the problem is exacerbated in size and seriousness by the growing involvement of organized criminal groups. Secondly, no multilateral organization includes as many of the major countries of destination and transit of this trade as the OSCE.

Moreover, trafficking in human beings is by no means a minor problem: Every year, about 600,000 people are illegally smuggled from the East to the West. This shameful procedure mostly involves women and children. They are the slaves of the twenty-first century, forced to take part in criminal activities and used by organized-crime syndicates, especially those linked with pornography, sexual services and drug trafficking. This is a two-sided problem. Not only is it essential to combat and prevent such activities, but it is also vital to provide assistance to the victims. When deciding on concrete steps and measures, it is important to see whether and where the OSCE can complement the efforts of others. Currently, the legislation of many OSCE countries fails to treat trafficking in human beings as a serious human-rights issue but rather approaches it as a question of prostitution or illegal migration. There can be no doubt that the OSCE can contribute to the combined actions already being undertaken by many international security institutions in this field. The Action Plan, as proposed by Mircea Geoană, the Romanian Foreign Minister in his capacity as OSCE Chairman-in-Office, covered three main categories of activities:¹⁵

- International legal and political commitments (the twelve UN conventions and protocols related to terrorism, the use of the OSCE's Forum for Security Co-operation in combating terrorism, the Code of Conduct, the Document on Small Arms and Light Weapons)
- Preventive action, e.g. the democratic institution-building process, the promotion of human rights, the promotion of media freedom and the fight against organized crime, including anti-terrorism legislation and the freezing of terrorist financial assets
- Providing a platform for co-operative security. In co-operation with other global, regional and sub-regional security structures (the UN, NATO, the EU, the Council of Europe) in both Europe and Central Asia, the Action Plan was developed into a more definite collection of activities.¹⁶ In the view of some American analysts "the OSCE offers the United States a ready-made platform to advance its anti-terrorism agenda in a strategically vital part of the world".¹⁷

15 Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, II. Decision on Combating Terrorism and the Bucharest Plan of Action for Combating Terrorism, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2002, Baden-Baden 2003, pp. 391-417, here: pp. 395-402.

16 Cf. David Norris, The EU and the OSCE in the War on Terrorism, in: BASIC Notes, 5 September 2002.

17 Ibid.; see also Barry, cited above (Note 13).

The September 2001 terrorist attacks on the United States proved that there is no clean-cut distinction between internal and external security. It is true that the headquarters of the terrorist network that planned the attacks was outside the United States; however the attacks themselves were carried out from inside the country. Moreover, they were carried out without using any advanced weapons or other sophisticated means. If the nature of such threats is changing, it is vital to find a proper way to prevent them. The added value of using the OSCE framework, procedures and mechanisms in fighting terrorism is that the organization acts mostly to affect the domestic situation in participating States. This is not the case with other international organizations that are still developing their activities, and which observe the principle of non-interference in the internal affairs of member states.

It would be a mistake to reduce the OSCE's new mandate to the fight against terrorism, but a greater mistake still to fail to make best use of the wide range of possibilities inherent in the OSCE framework, mechanisms and procedures. For example, maintaining international security nowadays necessitates an effective fight against such phenomena as money laundering and corruption, which, by undermining the rule of law and trust in public administration, justice and local government, act like cancers within the body of civil society.

Nor should one forget the political-military dimension. Future OSCE policy should concentrate more on supporting the involvement of civil society in security policy, border control, security-sector reform and the control of small-arms exports. The non-conventional character of the new threats facing the world constitutes a challenge to the existing OSCE instruments in the military realm. Because these have been created to perform specific tasks in the areas of prevention and confidence building, they do not provide the capability to get to the roots of the new threats we are faced with. In different times, the most important CSBMs were established for interaction between states; now they should address internal problems and involve conflicting parties within a nation's domestic environment.

Another issue is the adoption under national law of regulations and norms regarding the protection of the environment and efforts to encourage compliance. Nowadays, it is vital to address those and similar problems as part of the process of providing security. Until now, they have been regulated by the norms adopted within the "second basket" mentioned earlier; it is now time, however, that they were redefined and new mechanisms of implementation that guarantee efficiency established.

In many ways, the OSCE has been a pioneering organization. For example, the basic OSCE documents did not define the field missions. The way these came into being is, in many respects, the opposite of the norm: Institutions such as the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), the Representative on Freedom and Media (FOM), the Rapid Expert Assistance and

Co-operation Teams (REACT) and many others were created not out of the abstract concepts of theoreticians, but in response to concrete, urgent, everyday needs.¹⁸ The work performed by Ambassador Wilhelm Höynck as Personal Representative of the Chairman-in-Office for Central Asia is an excellent example of a rapid and appropriate response to threats and challenges in the OSCE's new areas of activity.¹⁹ Although pragmatism has generally prevailed, some decisions made by the Organization did not correspond to real needs. It is, for example, still unclear why the Conciliation Commissions and the Arbitral Tribunals – which were based on a Swiss proposal for a European system of peaceful settlement of disputes, and together constitute the Court of Conciliation and Arbitration (under the 1992 Convention on Conciliation and Arbitration within the CSCE) – failed to work in practice. After ten years of inactivity, the time is ripe to take some radical decisions regarding this institution.

Conclusion

The challenges that the organization currently faces concern more the purpose, goals and substance of its activities than the need for structural reforms. Getting to the roots of terrorism, supporting the democratic transformation of newly-created states and building civil society in those countries is much more important for the future of the OSCE than the internal restructuring of the Organization itself. In order to maintain continuity and certain minimal common standards, it would be desirable to introduce guidelines for the Chairman-in-Office or to create the position of Permanent Deputy to the Chairman-in-Office (similar to the position of under-secretary of state in ministries of foreign affairs) to be filled by a senior and experienced diplomat. Creating such a position will, on the one hand, ensure continuity in activities originated by the Chairman-in-Office while, on the other, providing stability in relations between the Chairman-in-Office, the Secretary-General and other institutions. Other tasks could include reviewing and evaluating the efficiency of the OSCE's structure and institutions in carrying out new missions. As a result of such a review

- Institutions that have accomplished their missions should be closed (especially some long-term missions, whose number would gradually be reduced).

18 The activities carried out by these institutions are reflected in various OSCE reports; cf. e.g. Organization for Security and Co-operation in Europe, The Secretary General, Annual Report on OSCE Activities 2002, Vienna 2002, at: http://www.osce.org/publications/annual_report.

19 Ambassador Höynck took an active part in the organization of the international conference entitled "Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism", Bishkek, 13-14 December 2001.

- Institutions that under-perform (especially within the “second basket” or the Conflict Prevention Centre/CPC) should be assisted and, if necessary, transformed and their mandates revised in order to increase their efficiency. The role of the CPC, now just the operational control and communication office for existing missions, could be enhanced to make it comparable to two already existing institutions, ODIHR and the HCNM.
- Institutions that have never fulfilled their functions (because of a too-ambitious mandate or misguided political expectations) should be reassessed (e.g. the Court of Arbitration and Conciliation in Geneva), with the intention of defining new tasks for them commensurate with the real needs and requirements of the situations with which they were designed to deal.

In addition, there are some non-governmental institutions and activities – such as the *Geneva Cluster of Competence*, the *Centre for OSCE Research (CORE)* in Hamburg and the *Helsinki Monitor* in The Hague – that play an important, if under-appreciated, role in the OSCE process. A brainstorming session that would bring together, under the auspices of an independent research institution, representatives of such bodies and OSCE officials to deal with the issues mentioned above would be highly desirable. Such a meeting could be initiated by one of the OSCE delegations with the intention of facilitating an exchange of views among a competent group of security analysts and thinkers on the one hand and officials and practitioners on the other.

Generally, then, there is a need to initiate a serious debate on the future of the OSCE. All those who are interested in revitalizing the Organization and strengthening its position should take part in such a debate.²⁰ I have in mind both representatives of interested states (politicians and diplomats) and independent scholars and NGOs who participate in OSCE processes. This debate should cover both the ultimate purpose of the OSCE and the question of its new mandate (the role of major powers and medium and small states, new threats, problems of integration, globalization, etc.), as well as institutional solutions and new structures. The outcome of this debate will provide us with an answer to the question of whether the OSCE has a future and, if this is the case, what the future of the OSCE might be.

20 A Dutch report published in 2002 stated that: “the OSCE’s practical effectiveness is hampered by uncertainty about the organization’s position in the international area, a lack of clarity about the OSCE’s role (as a result of which it is entrusted with a large number of disparate responsibilities and activities), the questionable loyalty of the participating states, the fact that the organization is actually still a conference, inadequate decision-making procedures, a lack of operational continuity and a political divide within its own ranks. This raises the question of whether the OSCE is at risk of losing some of its ability to act. If so, the OSCE will lose its political relevance and face a crisis.” Advisory Council on International Affairs, The Netherlands and the Organization for Security and Co-operation in Europe in 2003: Role and Direction, The Hague May 2002, p. 42.

Whither the OSCE?¹

Forced to Adapt

At the dawn of the 21st century, the international order of states has been deeply shaken by the events of 11 September 2001 and the military campaigns in Afghanistan and Iraq. While political stocktaking will continue for some time, the international community needs to assess the consequences of these events for security-policy matters straight away. One aspect of this is the need for international organizations, in particular, to critically re-examine the range of activities they have carried out up to now.

Like the United Nations, NATO and the EU, the OSCE must face the new challenges emerging from these events. It, too, has made intensive efforts to adapt both the premises and the focus of its work to the changed situation. This is not the first time it has done this: More than ten years ago, the OSCE's basic self-understanding was dealt a severe blow by the collapse of the Soviet Union and the end of the East-West divide. Through a remarkable *tour de force*, it was able then to adapt its policies and instruments to a new set of challenges – contrary to the opinions of the sceptics who predicted it would fade into insignificance.

There is every reason to believe that the political vitality of the OSCE will again prove the doubters wrong. However, the Organization faces yet a further challenge: Following the enlargement of the EU and NATO, the OSCE feels highly exposed to the shift in the balance of power in favour of Brussels. All three actors' areas of engagement now increasingly overlap not only in the Balkans but also at the new eastern frontiers of the European Union and the North Atlantic Alliance. This has created new requirements for co-ordinating the formation of new policies and implementing them.

In the face of all these changes, will the OSCE be able to continue to contribute to political stability between Vancouver and Vladivostok in the manner expected of it? This question is not merely of academic interest. It also touches upon the general issue of just how much scope international organizations have to act under today's conditions of increasing global complexity.

1 This article reflects the personal opinion of the author.

The OSCE has occasionally been characterized as merely a “fair-weather organization” that suffers critically from a lack of instruments to physically implement its security policy. This reproach overlooks the difficulty of gauging the success of conflict prevention and post-conflict rehabilitation, confidence building and the implementation of good governance and human rights – precisely the focal points of OSCE activity. While it may be more spectacular to impose peace on a crisis region through military means than to carry out the laborious everyday work involved in building democratic institutions, the latter is by no means inferior to the former in terms of its stabilizing effect.

After September 11, in a world that has in many ways become more insecure, this aspect of the OSCE’s work is more relevant than ever. The OSCE also retains the frequently undervalued function of ensuring transparency in matters of security through a unique network of agreements on arms control, disarmament and military confidence building. The OSCE has tried to make use of the comparative advantages resulting from this in various ways:

It immediately made the fight against terrorism a central focus of its activities, seeking at the same time to harmonize its work with that of other international actors, above all the United Nations, the EU and NATO. A “Plan of Action” was adopted as early as the OSCE Ministerial Council in Bucharest on 3 and 4 December 2001 and subsequently refined at a major regional conference in Bishkek. In December 2002, the OSCE Ministerial Council in Porto produced two documents that again emphasized the priority of this topic. It is commensurate with the OSCE’s understanding of its own role that – besides reviewing the instruments it has available to aid the fight against terrorism (including those resulting from the commitments of participating States in the areas of disarmament, arms control and confidence building) – it also gives greater consideration than other actors to the need to respect human rights when dealing with this complex area.

The OSCE is converting its comprehensive concept of security into operational activities more consistently than ever. This is true of cross-functional tasks such as the fights against trafficking in human beings and intolerance, of new tasks in civilian border monitoring and police training, of efforts to tackle organized crime and weapon and drug trafficking and of the Organization’s long-established work in the areas of democracy building and promoting the rule of law. The OSCE’s approach brings together military issues and matters of economic and environmental policy alike. Examples of this include the Document on Small Arms and Light Weapons (SALW) and efforts to achieve agreement on the allocation of scarce water resources in the Central Asian states. As a result, the concept of “baskets” as introduced in the Helsinki Final Act has become increasingly irrelevant: New security challenges are impossible to confine to one “basket” or another. This is especially true of matters relating to the fight against terrorism.

The OSCE remains an indispensable instrument for ensuring that democracy, the rule of law and human rights are upheld in all participating States. It also has a vital role to play in institution building and promoting the development of civil society. If one admits that long-term international stability can only be guaranteed by states with firmly established democratic structures, one has pinpointed an area where the OSCE's political contribution is decisive. This is largely thanks to the successful work of three OSCE institutions: the Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR), which has received worldwide recognition above all for its extensive activity in election monitoring, the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media (FOM). By organizing two major conferences in 2003, one on anti-Semitism and one on racism, xenophobia and discrimination, the OSCE has emphatically underlined its competence in these areas. In the field of minority issues, the question of Roma and Sinti rights continues to be an important topic. The FOM – a position held by Freimut Duve up to the end of 2003 – has been gaining increasing recognition. He has spoken up whenever the independence of the media has been threatened – whether in Belarus, Russia, Central Asia, Italy or even in the United States in connection with anti-terrorist laws passed in the wake of September 11.

The integrated range of instruments for conventional disarmament, arms control and military confidence building that has been built up over many years under the umbrella of the OSCE is of undiminished importance. It makes the Organization the guarantor of a high degree of transparency in all participating States. This is a historic achievement and one of the great legacies of the CSCE process; it now encompasses not only the Vienna Document and the CFE Treaty on conventional disarmament in Europe, but also the Open Skies Treaty, the implementation and monitoring of the arms control provisions of the Dayton Accords and, most recently, agreements on the control of small arms. Today, the OSCE's work in this area largely involves implementation, verification, updating and adaptation and the ever-tighter integration of such measures with security policy. The Porto Ministerial Council underlined the OSCE's irreversible commitment to this area, something which is also reflected in the increasingly close co-operation between the Organization's two main forums: the Permanent Council and the Forum for Security Co-operation (FSC). This process gained particularly in momentum during the German FSC chairmanship in mid-2003.

The OSCE's field missions – which are the heart of the Organization's operations and still account for almost 75 per cent of its budget – have also been expanded and strengthened. The OSCE's classical tasks in the areas of conflict resolution, conflict prevention and post-conflict rehabilitation cannot be achieved without them. However, this process has not been without its difficulties: The criticism of those who deplore the imbalance in the location of these missions – which are “exclusively east and southeast of Vienna” – has

become increasingly vociferous. Pressure has also been growing to allow host countries to have a greater say. And finally, the over-hasty closure of the OSCE Missions in the Baltic states of Estonia and Latvia has provided more ammunition for the view that the presence of the OSCE stigmatizes host countries, who are seen as implicitly admitting to unstable domestic conditions. Despite this unfavourable environment, the OSCE did succeed in re-opening its presence in Minsk at the beginning of 2003. In Chechnya, however, it experienced a setback when the government of the Russian Federation was not prepared to extend the mandate of the presence in the form in which it had existed up to then. Nevertheless, talks on an appropriate form for a renewed OSCE presence in Chechnya are still on the agenda. On the positive side, the mandate of the Mission to Georgia has been expanded, and the OSCE has been able to significantly consolidate its activity in the Central Asian countries.

The OSCE's political competence is indisputable and of growing importance in those states and regions that have so far remained outside the European Union or NATO and which have no realistic prospects of becoming members of these organizations in the short term. This applies to Belarus, Ukraine and Moldova and to the states of the South Caucasus and Central Asia. The OSCE played a major role in enabling these countries to undergo a phase of political reorientation following independence. However, even this was not achieved without some difficulties: Some of these countries felt that OSCE activities – in particular its commitments to democracy, the rule of law and human rights – were acts of interference in their internal affairs. In Belarus, this culminated in a fully fledged crisis that was only settled with great difficulty in the spring of 2003. The issue will remain a sensitive one for the OSCE.

The extent to which the OSCE's ability to act depends on co-operation between the OSCE Chairmanship and the OSCE Parliamentary Assembly (PA) should not be underestimated. Under its current President Bruce George, who has held the office since the summer of 2002, the Parliamentary Assembly has undertaken considerable efforts to improve this co-ordination, for example, by opening an OSCE PA Liaison Office in Vienna in November 2002. The Parliamentary Assembly with its high-profile, twice-yearly plenary sessions continues to be an indispensable instrument in enlisting the support of the national parliaments of the participating States for OSCE policies.

Ongoing Criticism

To this record of success, however, one must contrast the weaknesses that have repeatedly threatened the OSCE with internal disintegration. It is to the Organization's credit that these matters are discussed openly – something that

has often been pushed to the limit within the OSCE itself. The following points are particularly relevant:

One central topic of these discussions is, as we have already seen, the future of the OSCE's field missions. Whether they are seen as a stigma or as a vital asset, no one would seriously deny that field missions are one of the Organization's key instruments. Suitable presences in participating States will remain essential if the OSCE is to continue to carry out the tasks contained in its mandates on conflict prevention, conflict settlement and post-conflict rehabilitation, building democratic institutions and monitoring compliance with human rights commitments. In this connection, it is certainly legitimate to consider matters such as the form presences are to take, the duration of their mandates, their regional distribution, the extent of their reporting activities and the modalities of their close co-ordination with the host country. One proposal, made by the President of the OSCE Parliamentary Assembly, Bruce George, was that the OSCE should establish information offices in all participating States. At the Parliamentary Assembly Winter Meeting in 2003, where the primary focus was on trafficking in human beings, it was proposed that, to ensure comprehensive treatment of this issue, OSCE offices should be established in Western destination countries, for example, "in Amsterdam's red light district". One way or another, it is clear that the debate on possible reforms of the OSCE field missions called for by the OSCE Ministerial Council in Porto and confirmed by the Maastricht Ministerial in December 2003 is well underway. Now it is important to ensure that it is conducted with a sense of proportion and without damaging the Organization's substance.

The OSCE has not achieved any sweeping successes up to now in attempting to solve the so-called "frozen" conflicts in Moldova and Georgia, for which it has a mandate. However, a closer look reveals a mixed record here as well: The case can certainly be made that the OSCE is in no small part responsible for the fact that the antagonisms in these countries have not erupted into "hot" conflicts once again. In more than ten years of painstaking work, it has succeeded in establishing the outline of a political resolution in both the Transnistrian conflict in Moldova and the South Ossetian conflict in Georgia. With respect to the Abkhaz conflict, also in Georgia, the OSCE has energetically supported and accompanied the efforts of the United Nations. In the meantime, indications are that there is movement in the direction of a comprehensive political arrangement for Transnistria. There is also hope of making substantial progress in Georgia after the change of government there, provided all the conflict parties and mediators can muster the political will to find a solution. A stronger OSCE role in solving the Abkhaz conflict is by all means in the realm of the possible.

Of the OSCE's three dimensions, the one that concerns economic and environmental issues has so far been operationally the weakest. Nevertheless, this dimension is indispensable if the concept of the OSCE, which is founded

on good governance and the establishment of structures based on democracy and the rule of law, is to be successful. It is unfortunate that the OSCE has only very limited funding for project work in this area. It would therefore be highly advisable here for the Organization to co-operate with governmental and non-governmental actors who have the necessary financial means at their disposal: the European Union, international financial institutions such as the European Bank for Reconstruction and Development (EBRD) – which is primarily active in Eastern Europe – and non-governmental organizations. Of particular importance for the OSCE's work are those areas with a bearing on strengthening domestic security such as fighting corruption, organized crime and trafficking in human beings. The OSCE's weakness in this dimension is well known and has been examined extensively in internal studies. There has, however, been insufficient implementation of measures that could improve the situation. The May 2003 OSCE Economic Forum in Prague indicated ways that could lead out of this dilemma.

Another criticism that has long been heard is that the OSCE is incapable of effectively asserting itself as an institution – despite major management reforms recently concluded and adjudged a success. As a consensus-based organization, it is always dependent on the agreement of its 55 participating States to pass its decisions, a process that inevitably involves watered-down compromises that are weak in substance. Furthermore, there are a number of states, among them some very powerful ones, that are suspicious of the idea of strengthening the OSCE Secretariat. Under these conditions, significant responsibility has devolved upon the OSCE Chairmanship. The Dutch Chairmanship will be seen to have met all the expectations placed in it during 2003, setting a yardstick for the Bulgarian and Slovenian Chairmanships in 2004 and 2005.

Outlook

To counter its critics, the OSCE likes to argue that its forward-looking policy prepares it well to meet the challenges of the 21st century. It is certainly hard to deny that the Organization is unequalled in terms of both the scope of its activities and the number of participants. With its comprehensive approach focusing on building democracy and the rule of law, it contributes fundamentally to stability and conflict prevention in a core geopolitical region.

All the elements are in place for the OSCE to systematically pursue its policy – both now and in the future. However, this will require the continual adaptation of policies and the instruments created to implement them. It will also be necessary to co-operate even more closely with other international organizations such as the EU, the United Nations, the Council of Europe, NATO and international financial institutions. Above all, it will be essential to take full advantage of the synergy realized through the OSCE's relation-

ship with the EU. By co-operating with the enlarged European Union of 25 member states – almost half of OSCE participating States – the OSCE can contribute decisively to preventing the re-emergence of dividing lines in Europe or can at least attenuate the effects of such divisions as do emerge.

In recent years in particular, the complaint has been repeatedly voiced that the OSCE lacks political visibility – especially in comparison with other international actors. This concern is understandable in a publicity-obsessed age. The OSCE will only be able to remedy it through the effectiveness of its political activities. The 30th anniversary of the Helsinki Conference in 2005, which continues to be perceived as the founding act of the OSCE, will be an occasion for – to some extent public – stocktaking. There should be no cause for pessimism.

Challenges for the OSCE – A Dutch Perspective¹

Introduction

On 1 January 2003, the Netherlands took over the Chairmanship of the Organization for Security and Co-operation in Europe (OSCE) from Portugal. However, preparations for this Chairmanship had already begun in 2001, even before the formal decision was made to grant the Chairmanship to the Netherlands. This contribution focuses on the Dutch preparations for the Chairmanship. We will use official documents – in particular documents from the Ministry of Foreign Affairs in The Hague and an advisory report of the Advisory Council on International Affairs – to examine Dutch perceptions of the OSCE. Special attention will be given to the (perceived) crisis in the OSCE and the challenges facing the Organization (and the Chairmanship in particular). The agenda for the Dutch Chairmanship was based on these challenges. Like all its predecessors, the Netherlands stresses, on the one hand, the continuity of the OSCE's activities regarding recurrent themes. On the other hand, however, every new Chairman – and the Netherlands is no exception in this respect – adds new themes to the activities of the Organization, which it deems important or necessary.

The Netherlands and the OSCE

Taking on the responsibility of the Chairmanship-in-Office is in line with the active participation of the Netherlands in the OSCE and its predecessor the CSCE. The Netherlands was closely involved in the Conference on Security and Co-operation in Europe (CSCE) from the very beginning and has always played a pioneering role in both the CSCE and the OSCE. Dutch attention has focused, in particular, on human rights issues and the human dimension.² During the Helsinki negotiations and subsequent follow-up meetings, the

1 This contribution is partly based on Edwin Bakker/Bert Bomert, *The OSCE and The Netherlands as Chairman-in-Office*, The Hague 2003.

2 See, for instance: Bert Bomert, *Nederland en Oost-Europa: meer woorden dan daden. Het Nederlands Oost-Europa beleid, geanalyseerd binnen het kader van het CVSE-proces (1971-1985)* [The Netherlands and Eastern Europe: More Words Than Deeds. Dutch East European Policy, Analysed within the Framework of the CSCE Process (1971-1985)], Amsterdam 1990; Johannes Reef, *Die Niederlande im internationalen System. Fallstudien zum Einfluß eines Kleinstaates* [The Netherlands in the International System. Case Studies on the Influence of a Small Country], Münster/Hamburg 1995; Floribert H. Baudet, "Het heeft onze aandacht". *Nederland en de rechten van de mens in Oost-Europa en Joegoslavië, 1972-1989* ["We Pay Attention to These Matters". *The Netherlands and Human Rights in Eastern Europe and Yugoslavia, 1972-1989*], Amsterdam 2001.

delegation from the Netherlands regularly denounced (alleged) violations of human rights in Eastern Europe. At the Vienna Follow-up Meeting (1986-1989), the Netherlands was one of the states at the birth of the Vienna Mechanism, a procedure whereby one or more states can call attention to violations of human rights in another country.³ Specific key topics regularly raised by the Netherlands are the full participation of groups and individuals in the CSCE process and freedom of religion. Consequently, at a CSCE conference held in Moscow, the Netherlands made a strong case for the formulation of a Code of Conduct for states of emergency proclaimed by CSCE participating States. This proposal took particular account of the interests of ordinary citizens. The Netherlands also made an active contribution to a number of special meetings in the framework of the Conference on the Human Dimension. During the second Meeting in Copenhagen, in 1990, the delegation from the Netherlands played an active role in the formulation of the rights of national minorities. This course was continued when, two years later in Prague, then Minister for Foreign Affairs, Hans van den Broek, successfully launched the proposal for the creation of the post of High Commissioner on National Minorities. Former Dutch Minister for Foreign Affairs, Max van der Stoep, was appointed the first High Commissioner. He was an experienced CSCE participant who had been directly involved in the negotiations on the Helsinki Final Act in the 1970s.⁴

In Budapest (1994) the Netherlands dedicated itself to the situation of the Roma and Sinti and, once again, to freedom of religion. During the last decade, the Netherlands has also regularly advocated the further reinforcement of the OSCE as an organization. Partly in consultation with its German neighbours, the Netherlands submitted tangible proposals for the achievement of this objective. During the Copenhagen Ministerial Council, in December 1997, the OSCE participating States adopted two proposals submitted by the Netherlands. The first focused on the enhancement of the Secretariat, in particular the Conflict Prevention Centre (CPC), which has duties such as the running of field operations. The second proposal concerned improving the OSCE's funding system. During the preparations for the OSCE Summit in Istanbul, held in November 1999, the Netherlands actively supported the creation of Rapid Expert Assistance and Co-operation Teams (REACT).⁵

3 Cf. Netherlands Ministry of Foreign Affairs, *Organisatie voor Veiligheid en Samenwerking in Europa (OVSE)*, Factsheet (April 2002), Nederlandse inbreng in de CVSE/OVSE [The Contribution of the Netherlands to the CSCE/OSCE], at: www.minbuza.nl/default.asp?cms_item=mbz45041#p93_22021.

4 Cf. Walter Kemp (ed.), *Quiet diplomacy in action: the OSCE High Commissioner on National Minorities*, The Hague 2001; Max van der Stoep, *Principles and Pragmatism: Twenty-Five Years with the Helsinki Process*, in: Institute for Peace Research and Security Policy at the University of Hamburg (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 25-33.

5 Cf. Netherlands Ministry of Foreign Affairs, cited above (Note 3).

The Netherlands has not only demonstrated that it is an active OSCE participating State in terms of formulating proposals, it has also often been in the forefront of the Organization's field operations. For example, the Netherlands was involved in one of the OSCE's largest missions, the international Election Observation Mission to Bosnia and Herzegovina, from the very beginning (1996). The Netherlands provided the Co-ordinator of the international Observation Mission, Ed van Thijn, who was specially appointed to this post by the OSCE. The largest field operation of the OSCE so far, the Mission in Kosovo, was headed by Ambassador Daan Everts during the period 2000-2001. In 1998, Everts also led the OSCE Presence in Albania.⁶

Organizational Preparations for the Dutch Chairmanship

One of the decisions taken during the Ninth OSCE Ministerial Council, held in Bucharest on 3 and 4 December 2001, was to assign the Chairmanship of the OSCE in 2003 to the Netherlands. Pursuant to this decision, the Netherlands became a member of the OSCE Troika on 1 January 2002, together with Romania and Portugal, who held the Chairmanship in 2001 and 2002, respectively.

From the start it was clear that the duties associated with the Chairmanship would impose a heavy burden on the Permanent Representation of the Netherlands in Vienna, the Ministry of Foreign Affairs in The Hague and, of course, on the Chairman-in-Office, the Minister for Foreign Affairs. The Minister would have to travel frequently on OSCE business; for example, eighty per cent of the foreign visits made by the Romanian Foreign Minister in 2001 were connected with his duties as OSCE Chairman-in-Office.⁷ In view of the upcoming Chairmanship, an OSCE Task Force was established at the Ministry of Foreign Affairs to ensure that the duties of the Chairman-in-Office would be performed correctly. This special Task Force is headed by an experienced diplomat in the person of Ambassador Everts. In addition, the Permanent Representation of the Netherlands at the OSCE in Vienna has been expanded for the period of the Chairmanship. The budget reserved by the Ministry of Foreign Affairs for activities within the framework of the OSCE Chairmanship amounts to 2.3 million euros in 2002, 9.1 million in

6 For details, see: Ed van Thijn, *The Moods of Sarajevo*. Excerpts from the Diary of an Observer, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 159-189; Daan Everts, *The OSCE Presence in Albania*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 271-282; Daan W. 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.

7 Cf. Netherlands Helsinki Committee, *Een nieuwe internationale uitdaging voor Nederland: het Nederlands OVSE-voorzitterschap in 2003* [A New Challenge for the Netherlands: the Netherlands OSCE Chairmanship in 2003], The Hague 2002, p. 13.

2003, and 1.3 million in 2004.⁸ In addition, the Ministry of Defence has seconded two staff members for OSCE activities, who will be engaged solely in duties associated with the Chairmanship; one has joined the Permanent Representation in Vienna, the other the Task Force in The Hague. Both institutions will devote themselves to military and security-related OSCE issues, whereby special emphasis will be placed on CSBMs and disarmament issues within the scope of the OSCE.⁹

Given the previous active participation of the Dutch in the OSCE and the initiatives taken and the proposals made by the Netherlands in the past, expectations at the start of the Dutch Chairmanship were fairly high – in The Hague, in Vienna and in the headquarters of OSCE missions and other presences. The Netherlands is seen as a participating State that is potentially able to give a new impetus to the development and performance of the OSCE. In addition, the Netherlands has greater financial resources at its disposal than previous Chairmanships, which may help ensure the Chairmanship's success. Moreover, the Netherlands has, in the recent past, supplied the OSCE with a number of top officers, such as former High Commissioner on National Minorities Van der Stoep and Ambassador Everts. The Hague therefore possesses a considerable amount of "in-house" expertise that can be used to make the Chairmanship in 2003 a success.

Drawing up the Agenda for the Chairmanship

Although a formal decision on the Dutch Chairmanship was not taken until the Bucharest Meeting of the Ministerial Council (December 2001), the then Minister of Foreign Affairs, Jozias van Aartsen, had already formulated a number of plans and measures for the anticipated Chairmanship. Consequently, the Netherlands' Advisory Council on International Affairs was already asked in April 2001 to write an advisory report on the strengths and weaknesses of the OSCE and, on the basis of the conclusions reached therein, to issue recommendations on how the Netherlands could best approach the forthcoming Chairmanship. The advisory report was published in May 2002 and has partly served as the basis for the Dutch agenda in 2003.¹⁰

The Advisory Council's report contains a large number of recommendations pertaining both to the performance of the OSCE in general, and to the Dutch Chairmanship in particular. It offers a catalogue of challenges that have to be met. For example, the Advisory Council notes that although over the course of the years the OSCE has assumed the responsibility for a wide

8 Cf. Letter to the President of the House of Representatives of the States General, re: Preliminary review of the Dutch chairmanship of the OSCE in 2003, November 2002, p. 11, at: www.OSCE.org/cio/netherlands/documents/files/letter_01-11-02.pdf.

9 Cf. *ibid.*

10 Cf. Advisory Council on International Affairs, *The Netherlands and the Organisation for Security and Cooperation in Europe in 2003: Role and Direction*, The Hague 2002.

variety of duties and operations, these nevertheless lack any obvious coherency. According to the report, it is not even clear why the OSCE still takes on these diverse tasks. During the Dutch Chairmanship, therefore, the Netherlands needs to specify explicit priorities, i.e. to provide an answer to the question: Which of these duties constitute the Organization's core business? The Advisory Council itself has come up with an answer to this question: The core business of the Organization should be "the themes of conflict prevention and post-conflict rehabilitation, based on the OSCE's expertise in relation to the security dimension, the economic and environmental dimension, and the humanitarian dimension. Designating conflict prevention and post-conflict rehabilitation as policy spearheads should also make it easier to set priorities for the OSCE's responsibilities and activities. The OSCE should undertake new activities only if they help to prevent conflicts or to further the cause of post-conflict rehabilitation."¹¹ Consequently, responsibilities and activities that don't directly contribute to these goals should be abandoned.

Missions and other field operations were, are and will be important to achieving these goals of the Organization. They are the OSCE's "eyes and ears" in the field, and therefore a prime instrument of early warning. More often than not, they are in direct contact with local leaders and the local population, and are therefore highly visible. This makes the missions and field operations unique instruments. Their effectiveness can and should be increased, however, by setting explicit time limits by which they must have achieved the objectives of their mandates.

According to the Advisory Council, the Dutch Chairmanship is more likely to be successful if a high standard of expertise is available, a sufficient number of staff are seconded and adequate financial resources are committed. Last but not least, the Minister of Foreign Affairs as Chairman-in-Office should display a high degree of political commitment. But even if these criteria are met, success or failure of the Dutch Chairmanship is to a great extent dependent on whether or not the OSCE, and in particular the Chairmanship, is able to meet the challenges that confront the Organization. Some of these challenges are known, since they have been on the political and diplomatic agenda for a long time. Given the experiences of previous Chairmen-in-Office, however, it cannot be ruled out that a sudden, unexpected international crisis will dominate the agenda and that there will therefore be no time, or opportunity, to tackle the challenges.

Challenges for the OSCE

In view of the challenges currently confronting the OSCE, it can safely be said that it is a difficult time to accept the Chairmanship. Already in March 2001, in preparation for the upcoming Dutch Chairmanship, the Minister of

11 Ibid., p. 40.

Foreign Affairs, Van Aartsen, characterized the OSCE as an organization exhibiting a certain degree of stagnation in a letter to the Dutch House of Representatives.¹² This feeling of stagnation was also a prominent theme in a letter from the German and Dutch OSCE Ambassadors to the Chairman of the Permanent Council of April 2001. In a joint paper – “Reviewing OSCE: food for thought and some possible steps forward” – they painted a rather negative picture. It refers to “minimal progress” in the resolution of conflicts. The OSCE is seen “less and less as one of the main forums for political dialogue”, is dominated by decision making that “suffers from a certain lack of transparency” and is seen as an organization with a “one-sided focus on problems”. In order to improve the functioning of the OSCE, “new momentum” should be created.¹³ The paper included various proposals for improvement, some of which found their way onto the agenda for the Dutch Chairmanship in 2003.

The Ministry of Foreign Affairs first sketched its ideas, plans and targets for the Dutch Chairmanship of the OSCE in letters to and debates in the House of Representatives during the autumn of 2001.¹⁴ These centred on recent developments within the OSCE and on the future of the Organization. With the terrorist attacks of 11 September 2001 on the United States of America still fresh in the memory, the then minister, Mr. Van Aartsen, stated that “the Netherlands will dedicate itself to indirect measures to counter terrorism concentrating on its traditional tasks: society building, the training of police forces, the development of impartial justice systems, the promotion of tolerance towards minorities, and the reintegration of former members of the armed forces in civilian life.”¹⁵ During the debate on the budget for the Ministry of Foreign Affairs for 2002, held in the Senate in March 2002, the Minister specifically stated his willingness to work in close co-operation with the Russian Federation in order to counter international terrorism.¹⁶

Good working relations with the Russian Federation would, according to the Minister, merit special attention. The relationship between the Russian Federation and “Europe” should be one of the *leitmotifs* of the upcoming

12 Cf. Tweede Kamer der Staten-Generaal, vergaderjaar 2000-2001, 26355, Ministeriële Raad OVSE, nr. 4, Brief van de minister van Buitenlandse Zaken [Letter from the Minister of Foreign Affairs to Parliament, re: Ministerial Council of the OSCE], 28 March 2001, p. 1.

13 Reviewing OSCE: food for thought and some possible steps forward, letter from Ambassadors Reinhard Bettzuege and Johannes C. Landman to Ambassador Liviu Bota, Chairman of the Permanent Council, 30 April 2001, PC.DEL/271/01, 3 May 2001.

14 Cf. Tweede Kamer der Staten-Generaal, vergaderjaar 2001-2002, 26355, Ministeriële Raad OVSE, nr. 5, Verslag van een algemeen overleg (3 oktober 2001), [Debate between the Minister of Foreign Affairs and Members of Parliament (3 October 2001), re: the OSCE], 26 October 2001.

15 Ibid. (authors' translation).

16 Cf. Handelingen van de Eerste Kamer der Staten-Generaal, vergaderjaar 2001-2002, Behandeling van het wetsvoorstel Vaststelling van de begroting van de uitgaven en de ontvangsten van het Ministerie van Buitenlandse Zaken (v) voor het jaar 2002 (exclusief onderdeel NAVO) (28000 v), 19de vergadering, [Debate on the Budget of the Ministry of Foreign Affairs], 5 March 2002.

Chairmanship. As the Netherlands will also serve as Chairman of the European Union and of the Council of Europe in the next few years, the relationship between the Russian Federation and European organizations should be a recurrent theme on the Dutch political and diplomatic agenda, according to the Ministry of Foreign Affairs. It would not be the sole *leitmotif*, though. Another common theme for the three successive chairmanships would be the promotion of good governance through good administration and the rule of law.¹⁷ This focus could build a bridge between, on the one hand, the achievements of the European Union, and, on the other, the needs of those countries which are not members of the European Union but which do participate in the OSCE and the Council of Europe. In addition to these themes, a third broad subject was brought up: illegal trafficking in small arms, drugs and human beings. Working closely with Norway, the Netherlands will explore possibilities regarding the formulation of proposals for binding agreements to improve controls on the proliferation of weapons.

Besides formulating these general themes, the Ministry of Foreign Affairs, and its representatives (including members of the OSCE Task Force) have also announced that the Netherlands intends to scrutinize the OSCE's broad agenda of activities and its organizational structure. Against this background, Ambassador Everts stated that the Chairmanship needs to find a middle course between ambition and reality.¹⁸ Coherence and consistency are values that are only weakly developed within the OSCE. According to Everts, the course adopted by the Organization and the deployment of its instruments are both largely in the hands of those who happen to be at the wheel – an arbitrary situation which is not compatible with the operations of a mature organization. Consequently, he advocated the formulation of a coherent overall strategy, more effective management and clear evaluation policies.¹⁹

The various themes and issues for the Chairmanship that were brought up in 2001 and 2002 found their way into the agenda that was made public on the eve of the Dutch Chairmanship. In the Explanatory Memorandum accompanying the Budget for 2003, the new Minister of Foreign Affairs, Jaap de Hoop Scheffer, paid special attention to the issue of the “frozen conflicts” in the Caucasus and the various problems in the Central Asian states.²⁰ The Memorandum also stresses once again the importance of co-operating with the Russian Federation in order to achieve breakthroughs and reach solutions. This requires an improvement in relations with Moscow – both bilateral and

17 Cf. *ibid.*

18 Cf. Verslag Ronde Tafelconferentie “De agenda voor het Nederlands Voorzitterschap van de OVSE” [Report of the Round Table Meeting “Agenda for the Netherlands OSCE Chairmanship”], 22 April 2002, at: www.nhc.nl/reportroundtable22042002.

19 Cf. *ibid.*

20 Cf. Tweede Kamer der Staten-Generaal, vergaderjaar 2002–2003, 28600–V, Vaststelling van de begrotingsstaat van het Ministerie van Buitenlandse Zaken (v) voor het jaar 2002, nr. 2, Memorie van Toelichting, [Budget of the Ministry of Foreign Affairs, Memorandum of Explanation], 17 September 2002, p. 8.

multilateral (via organizations such as the European Union, NATO, the OSCE, the United Nations, and the Council of Europe). It would also do justice to Russia's role as a major political player.

The Explanatory Memorandum also specifies the priorities and goals of the Dutch Chairmanship: first, to enhance the organizational-structural elements of the OSCE by means of a geographical redistribution and increased balance in the activities of the field missions; second, to improve the political management of the OSCE field missions; third, to improve operational and financial accountability in the implementation of the programmes; and, fourth, to better co-ordinate the activities of the various OSCE institutions, such as the HCNM and ODIHR.²¹ The second priority pertains to conflict prevention and crisis management, especially in the Caucasus and Central Asia. The targets that have been set are the active intervention in (and the termination of) long-term ("frozen") conflicts, the enhancement of the Dutch diplomatic presence in Central Asia and a reduction of the number of staff and duties of OSCE missions to Balkan countries – a measure in part intended to enable an increase of the OSCE's presence in the Caucasus and Central Asia. The third priority of the Chairmanship pertains to the achievement of an improved balance between the three components of the OSCE's policy, i.e. the politico-military, economic and human dimensions. Concrete targets include improving the balance between these dimensions, vigorously continuing the OSCE's activities in the area of democratization, and achieving sustainable improvements and consolidation of the democratic state based on the rule of law, public administration, freedom of the media, respect for human rights and civil society in general. A further aspect of this third priority is to adopt a decisive approach to trafficking problems, the central theme of successive chairmanships.

Finally, in November 2002, the definitive agenda for 2003, including priorities, scheduled activities and possible pitfalls, was drawn up and presented in Parliament.²² According to the current Minister of Foreign Affairs and Chairman of the OSCE, Jaap De Hoop Scheffer, the most important issues on the agenda are:

- geographical and thematic imbalances in the Organization's activities,
- the harmonization of the security dimension with other OSCE activities,
- the withdrawal of Russian troops, weapons and ammunition from Moldova, and the closure of the Russian military bases in Georgia,
- trafficking in small arms, drugs, and human beings,
- compliance with human rights,
- the promotion of the rule of law,
- frozen conflicts in the OSCE region,

21 Cf. *ibid.*, p. 59.

22 Cf. Preliminary review of the Dutch chairmanship of the OSCE in 2003, cited above (Note 8).

- the consolidation of democracy and the rule of law, the transparency of government, and the construction of the civil society in Central Asia and
- the internal organization and effectiveness of the OSCE.

In addition, in his letter to Parliament, the Minister stated that the Netherlands' three successive Chairmanships/Presidencies of the OSCE, the Council of Europe, and the European Union could be employed to emphasize shared themes such as human rights and common European values. The Minister also explained that the Netherlands intends to make appropriate use of the Troika. Against this background, the Chairmanship will hold regular discussions with Bulgaria on the way in which the latter can be involved in the work of the Netherlands Chairmanship.

Concluding Remarks

The Netherlands Chairmanship in effect started with an address by Minister De Hoop Scheffer to the OSCE's Permanent Council in Vienna on 13 January.²³ His speech stressed once again the most important points cited in the aforementioned documents. The new Chairman-in-Office emphasized the importance of the OSCE; he also drew attention to the Organization's achievements. He did indicate, however, that improvements are both desirable and necessary. In conclusion, he stated that the success of the Netherlands' Chairmanship depends on the full support of all participating States.

A successful Chairmanship, however, is based on many other factors as well, and many of these are beyond the control of the Chairman-in-Office. In particular, developments in the international arena and crises within the OSCE area will influence the course of the OSCE Chairmanship. A successful Chairmanship, therefore, could also be defined as one that is able to react quickly and effectively to these developments, abandoning, if necessary, plans and ideas that were formulated in advance. Nevertheless, given the range of outstanding challenges the OSCE needs to address, and the ambition of the Netherlands Chairmanship to address them, one can only hope this Chairmanship will not be confronted with crises of the magnitude of September 11 or "another Iraq".

23 Jaap De Hoop Scheffer, Address to the OSCE Permanent Council, Vienna, January 13, 2003, CIO.GAL/5/03.

Asymmetric Security in Europe and the Tasks of the OSCE¹

International organizations represent the attempt to deal with problems, conflicts and challenges that cannot be met (or can no longer be met) by states and substate actors alone. As the character of these problems, which may be domestic, transnational or international, changes quickly, international organizations must be able to adapt flexibly to new demands. This is all the more true for a relatively small organization with little institutional autonomy such as the OSCE, which, moreover, carries out a broad range of tasks.

In this essay, I intend, *first*, to discuss certain current developments in European security that are shaping the environment in which the OSCE operates. *Second*, against this background, I will attempt to articulate some key challenges that the OSCE will have to meet. *Third*, I will consider two organizational questions that influence the OSCE's effectiveness. *Fourth*, I will outline some policy recommendations in these areas.

Some Current Developments in European Security

One of the OSCE's key objectives is the creation of equal and undivided security throughout its area of coverage. However, looking at actual developments, it is hard to deny that the trend lies in the opposite direction: The security situation in the OSCE area is characterized by highly polarized, even contradictory developments.

Western and Central Europe represents a growing region of stability based on the overlapping enlargement of the EU and NATO. With the European Union's expansion to 25 states, more than half of OSCE participating States will be EU members or associates; the other half have little or no chance of joining this zone of integration. The EU has, however, not yet demonstrated that it is capable of formulating joint positions in essential areas of its Common Foreign and Security Policy. Disharmony is evident on topics of the moment, such as the question of participation in the Iraq war, as well as on fundamental issues, such as differing preferences regarding unilateral and multilateral approaches.

In Central Asia and in the Caucasus, on the other hand, not even strategic stability, i.e. the absence of transnational and international violent conflict, can be seen as guaranteed. These countries contain a significant, in some cases growing, potential for conflict. A number of violent conflicts

1 This article covers developments up to 31 December 2003.

have been at best “frozen” and, in the case of Chechnya, even this has not been achieved. Moreover, three Central Asian states (Turkmenistan, Uzbekistan, and Tajikistan) border on Afghanistan (an OSCE partner for co-operation since April 2003) and are thus highly vulnerable to instability and risks imported from outside the OSCE area.

Between these domains of stability and potential instability, we find the Russian Federation, a strategic key player with significant interests of its own, without whose co-operation it will be difficult to resolve the conflicts in the Caucasus and Central Asia. However, in spite of its co-operation with the USA in the fight against terrorism, Russia has lost influence in the Caucasus and Central Asia, where states are vying over partnership and co-operation with the USA.

Belarus, Moldova and Ukraine currently have no prospects of EU membership, but this could change in the long term as a result of developments in their domestic situations.

All in all, the European security landscape is characterized by deep and growing asymmetry, quite the contrary of the equal and undivided security that must, nonetheless, remain a long-term objective of the OSCE. This basic asymmetry has direct consequences for all aspects of the Organization’s work, including its field missions.

A crucial aspect of the inequality characterizing European security concerns the process of democratization in Eastern Europe, the Caucasus and Central Asia. There is general agreement that, as the Personal Envoy of the Chairman-in-Office for Central Asia, the former Finnish President Martti Ahtisaari, put it in August 2003, “the transition from the Soviet system to market economy and democracy in Central Asia has proved to be a longer and more difficult process than expected [...] Building democracy in the West also took centuries.”² It remains to establish, however, whether the democratization process in Central Asia, the Caucasus and, to some extent, in Eastern Europe, is progressing (if slowly), standing still or even regressing. It is hard to reach a definite answer to this question at this point, and the answer we do reach will differ from region to region. On the empirical level, we see the following: a fully fledged dictatorship in Turkmenistan that systematically infringes fundamental human rights, more or less authoritarian regimes in the other Central Asian and South Caucasian countries and in Belarus and democracies in Russia, Ukraine and Moldova to which attributes such as “guided” and “illiberal” are frequently applied. In Central Asia and the South Caucasus, moreover, one can see attempts to establish dynastic rule. The recent transfer of power in Azerbaijan from Haidar Aliiev to his son Ilham is only one particularly striking example of this.

This slow or even regressive democratization process raises the question of what the OSCE should focus on more in the years ahead: democratization

2 President Martti Ahtisaari, Address at the Permanent Council of the OSCE, Vienna, 5 September 2003, PC.DEL/954/03, 29 August 2003, Draft, p. 1.

in the sense of electoral assistance or respect for basic human rights and establishing the rule of law? Ambassador Robert Barry, former Head of the OSCE Mission to Bosnia and Herzegovina, wrote in this regard: "Most weak ex-communist states would be better served by creating an independent judiciary than by holding early and frequent elections."³ One should also remember that elements of the rule of law emerged in Western states long before developed forms of democracy.

In the South Caucasus, Central Asia and, to a certain extent, Eastern Europe, we are confronted with weak, failing and failed states. Weak states are those that cannot perform basic state functions or create institutions that can guarantee minimum standards of internal and external, human, economic and social security. Weak states also leave an open door for corruption, organized crime and trafficking in human beings, weapons and drugs. In the worst cases, they are safe havens for terrorists, and, more generally, fertile ground for all kinds of political, ethnic and religious radicalism and extremism.

An important feature of weak states concerns the relationship between local, regional and international conflicts. Examples are provided by the cases of Abkhazia, South Ossetia or Nagorno-Karabakh, which have direct security implications for the Russian North Caucasus, including Chechnya. Weak state structures are the core problem for both internal and external stability in the entire region and represent the greatest challenge for the OSCE, whose mandate is to create security through co-operation.

Weak states are also a substantial reason why we are facing a new and more complex risk and threat environment. Under "new threats" we understand a broad spectrum of primarily non-military challenges, ranging from organized crime and corruption, trafficking in human beings, weapons and drugs to terrorism and the possible access of terrorists to weapons of mass destruction. As diverse as these threats may be, they have certain features in common. *First*, they are predominantly a result of weak state structures, i.e. of the inability of states to provide for internal stability and security in a comprehensive way. *Second*, the individual threats are closely inter-connected and interdependent: People who engage in human trafficking also smuggle weapons and drugs; terrorists frequently finance their activities through drug trafficking. *Third*, the dividing line between the root causes of threats that are generated domestically and those imported from abroad has become increasingly blurred: They have become transnational. This is especially the case for the three Central Asian states bordering on Afghanistan. *Fourth*, while it is true that these new threats cannot be countered primarily by military means, the dividing lines between military, police and civilian

3 Robert L. Barry, The Future of the OSCE, BASIC Special Report 1/2003, London 2003, p. 45.

means used to combat them is also growing harder to define.⁴ Once more, Afghanistan provides the primary example.

Because of its comprehensive approach, the OSCE is uniquely suited to addressing these kinds of threats. As Ambassador Barry wrote: "In the decade ahead, the combination of organized crime, religious extremism, economic collapse and terrorism suggests that the OSCE will be called on to play a greater role in Europe and Eurasia. Because of its presence on the ground in 19 successor states of the Soviet Union and Yugoslavia, the OSCE is uniquely positioned to implement regional initiatives that are required to deal with transnational issues."⁵

Challenges for the OSCE

The political functions and tasks of the OSCE have changed substantially since 1990. In that year, the CSCE – as it then was – was expected to deal with pan-European security structures almost exclusively in terms of international, state-to-state relations. The first fundamental change came less than two years later under the shock of the bloody Yugoslav wars of secession and the realization that the international community possessed no adequate means of containing or resolving violent domestic conflicts. The CSCE adapted to these changes faster than other international organizations. As early as the 1992 Helsinki Document, it had already shifted its attention primarily to this new type of conflict. With the establishment of the first field missions and the creation of the post of High Commissioner on National Minorities, the CSCE also developed appropriate instruments.

The 1995 Dayton Agreement on Bosnia and Herzegovina marks another important turning point: From then on, the Organization focused mainly on post-conflict peace-building, starting to play the role of an on-site implementing agency. The Dayton Agreement, UN Security Council resolution 1244 on Kosovo (1999) and the Framework Agreement on Macedonia (2001) were all negotiated by other political actors, and the OSCE had to restrict itself to the task of implementing parts of these agreements. This reflects two basic developments: *First*, the OSCE has lost political relevance, as, of course, have other international organizations, such as NATO and the UN. Not only are major decisions concerning European security no longer taken at OSCE conferences, but the Organization also usually has to share responsibilities with other international actors in dealing with specific conflicts. *Second*, as a result, the Organization's main focus today is on the work of its field missions and its institutions and – within this – mostly on the imple-

4 Cf. Gilles Adréani, Keynote Speech for Working Group C of the OSCE Annual Security Review Conference, Vienna, 25/26 June 2003, CIO.GAL/53/03/Add.4, 23 June 2003, p. 2.

5 Barry, cited above (Note 3), p. 42.

mentation of projects. When we speak of the continuing importance of the OSCE and the fact that most of its work cannot be performed by other international actors, our evaluation remains within an area defined by two parameters: a political decision-making process that largely takes place outside the OSCE, and the OSCE's own focus on implementing these decisions. The Organization and its participating States have not yet fully adapted to these fundamental functional changes in either a political or an organizational sense.

In realistically assessing the OSCE's capacity for action, it is important to take into account the Russian Federation's diminishing interest in the Organization's activities. At the same time, an effort should be made to recapture Russia's interest for the work of the Organization. Until the late 1990s, it would have been correct to assume that the Russian Federation ascribed particular significance to the work of the OSCE. Today, we have to face the fact that Russia's interest is marginal. This sudden u-turn requires explanation. In order to understand it, I differentiate between the Russian Federation's positive – or constructive – and negative – or obstructive – interests in the OSCE.

Russia's most important positive interest in the OSCE was rooted in its desire to create a European security structure based on international law. However, developments in the last decade have shown that, despite support for this position by individual Western politicians, such as former German Foreign Minister Hans-Dietrich Genscher, this goal was unrealistic. The collapse of the Warsaw Pact and the enlargement of NATO and the EU combined to diminish Russia's role on the global political stage, leading Russia to use the OSCE and other international organizations to try to make up for lost influence. As is well known, this has met with very limited success. Finally, one concrete interest for Russia lies in the protection of the rights of Russian-speaking minorities, not only, but especially, in Estonia and Latvia. This aspiration was bitterly disappointed by the closure of the OSCE Missions to these countries at the end of 2001, against the wishes of Russia.

The most prominent negative Russian interest in the OSCE consisted in stopping or at least delaying NATO enlargement, an issue that no longer has any significance in view of recent improvements in US-Russian relations and the establishment of an enhanced NATO-Russia Council. In a narrower sense – and this is still valid – Russia has been trying to keep the OSCE, and OSCE field missions in particular, away from its territory, and to deal with conflicts on its peripheries on its own. Although Russia has clearly not been particularly successful in this endeavour, it is hesitant to involve the OSCE in conflict resolution, as the case of Chechnya makes clear.

Russia's positive and negative interests alike are largely obsolete today, and Russia's concrete interests in the OSCE have to be seen as very limited. It is thus all the more important that the dialogue with the Russian Federation be intensified in order to find potential new areas of Russian interest. In the long term, the OSCE cannot afford an indifferent Russian Federation.

A further political challenge, and one that is hardly less significant to the OSCE, is the enlargement of the EU, and, to a lesser extent, of NATO. While NATO enlargement will have important consequences for the European security structure in general, and relations with Russia in particular, there are three reasons why EU enlargement will have an impact on the OSCE and its freedom to manoeuvre that is far more direct.

First, whereas NATO will remain active primarily in the military domain, the EU is developing its own capabilities at the very heart of the OSCE's core competency: crisis management via civilian means. In addition, the EU has clearly stated that it will work both through international organizations, such as the UN and the OSCE, as well as autonomously. This means that it is up to the EU to decide on a case-by-case basis whether to engage the OSCE or not. Early examples, such as the successor mission to the IPTF mission in Bosnia and Herzegovina, which, according to the former German OSCE Ambassador Reinhard Bettzuege "would actually have fit the OSCE like a glove"⁶, but which was carried out by the EU, show that the case-by-case method does not necessarily favour OSCE participation.

Second, the 25 EU member states, plus associates, will represent a majority of the OSCE's participating States and will provide up to three quarters of financial and human resources. Even if the consensus principle in the OSCE softens the impact, the increasing weight of the EU within the OSCE will be felt.

Third, and most important, an EU composed of 25 states will inevitably change the political geography of Europe and, thus, the EU's interest in neighbouring regions where the OSCE was, or still is, active. It is worth looking at these developments more closely. I would like to concentrate on five regions:

- Prospective new EU member states, especially Estonia and Latvia
- The countries in Eastern Europe which will become direct neighbours of the EU
- The Western Balkans
- The three states in the South Caucasus
- The five Central Asian states.

There is widespread, if quiet, agreement that OSCE field missions will be closed down in EU accession states, as occurred in Estonia and Latvia at the end of 2001. In both countries, the OSCE Missions and the OSCE High Commissioner on National Minorities (HCNM) worked with great success to diffuse tensions between the large Russian-speaking minorities and the majority ethnic groups. This success became possible because their efforts were

6 Reinhard Bettzuege, *The OSCE of the 21st Century – A Departure for New Horizons?*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 39-45, here: p. 43.

strongly supported by the European Commission and because the accession countries were eager to fulfil the Copenhagen criteria of 1993 – including “respect for and protection of minorities” – in order to gain entry to the European Union. To quote the current OSCE High Commissioner Rolf Ekéus: “It is clear that the Copenhagen criteria are important for clearing the bar to get into the EU, but what happens when you have passed that hurdle? Do the rules change?”⁷ Ekéus also stressed the fact that “we cannot assume that EU enlargement will magically solve all inter-ethnic issues. The EU must address this fact internally, both through its own means and through co-operation with relevant international organisations such as the Council of Europe and the OSCE.”⁸ The question, however, remains as to whether both new and old EU member states, as well as the Commission, will be ready to make use of the OSCE High Commissioner on National Minorities. If not, and if other means are not employed, the situation in some countries could worsen again.

Countries such as Belarus, Moldova and Ukraine will become direct neighbours of the EU after the rounds of enlargement in 2004 and 2007. The examples of Belarus and Moldova show that joint EU-OSCE efforts can be quite effective. However, this does not tell us how much the EU will be ready to involve the OSCE in the future and how much it will prefer to act on its own. The statement on this question given by Javier Solana, the High Representative for the CFSP of the EU, in an address to the OSCE Permanent Council on 25 September 2002, left matters quite open: “We regard the work of the OSCE in the region as very valuable, but will also seriously consider how the Union can take on greater responsibilities and better assist in achieving our joint objectives.”⁹

In the case of the Western Balkans, it can be assumed that the EU has taken the leadership role in efforts to stabilize the region and is, in the long term, working towards integrating it in the EU, or at least at enabling closer co-operation. All the countries in this region are either currently negotiating or are already implementing Stabilization and Association Agreements (SAAs) with the EU, which cover a much broader agenda than the OSCE ever could. This relegates the OSCE – like all other international organizations – to a supporting role in the Western Balkans. While it is clear that the OSCE role in this region, where most of its budget is still spent today, is gradually shrinking, the Organization should be careful not to rush out of

7 Organization for Security and Co-operation in Europe, From the Copenhagen Criteria to the Copenhagen Summit: The Protection of National Minorities in an Enlarging Europe, Address by Rolf Ekéus, OSCE High Commissioner on National Minorities, To the conference on National Minorities in the Enlarged European Union, Copenhagen, 5 November 2002, p. 3, at: <http://www.osce.org/hcnm/documents/speeches>.

8 Ibid., p. 8.

9 Javier Solana, The European Union and the Organisation for Security and Cooperation in Europe: The Shape of Future Cooperation, Address by the High Representative for the Common Foreign and Security Policy (CFSP) of the European Union to the Permanent Council of the OSCE, Vienna, 25 September 2002, PC.DEL/719/02, 25 September 2002, p. 5.

things too hastily, leaving behind a variety of unfinished and half-finished tasks. An example of a long-term OSCE exit strategy is provided by Croatia, where the EU and OSCE are working closely together with a view to the country's becoming a member of the EU at some point in the future.

With offices in Baku and Yerevan, a large mission in Georgia and the Minsk Group on the Nagorno-Karabakh conflict, the OSCE has comprehensive coverage of the South Caucasus. However, one cannot hide the fact that, up until now, the OSCE has not been particularly successful in solving the so-called frozen conflicts of this region. It might even be said that its main contribution has been in keeping them frozen. The EU provides Partnership and Co-operation Agreements with all three of the South Caucasian countries. A look at the EU's Country Strategy Papers for Armenia, Azerbaijan and Georgia shows that the Union is pursuing increasingly ambitious policy goals in this region, which, in my opinion, reflects the growing proximity of the enlarged Union to the South Caucasus. It is apparent that there is potential for considerable synergy if co-operation between the EU and the OSCE is improved. It therefore comes as no surprise that Javier Solana told the OSCE Permanent Council in September 2002: "The EU is at present exploring enhancing co-operation with the OSCE in this region and considers that co-operation on specific cross-border issues, including border management and migration, and how to stem increased threats from crime, trafficking and illegal immigration, provide promising avenues of approach."¹⁰ However, Solana also said: "The Union will continue to back the efforts of the OSCE and UN [...] but ultimately we will look to the different parties to find viable solutions and act upon them."¹¹ The EU is thus pursuing both options, and therefore, to quote Monika Wohlfeld, "the question remains to what degree the EU will wish to link its efforts to those of the OSCE".¹² I believe the answer will depend on the EU's assessment of how much political added value the OSCE can contribute. In the region in question, this will also depend on successfully taking account of Turkish and Russian interests, or at the very least, on not violating them.

The OSCE has centres in each of the five Central Asian states. It has stepped up activities considerably in recent years, especially with regard to the first and second dimensions. The four million euro police project in Kyrgyzstan, the demining project in Tajikistan as well as the establishment of the OSCE Academy in Bishkek (Kyrgyzstan) are encouraging signs. At the same time, the EU is expanding its activities in Central Asia. In October 2002, it adopted its "Strategy for Central Asia", which will double TACIS assistance in this region from 25 million to 50 million euros annually. As the representative of the EU Commission at the "OSCE Information Sharing Meeting of

10 Ibid., p. 9.

11 Ibid.

12 Monika Wohlfeld, EU enlargement and the future of the OSCE: The role of field missions, in: Helsinki Monitor 1/2003, pp. 52-64, here: p. 57.

the Central Asian States” stated on 11 June 2003, “[the] EU and OSCE have already reached a significant level of co-operation on and in this region”.¹³ This includes financial contributions made by the EU to OSCE projects, with around half of ODIHR’s projects in the region being funded by the EU, for example. In addition, the Commission will contribute one million euros to the Kyrgyz police project. Taking into account the solid OSCE presence in the field, the Organization’s upgraded activities in Central Asia and the EU’s growing interest in this region, the prospects for further co-operation look good.

In summary, there may still be a limited role for the OSCE in some of the new EU member states for a while, if this is desired by the states themselves and by the EU as a whole. In the countries of Eastern Europe directly bordering on the enlarged EU and in the Western Balkans, the OSCE will probably maintain a presence over the next few years, but in the long term its activities there will become increasingly less important. In the South Caucasus and in Central Asia, however, the Organization has significant opportunities both to upgrade its activities and to expand its co-operation with other international players, especially the EU. This assessment precisely mirrors the basic asymmetry of the overall European security situation as analysed above. At the same time, it highlights the key task of the Organization: dealing with conflicts resulting from asymmetric interdependencies in its area, relations of a type which are frequently related to the dynamic processes of globalization.

Organizational Issues

It is well known that OSCE’s field activities represent its most valuable instrument and its most significant comparative advantage over other international organizations. It is all the more important, therefore, that we take seriously the continuing and, in my view, still growing body of criticism by certain participating States of OSCE field activities and the way they operate. While the main proponent of this criticism is the Russian Federation, a recent non-paper jointly drafted by Belarus, Kazakhstan, Kyrgyzstan and Russia shows that other participating States share this point of view. There are three major criticisms of OSCE field missions:

- Criticism of the geographic asymmetry of OSCE field missions – all are active in the Balkans and on the territory of the former Soviet Union

13 Kurt Juul, The European Commission’s Approach to Central Asia, Statement at the OSCE Information Sharing Meeting of the Central Asian States with International Organizations and Institutions on Co-operation in Central Asia, Vienna, 11 June 2003, PC.DEL/563/03, 11 June 2003, p. 4.

- Criticism of their issue-oriented asymmetry which emphasizes the human dimension and neglects the other two dimensions
- Criticism that the field missions are overly intrusive or, as it is most often formulated: that they interfere in the internal affairs of participating States.

Because it is a clear reflection of the asymmetric security situation in Europe, there is little probability that the geographic asymmetry of field activities within the OSCE area will become more balanced. We do not need OSCE missions in the Netherlands or Norway. They are unwanted in Northern Ireland and the Basque Country. But we do need them in the Caucasus and Central Asia. One approach that might at least partially ameliorate this problem would be to establish “Thematic Missions”, for instance on trafficking in human beings and on the illicit trade in weapons and drugs, which would cover states of origin, transit and destination, thereby avoiding “singling out” individual states. A second approach – one which does not concern the missions themselves, but rather the OSCE agenda as a whole – would be to work more on issues of pan-European relevance, such as freedom of movement or education. A tendency in this direction is already evident in the activities of several OSCE institutions, such as the Representative on Freedom of the Media, who has dealt extensively with media issues in Western countries, or the High Commissioner on National Minorities, whose Hague, Oslo and Lund Recommendations have established norms that address concrete problems not related to specific countries.¹⁴

The problem of issue-oriented asymmetry, on the other hand, could easily be solved by simply increasing first and second dimension activities – but not by reducing human-dimension activities. This problem has been recognized, and the first steps have been made to improve the situation. Ambassador Daan Everts, Personal Representative of the Dutch Chairman-in-Office, admitted at the First Annual Security Review Conference in June 2003 that “our missions and institutions have not paid the attention to first dimension issues that they deserve”. And he added: “Giving more, and more visible, attention to military and other first dimension security issues, fits the Netherlands Chairmanship priority of better balancing the three OSCE dimensions.”¹⁵

The third problem, the fact that some OSCE participating States see field missions as too intrusive, could be handled by enhancing co-operation with host countries. A series of proposals have been made: for example, that a broader consultation process with the host country should be introduced be-

14 Cf. Hans-Joachim Heintze, Human Rights and Political Interests – Is there a Double Standard? in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 219-235, here p. 227.

15 Daan Everts, Keynote Speech of the Personal Representative of the Chairman-in-Office for the Opening Session of the Annual Security Review Conference, 25/26 June 2003, CIO.GAL/53/03/Add. 5, 24 June 2003, pp. 3 and 2.

fore the appointment of Heads of Missions; that a more profound dialogue based on the partnership between the OSCE and the host country should be initiated before the adoption of mandates; and that closer dialogue and co-operation should take place before decisions are made on the implementation of projects.

The issues relating to OSCE field missions can and must be resolved. Given the sensitive nature of this question, it is hardly surprising that the Informal Group of Friends on Improving the Function and Effectiveness of the OSCE Field Missions did not succeed in conclusively resolving these issues in 2003. What is clear, however, is that strengthening co-operative relationships with host countries represents a major opportunity for making further progress.

Another major organizational problem within the OSCE is that the Chair frequently appears unable to provide sufficient political guidance and thematic focus to the field missions. Of course, this has much more to do with the hybrid character of the OSCE as an organization and its lack of management capacities than with the qualities of individual Chairmanships.

Two issues need to be considered here: A lack of political leadership vis-à-vis the larger OSCE missions, especially in the Balkans, can be attributed to two factors. First, some missions tend to reject what they see as interference by the Chair, and, second, the larger missions have significantly more manpower than the Chairman's team and the Secretariat combined, with the result that the Chairmanship simply does not have the capacities to provide effective leadership. In the case of the smaller field missions, the problem seems to be largely one of a failure to co-ordinate and support work on specific issues. In contrast to the large missions, which have whole departments on democratization, media development, etc., the smaller missions frequently lack the expertise they need to be able to implement rather broad mandates. Considered from the point of view of project implementation (which is growing ever more important), the Secretariat lacks above all planning and co-ordination capacities, while the smaller missions are short of implementation capacities. Finally, the annual rotation of the Chairmanship leads to a change in thematic focus and leadership style every twelve months.

Overall, these organizational shortcomings lead to high levels of discontinuity, short planning horizons, a short institutional memory span, an occasional tendency to adopt different approaches in different countries and a frequent need to "reinvent the wheel". Nevertheless, these problems are quite normal for an organization like the OSCE, which has grown very quickly and, due to its specific history, has a highly complex structure. While solutions may not be easy to come by, they are there for the finding.

In the following, I differentiate between policy recommendations in a narrower sense and recommendations related to specific regions and issues. Among the former, I consider the following to be the most pressing.

First, as the OSCE urgently needs more continuity and would benefit from a major political success, it would be desirable for the Bulgarian Chairmanship to continue at the same level of intensity the activities started by the Dutch Chairmanship with regard to Moldova. Resolving one of the “frozen” conflicts would have a greater effect in terms of repoliticizing and raising the profile of the OSCE than would any amount of discussion of these issues.

Second, close dialogue with Russia and the joint search for topics that would encourage Russian involvement in the work of the OSCE remain of crucial importance. For this purpose it will be necessary to actively engage the United States. In addition, due to its language and culture, the Bulgarian Chairmanship seems well equipped to pursue this kind of dialogue.

Third, Turkey has multiple links to the Western Balkans, the South Caucasus and Central Asia based on language, ethnicity and culture; it also has political interests in those regions. It would, therefore, seem advisable to more closely involve Turkey in finding solutions to the crises in these areas.

Fourth, dialogue with OSCE partners for co-operation Japan, Korea and Afghanistan should be intensified, particularly as regards security issues in Central Asia and the transfer of OSCE expertise to Korea and Afghanistan.

Fifth, the OSCE should endeavour to further improve co-operation and the division of labour with other international organizations and especially with the EU. It is vital not simply to discuss these issues in general terms, but to address concrete opportunities for co-operation in specific regions and countries in the OSCE area.

My recommendations relating to specific topics and geographic regions are as follows:

Sixth, the OSCE should identify and focus on pan-European issues not dealt with by other international organizations. Although this will not solve the problem of geographic asymmetry in OSCE field missions, it will nonetheless underscore the existence of the political will to overcome it in the long term in the name of equal and undivided security.

Seventh, a debate on fundamentals is required to decide whether the *main focus* of the OSCE’s human dimension activities should remain on democratization (especially on election monitoring and assistance), or whether it should be shifted more to promoting fundamental human rights and building structures that underpin the rule of law. In this, the OSCE should follow the urging of the Organization’s former Secretary General, Wilhelm Höynck,

in strengthening its fight against torture, which remains “endemic”¹⁶ in Central Asia.

Eighth, the OSCE should provide a coherent offering to support comprehensive security-sector reforms, including police reform, border regimes and institution building in the executive and legislative spheres. This is an area where the Organization already possesses significant comparative advantages.

Ninth, The Organization should gradually direct more of its resources towards the South Caucasus and Central Asia without allowing it to be thought that one of these two regions is being favoured over the other.

Tenth, and finally, the OSCE should enter into dialogue with moderate representatives of political Islam. As the vast majority of people in Central Asia (and parts of the Caucasus) are Muslims, the question is not one of *whether* we will, in the not too distant future, be confronted with political Islam, but rather *what face* political Islam will assume – will it be radical or will it be moderate? As a consequence, the debate over the compatibility of OSCE values and Islamic values is, in the long run, a key issue for conflict prevention in the region.

Much has been written about the “crisis of the OSCE”, and, in a certain sense, crises have always accompanied the development of the CSCE and the OSCE. And yet the term “crisis” appears too strong to describe the problems and challenges the Organization faces today. In essence, these concern the need to constantly adapt to quickly changing conditions and tasks – something that must be accomplished by every international organization of any relevance.

16 Wilhelm Höynck, The OSCE in Central Asia – On the right track?, in: Helsinki Monitor 3/2003, pp. 300-312, here: p. 303.

The Soft-Power Solution: US-European Relations in and beyond Europe

The end of the brief “hot” war in Iraq and the accompanying transatlantic diplomatic conflict set the stage for a new and challenging period of US-European relations. The United States, its European allies and the international community more generally face complex and multifaceted rebuilding challenges: Iraq needs to be reconstructed after the war which removed Saddam Hussein’s tyrannical regime from power; the transatlantic rift must be repaired; the United Nations needs to be rebuilt and with it the core of international law regulating the use of force; and finally, the bond of trust between Washington and the rest of the world needs to be rebuilt with a special focus on the kind of role that the United States is going to play in the international system.

Although this is a daunting agenda, the key to understanding and perhaps even solving several of these problems can perhaps be found in the examination of a single concept: soft power. As Joseph Nye, one of the advocates of the soft-power concept, outlined in his seminal book “Bound to Lead”¹ soft power is a nation’s (or group of nations’) ability to influence events based on cultural attraction, ideology and international institutions. Given the complexities of the new challenges of globalization, and in the aftermath of the September 11 attacks on the United States, the concept now may play an increasingly important role on the international political agenda.

In fact, soft-power and hard-power policies and resources are most effectively deployed in tandem. Soft power can help legitimize hard power. Although hard power is essential for the winning of wars, and often for giving credibility to strategic choices, soft power is vital for winning and preserving the peace. Soft power is the very prerequisite for trust among people and states. Without trust, a stable international order cannot be built and sustained.

Today, however, soft power and hard power are hardly seen as two sides of the same coin. Europe is clearly all too quick to shun military might (of which it has little) and too dependent on soft power (with which it is well endowed). Europe’s hard-power deficit, however, undermines the gravitas of European diplomacy, particularly in dealing with its superpower US ally. This is part of the problem. The other part of the problem is that US soft-power policy approaches are all too often the poor cousin in American responses to international challenges.

1 Joseph S. Nye, *Bound to Lead. The Changing Nature of American Power*, New York 1990.

The lesson that should have been learned by the United States and its European allies since 1945 is that hard power and soft power are complementary elements of successful foreign and security policies. Instead, the United States and Europe have been busily dividing responsibility for the deployment of hard and soft power when they should have been finding ways to combine their resources to have even more impact on international peace and stability. As we will argue, this growing divergence is wrong and should be overcome with the help of a new institutional framework. First, we look at Washington's ambivalent attitude *vis-à-vis* the OSCE, one of the Euro-Atlantic community's key soft-power institutions. Then we turn to the sources of US and European soft power and argue that the growing signs of a transatlantic soft-power rivalry are alarming. Rather than competing on this ground, Europe and the United States should combine their respective soft- and hard-power capabilities. To that purpose, we advocate the establishment of a new Atlantic Community Treaty Organization (ACTO), which would take over and deepen the current EU-US agenda. Such an institution would help the Atlantic Community to develop concerted approaches to key global challenges and would support the consolidation of Europe's institutional architecture.

The United States and the OSCE: An Undervalued Soft-Power Resource

Following the end of the Cold War, NATO has remained the essential "transatlantic link" – the main political and security tie that binds the United States and Europe together. In the United States, NATO is the central symbol of US relations with Europe as well as a vehicle for co-operation. The 1949 North Atlantic Treaty gave due deference to the importance of soft power in promoting the security interests of the signatory states. The Treaty's preamble talks about the universal values of "democracy, individual liberty and the rule of law" that the Alliance seeks to promote. Article 2, in perfect "soft-power" language, says the allies "will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being."

However, both during and since the Cold War, NATO has been best known for its role in co-ordinating US and European hard-power resources. That is its main organizational strength. During the Cold War and up to the present day, the United States has consistently underestimated the importance of a valuable soft-power institution within US-European relations – the Organization for Security and Co-operation in Europe (OSCE).

During the Cold War, the Conference on Security and Co-operation in Europe was seen in Washington as primarily a framework in which the com-

munist regimes in Moscow and the satellite states of the Soviet Union could be held accountable for their dictatorial systems and practices. In fact, the Helsinki Final Act's standards for relations among states and between states and their citizens amounted to a significant, if subtle, tool for eroding the legitimacy of the Eastern-bloc regimes.² From the US point of view, the most important function of the CSCE was its role in undermining the communist hold on Eastern and Central Europe, while NATO pursued the necessary deterrence strategy and maintained forces to contain any military threat from the Soviet Union and its allies.

With the end of the Cold War and the collapse of the Warsaw Pact and the Soviet Union, the CSCE (the OSCE from January 1995) lost its key significance for American policy. However, developments in Europe soon gave the Organization a new mission. War in the Balkans, the transition to democracy in former Warsaw Pact countries and instability around the fringes of the former Soviet Union created important new tasks for the OSCE. In the second half of the 1990s, the United States emphasized the operational role of the OSCE's long-term missions and other field activities partly because this helped boost Washington's influence over the Organization. With at best minimal prior consultation, the OSCE was handed over the challenging new missions of implementing virtually all the non-military parts of the Dayton Peace Agreement in Bosnia-Herzegovina after 1995 and of fielding the Kosovo Verification Mission in 1998. These activities and the fact that American diplomats led both missions provoked criticism from European countries who feared that the United States would use the OSCE to extend its reach in implementing its own Balkans policy.³

As important as these tasks may have been, however, the United States never interpreted the OSCE as a key institution for redesigning the Eurasian security landscape. Rather, Washington tended to look at the OSCE as a convenient framework for co-operation in which European states would take most of the responsibility for the OSCE's soft-power instruments and programmes, while the United States specialized in developing hard power resources for the "big" problems. "Superpowers", as one American analyst put it, "do not do windows".⁴ The OSCE, from the US point of view, was engaged in cleaning Europe's windows, a necessary task but one that didn't particularly interest the United States, particularly American conservatives.

2 Cf. Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism*, Princeton 2001.

3 Cf. P. Terrence Hopmann, *The United States and the CSCE/OSCE*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 63-81. For additional accounts, see also: Jonathan Dean, *The USA and the OSCE: Still a Morganatic Union*, in: Institute for Peace Studies and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 39-43; Eric Mlyn, *The OSCE, the United States, and European Security*, in: *European Security*, 3/1996, pp. 427-447.

4 John Hillen, *Superpowers Don't Do Windows*, in: John Lehman (ed.), *America the Vulnerable, Our Military Problems and How To Fix Them*, Philadelphia 2002, at: <http://www.fpri.org/americanvulnerable>.

In fact, the soft-power/hard-power combination of the OSCE and NATO has worked quite effectively in dealing with post-Cold War security issues in Europe. After some hesitation, NATO was used to bring first Bosnia-Herzegovina and then Kosovo to the point of stability and peace where the OSCE could move in to help create a framework for the development of modern democratic states. The United States was fortunate that the OSCE was available to play a critical soft-power role in the Balkans and elsewhere in Europe. In part, however, the formula has worked because the OSCE has had the backing of NATO's forces and infrastructure.

The war in Iraq demonstrated the efficacy of US hard-power resources. US forces, operating with modern command, control and communications systems, real-time intelligence, finely tuned special forces, precision-guided munitions and multifaceted mobility swiftly defeated Saddam Hussein's military forces. The post-war situation, however, has revealed the extent to which soft-power resources are critically important to the ultimate success of the operation. The war lasted only a matter of weeks. The struggle to stabilize Iraq and to make the intended gains of the war real for both the Iraqi people and the international community will likely continue for years. It will rely on effective use of soft power, but soft power that is still backed by credible hard-power resources.

The NATO allies have partly opened the door to a NATO role in Iraq following their decision to have the Alliance take on responsibility for running the UN-mandated International Security Assistance Force (ISAF) in Afghanistan. Rebuilding in Iraq would benefit from the kind of synergy that was experienced in the Balkans between NATO military resources and the OSCE's soft-power means and methods. However, there is currently no framework for US-European co-operation on the use of soft-power resources beyond Europe. As we argue below, this gap could be filled by a new transatlantic framework to facilitate US-European soft-power co-operation.

Sources of US Soft Power – and Signs of Its Vanishing Strength

As John Gerard Ruggie has argued, the most important aspect of the international order post-World War II was not US hegemony, but the fact that the hegemon was American.⁵ This meant that the United States decided to co-operate with its allies rather than dominating them, that Washington agreed to tame its power by being locked in multilateral organizations and that its political system was open for interference by its allies, thus offering them the opportunity to influence US decision-making.⁶ As a result, Washington's

5 Cf. John Gerard Ruggie, *Multilateralism: The Anatomy of an Institution*, in: John Gerard Ruggie (ed.), *Multilateralism Matters. The Theory and Praxis of an Institutional Form* New York 1993, pp. 3-47, here: p. 31.

6 Cf. G. John Ikenberry, *Rethinking the Origins of American Hegemony*, in: *Political Science Quarterly*, 3/1989, pp. 375-400; G. John Ikenberry, *Creating Yesterday's New World*

leadership had to do with power (both hard and soft) but did not solely rest on it. Rather, as James MacGregor Burns has argued, leadership is inseparable from followers' needs and goals.⁷ Leadership is an interactive process where the leader is followed because he is able to convince the followers. By listening to and caring about the opinion of its allies, the United States managed to base followership on persuasion and normative consensus – on soft power in other words. However, when the leader neglects to bring its soft power into play in support of military actions, would-be followers find the first occasion to deviate.⁸ This is exactly what has happened in recent years and what led to the most recent transatlantic crisis over Iraq.

Unilateralism – whether in the rogue form of the current Bush government or in the more occasional, cushioned and velvet-clad form of the former Clinton administration – is a clear sign of a shifting balance between reliance on hard and soft power in US foreign policy. Crude hard-power politics provokes criticisms and resistance because it directly puts at risk the international consensus on “embedded liberalism”⁹ and the value of international institutions. First, the neo-conservative ideology of a hard power-based foreign policy has increased the United States' preparedness to go it alone and to put into question core assumptions of the international order built after 1945 (e.g. the pre-emptive use of force vs. the UN Charter). This tendency came to the fore across different international issues ranging from the refusal to ratify the Kyoto protocol or the statute of the International Criminal Court to the increasing of tariffs for imported goods to protect the US steel industry or the extraterritorial application of the Sarbanes-Oxley act, which toughens US accounting standards. Second, statements like “the mission defines the coalition” can be interpreted as a farewell to the long-standing US support for a multilateral framework. In an extreme but telling judgment, William Pfaff has argued that the Bush administration “envisages a world run by the United States, backed by as many states as will sign on to support it but not interfere”.¹⁰ Therefore it wants separate coalitions for each task so no one can veto US policies. If bypassing international organizations becomes the rule

Order: Keynesian “New Thinking” and the Anglo-American Postwar Settlement, in: Judith Goldstein/Robert O. Keohane (eds), *Ideas and Foreign Policy. Beliefs, Institutions, and Political Change*, Ithaca/London 1993, pp. 57-86; G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars*, Princeton 2001; Peter F. Cowhey, *Elect Locally – Order Globally. Domestic Politics and Multilateral Cooperation*, in Ruggie (ed.), cited above (Note 5), pp. 157-200; Thomas Risse-Kappen, *Cooperation among Democracies. The European Influence on U.S. Foreign Policy*, Princeton 1995.

7 Cf. James MacGregor Burns, *Leadership*, New York 1997.

8 Cf. Andrew Fenton Cooper/Richard A. Higgot/Kim Richard Nossal, *Bound to Follow? Leadership and Followership in the Gulf Conflict*, *Political Science Quarterly*, 3/1991, pp. 391-410, here: pp. 398 f.

9 Cf. John Gerard Ruggie, *Embedded liberalism and the postwar economic regimes*, in: John Gerard Ruggie, *Constructing the World Polity. Essays on International Institutionalization*, London/New York 1998, pp. 62-84.

10 William Pfaff, *Bush's new global order will generate resistance*, *International Herald Tribune*, 17 April 2003, p. 6.

rather than the exception, international relations of the 21st century will be fundamentally altered and could increasingly resemble the balance of power-driven international order of the 19th century.

In the long run, this tendency undermines the attractiveness of the US political, cultural and social model, thereby threatening the core of US soft power. According to John Paden and Peter Singer, US schools, universities and academic institutions are already complaining that application rates from abroad are falling, while other English-speaking countries are beginning to market their educational systems as alternatives to the US one. At a time when transnational links become ever more important, the United States risks the weakening of its bridgeheads to vital international communities such as the Muslim world.¹¹

Sources of European Soft Power

Tensions about US leadership and the uncertainty about the course of US foreign policy in the future have put more focus on the soft-power – and so far to a lesser extent the hard-power – capability of the European Union. The EU's soft-power approach rests on the assumption that the law of the strongest can be successfully replaced by the strength of the law. In part thanks to the provision of security by the United States, Europe's preferred path has been that of the transfer of sovereignty and with it the adherence to soft power – rather than the build-up of hard power capabilities.

Europe's preference for rule-based politics is not, as Robert Kagan has argued, simply a result of its lack of hard power.¹² Rather it is the outcome of its history and its political complexity. William Wallace has pointed out that, "Europe's inclination to highly regulated politics can be explained by the density of Europe's population, the vulnerability of its ecology, and the penetrability of its frontiers. The lighter approach to governance in the United States follows from its open spaces and its continental position."¹³ This experience has led to a distinct European approach to security that rests not only on the use of non-military instruments to deal with security problems but also on the adherence to multilateralism and rule-orientation, a network-centric approach to international politics and the close co-operation with non-state actors to tackle today's security policy challenges. In sum, the EU offers a

11 Cf. John N. Paden/Peter W. Singer, *America Slams the Door (On Its Foot)*, in: *Foreign Affairs*, 3/2003, pp. 8-14. For a more detailed account of the role of US schools in building cultural ties see: John Waterbury, *Hate Your Policies, Love Your Institutions*, in: *Foreign Affairs*, 1/2003, pp. 58-69.

12 Cf. Robert Kagan, *Power and Weakness*, in: *Policy Review*, 113/2002, pp. 3-28, at: <http://www.policyreview.org/JUN02/kagan.html>.

13 William Wallace, *Europe, the Necessary Partner*, *Foreign Affairs*, 3/2001, pp. 16-34, here: pp. 29-30.

unique soft-power model that has so far not been matched by other states or group of states.¹⁴

US and European Soft Power: Combine, Don't Compete

The most recent experience in the war on Iraq appears to have set the scene for a soft-power rivalry between Europe and the United States.¹⁵ At least from a European point of view, exporting a rival model of soft power looks tempting. Some European countries have traditional political and cultural bonds with many of today's pockets of crisis. The EU's emphasis on multilateralism and international institutions makes it easier to push through certain political issues, while the importance given to preventive diplomacy and international development aid could be used to position the EU in the opposite corner to the United States in international affairs. It therefore comes as no surprise that some people in Brussels and other European capitals are increasingly willing to combine these aspects via the European Security and Defence Policy (ESDP) with the aim of counterbalancing Washington.

However, nothing could be more damaging to the transatlantic relationship and long-term international stability than this. Philip Gordon is right to argue that Americans and Europeans must not "allow the prospect of a transatlantic divorce to turn into a self-fulfilling prophecy" because "no two regions of the world have more in common nor have more to lose if they fail to stand together".¹⁶ Instead of entering into a useless "beauty contest" to decide who is the best soft power, Americans and Europeans should join forces in launching a soft-power initiative. The international community needs the "transatlantic couple" to hammer out solutions to the most pressing global challenges in tandem with other leading nations and international organizations.

At the core of this new initiative lies the reinvigoration of the transatlantic community of values through the development of a new Atlantic Community Treaty. This treaty would have two goals: Politically, it would shift the focus away from the issues that divide the transatlantic partners and towards that which they have in common. Functionally, a treaty signed by all NATO and European Union members would create a soft-power framework of co-operation to complement the hard-power frameworks of NATO and the ESDP.¹⁷

14 Cf. Jolyon Howorth, *European integration and defence: the ultimate challenge*, Paris 2000, pp. 88-91. A similar argument is developed by: Hans-Georg Ehrhart, *What model for CFSP?*, Paris 2002.

15 Cf. Charles Kupchan, *The End of the American Era: US Foreign Policy After the Cold War*, New York 2002.

16 Philip H. Gordon, *Bridging the Atlantic Divide*, in: *Foreign Affairs*, 3/2003, pp. 70-83, here: pp. 79, 83.

17 These arguments build on Stanley R. Sloan, *NATO, the European Union and the Atlantic Community. The Transatlantic Bargain Reconsidered*, Latham 2003, pp. 217-227; Stanley R.

The activities of a new Atlantic Community Treaty Organization (ACTO) with a soft-power focus could include twice-yearly summit meetings involving all members of NATO and the European Union as well as all countries recognized as candidates for membership of those two bodies. The meetings could be scheduled in conjunction with the regular NATO and EU summits and would supplant the current US-EU summit meetings. The summit framework could be supported by a permanent council to discuss issues as they develop between summit sessions and by working groups that meet as needed. To give the Community a representative dimension, the NATO Parliamentary Assembly could be transformed into the Atlantic Community Assembly, including representatives from all member states in the Community, with the mandate to study and debate the entire range of issues in the transatlantic relationship. In order to frame a common understanding of how to tackle tomorrow's challenges, the Atlantic Community Assembly should regularly meet with the Parliamentary Assemblies of the EU and the OSCE.

To help reduce institutional overlap and heavy meeting schedules for transatlantic officials, all items currently on the US-EU agenda could be transferred to the new forum, which – unlike the rather narrow US-EU consultations – would cover virtually all aspects of transatlantic relations and include all countries with interests in the relationship. When specific US-EU issues arise, they could be handled in bilateral US-EU negotiations. Atlantic Community institutions could be established in or near Brussels to facilitate co-ordination with NATO and EU institutions.

At the same time, it might be beneficial to address how the work of the new institution will be co-ordinated with that of the OSCE. The Vienna-based Organization should be strengthened as the body charged with bringing together the members of the new Atlantic Community and all the other states of the Eurasian region who do not qualify for or do not seek Atlantic Community membership, including most importantly Russia and Ukraine. To that purpose, all relevant functions of the Euro-Atlantic Partnership Council (EAPC), whose agenda is anyway hard to distinguish from that of the OSCE, could be transferred to the OSCE. The main responsibility of the OSCE would be to deepen co-operative security among its participants and help build peace and co-operation across the continent through confidence-building and arms-control measures, and early-warning, conflict-prevention, crisis-management and post-conflict-rehabilitation activities. Such a step would consolidate Europe's institutional architecture and strengthen the remaining organizations.

Approaching problems and issues from the broad perspective offered by an Atlantic Community framework would make it possible to treat issues that are discussed unofficially among allied representatives at NATO but are not within NATO's formal mandate. An Atlantic Community forum would en-

Sloan, Challenges to the Transatlantic Partnership, in: *In the National Interest*, 12 March 2003, at: <http://www.inthenationalinterest.com/Articles/vol2issue10/vol2issue10sloan.html>.

sure that all aspects of an issue were brought to the table, providing a better opportunity to realize synergies in problem solving. The war against terrorism is a good example of an area where this is the case. If an Atlantic Community Council had existed on 11 September, it could immediately have established working groups to address all aspects of the campaign against sources of international terror. The North Atlantic Council would not have been required to wait for the Atlantic Community Council to act and could have invoked Article 5 on 12 September just as it did. However, in the meanwhile, the Atlantic Community Council could have been co-ordinating the response of police authorities in Community countries, discussing ways to cut off terrorists' financial support, developing public-diplomacy themes to accompany military and diplomatic action, and beginning consideration of long-term strategies designed to undermine support for terrorist activities.

A new Atlantic Community would embrace, not replace, NATO in the overall framework of transatlantic relations. Because it would be a consultative forum only, it would not threaten the "autonomy" of the EU or undermine NATO's Article 5 collective-defence commitment. In fact, it could help bridge the current artificial gap between NATO discussions of security policy and US-EU consultations on economic issues. Because an Atlantic Community would encourage members to address issues that NATO doesn't tackle, the new structure would provide added value not offered by the traditional alliance. It might also provide some additional options for shaping coalitions of the willing to deal with new security challenges in cases where using the NATO framework may not be acceptable to all allies and where action could be blocked by a single dissenting member.

Elements of a New Atlantic Community Consensus

Given the most recent transatlantic rift, reinvigorating common bonds is an end in itself. But, of course, it is not enough. The United States and its European friends and allies need to address a number of issues that will be key to transatlantic relations and to international co-operation and stability.

The Debate Over New International Rules

With the US-UK attack on Iraq, the door to a new world order has been pushed wide open, but the jury on the basic principles of that new order is still out. Most important is the question of whether the pre-emptive use of force – as established in the United States National Security Strategy – will prevail or whether the members of the new Atlantic Community will be

willing to abide by the international rule of law in the sense of the UN Charter – which some have already declared dead.¹⁸

Both supporters and opponents of a reform of the UN Charter's ban on the use of force make effective points. Supporters, mostly from the United States, say that the drafters of the UN Charter did not foresee the new kinds of transnational and asymmetrical risks and the advent of non-state actors. Given the new capabilities that allow groups to exercise a threat on a global scale at any time, it is no longer adequate to wait for an attack to happen; rather, power should be used pre-emptively.

By contrast, opponents argue that the alternatives presented so far to replace the concept of "imminent threat" are vague on all counts, i.e. with regard to defining the circumstances, the objects and the means of the pre-emptive use of force. Furthermore, they convincingly argue that the return of an opportunistic and extensive use of the "right of self defence" will lead international relations back to where they came from – the security dilemma in which uncertainty prevails.

With the intervention in Kosovo (1999) and the war on Iraq (2003), members of the Atlantic Community have set two powerful precedents that deviate from the traditional understanding of the use of force. It is therefore appropriate that they initiate and lead a discussion on the future of international law in general and the use of force in particular. This debate should aim at finding new international rules for the use of force by taking into account the nature of new risks and strengthening, not bypassing, the role of the UN Security Council. By invoking this debate within the framework of the UN, the members of the Atlantic Community would send a powerful signal to the world that they remain committed to playing by a system of internationally accepted rules as long as other nations and groups are also willing to do so.

Strengthening International Institutions

By creating a new soft-power organization in the form of the Atlantic Community, transatlantic allies would already make a powerful case in favour of international co-operation. This should be backed by sustained efforts to make existing institutions more flexible and to provide them with the necessary resources commensurate with their tasks. By strengthening and advancing co-operation among international organizations, each such institution can make a powerful contribution to advancing the soft-power agenda.

It goes without saying that the UN is the pre-eminent platform for debating all issues pertinent to the establishment of a "new world order". Most important in this regard is the fact that, by working more closely with non-state actors such as non-governmental organizations and multi-national cor-

18 For a powerful obituary of the UN Security Council see: Michael J. Glennon, Why the Security Council Failed, in: *Foreign Affairs*, 3/2003, pp. 16-35.

porations, the UN has recently embarked on a course that promises to strengthen global governance. Providing civil society with access to the arena of international politics is one of the strongest tools for strengthening soft power in the long run.

At the heart of the transatlantic relationship, the establishment of the Atlantic Community Treaty Organization could overcome the long-standing dichotomy between NATO and the EU. As already mentioned, this new organization would benefit from the combination of existing hard- and soft-power capabilities. The OSCE should continue to play an important role because most of its field activities address the fundamentals of soft power, i.e. the establishment of democratic principles and institutions. Furthermore, the OSCE's presence in such important areas as the Caucasus and Central Asia makes it extremely well positioned to help the Atlantic Community Treaty Organization stabilize these potential hot spots in a coherent and concerted way.

Finally, international financial and trade institutions must be considered as instruments through which soft power bears economic fruits. For that purpose, the architecture of international trade and finance needs to be further developed by attributing more importance to, among other things, the interdependency of the transition to a market economy and relevant cultural and societal adaptations,¹⁹ the relationship between trade liberalization and security policy (e.g. noting that terrorists seem to have benefited from the liberalization of financial and telecommunication markets) as well as intellectual property rights, health issues and regional development (e.g. the role of pharmaceuticals in providing AIDS treatment to the developing world).

Expanding the Role of Cultural Diplomacy

A key instrument in socialization and building up a common memory, cultural diplomacy has declined in importance since the end of the Cold War.²⁰ The value of culture as a means of forging trust has been rediscovered recently in the form of so called "hearts and minds campaigns", especially targeting the Muslim world. However, it is simply not enough to use these campaigns as mere end-of-pipe solutions to convince people that, for instance, the bombs that have been dropped did not target them but their leaders. In dealing with countries that have so far not benefited from the "Western model" and which thus tend to oppose it, cultural knowledge plays an indispensable role by facilitating understanding of the complexities of these societies. Compared with other policy instruments, cultural exchange programmes, education and training and other forms of cultural diplomacy are

19 Cf. Michael Mosseau, Market Civilization and Its Clash with Terror, in: International Security, 3/2002, pp. 5-29.

20 For a discussion of the impressive photograph exhibition "After September 11: Images from Ground Zero" see: Liam Kennedy, Remembering September 11: photography as cultural diplomacy, International Affairs, 2/2003, pp. 315-326.

extremely inexpensive, but yield a high long-term return by broadening our understanding and forging personal ties. For this reason, Atlantic Community members should develop a soft-power culture strategy that identifies ways of increasing understanding of our culture among other societies and entering into sustained dialogue with them. Existing international co-operation schemes for key areas such as the Mediterranean region should be harmonized,²¹ budgets and the existing infrastructure of embassies, cultural foundations and even trade associations could be pooled in order to yield maximum benefit for all participants, and civil society networks at home and abroad should be actively engaged and strengthened.

A Hard Sell

At the current time, as mutual antagonisms still simmer across the Atlantic, it will be difficult to begin the process of enhancing the framework for transatlantic co-operation. Even as the French and German governments have tried to repair some of the damage done to their relations with Washington, emotions have remained high on the western shores of the Atlantic. Calls for strategic divorce abound, suggesting, for example, that “[i]gnoring ‘Old Europe’ on questions of grand strategy will liberate the United States, freeing us at last from the failed European model of diplomacy that has given the world so many hideous wars, dysfunctional borders and undisturbed dictators.”²² On the Atlantic’s eastern shores, there are calls for renewed efforts to accelerate the European unification process to build a counterweight to the American superpower.

However, the time will come when wiser heads prevail. The American people do not want and will not support US policies whose consequences include responsibility for post-war reconstruction wherever US forces intervene to defeat dictators or ferret out terrorists. The best way to share the burden of maintaining international peace and stability is to work with like-minded allies. In spite of recent differences, the European members of NATO and the members of the European Union are the closest thing the United States will find to “like-minded” nations anywhere in the world. This reality will not be

21 The OSCE’s Mediterranean Partners for Co-operation include Algeria, Egypt, Israel, Jordan, Morocco and Tunisia. NATO’s Mediterranean Dialogue covers the same countries and also includes Mauritania. The EU’s Barcelona Process includes the OSCE’s partner countries and the Palestinian Authority, Lebanon, Syria, Turkey, Cyprus and Malta. In addition, the EU maintains a complementary Middle East Peace Process and relations with Middle Eastern countries in the Gulf region.

22 Ralph Peters, *Au revoir, Marianne ... auf Wiedersehen*, Lili Marleen. *The End of America’s European Romance*, published in: *Frankfurter Allgemeine Zeitung*, 15 May 2003, with the title “Hitler war wenigstens ehrlich. Ihr widert uns an: Die Amerikaner sind mit den Deutschen fertig”; the English version can be found at: <http://209.157.64.200/focus/f-news/922556/posts>.

changed by the current ranting and raving about the ill-conceived diplomacy of France, Germany and Belgium during the Iraq crisis.

Meanwhile, the process of building Europe will continue, but the varied European reactions to the war against Iraq demonstrate how diverse Europe remains. Europe cannot be successfully constructed while transatlantic discord prevails. Successful construction of a more united Europe will be possible only in the context of a working transatlantic relationship.

And so, the bottom line for both the United States and Europe is that they must find a common way to move on. On the European side, a greater willingness to see the advantages of hard-power capabilities must be combined with resources to create hard-power options – or at least the possibility for European nations to contribute to hard-power-solutions. For its part, the United States needs to find a better balance between soft- and hard-power instruments in its foreign- and security-policy tool kit. NATO remains relevant as an instrument for building transatlantic coalitions to deal with contemporary security problems. The OSCE is critically important for the application of soft-power resources to problems within its area of influence. A new Atlantic Community Treaty Organization would provide a framework for bringing US and European soft-power resources to bear on problems beyond Europe, where the United States and Europe have common interests.

A soft-power solution will not remove the need for credible military options. However, an effective marriage of US and European soft-power resources could help prevent some problems from becoming military challenges. It could enhance the ability of the international community to deal with post-conflict scenarios in ways that promote stability. Future transatlantic co-operation will require an effective blending of soft and hard-power resources from both sides of the Atlantic. The question today is whether the United States will continue down a unilateralist, heavy-on-the-hard-power path or will find a balance between the use of its hard and soft power that strengthens alliances, wins the hearts and minds of potential adversaries and reduces the occasions on which the United States actually has to use its impressive hard-power capabilities. Establishing the new Atlantic Community Treaty Organization would be a good first step in this direction.

The Role of the OSCE as a Regional Security Organization in Combating International Terrorism¹

The Organization for Security and Co-operation in Europe (OSCE) includes the word “security” in its name because it emerged from the CSCE (Conference on Security and Co-operation in Europe), a series of conferences held since the 1970s on overcoming the East-West conflict and on the creation of a security space stretching “from Vancouver to Vladivostok”. At the start of the 1990s, with the institutionalization of the CSCE and its renaming as the OSCE, it was hoped that the Organization would become *the* interstate regional security organization in the “northern hemisphere”, creating security in the entire region through bilateral and multilateral co-operation and confidence-building measures in security-relevant areas.

In the very early days of the CSCE, security was already recognized to go beyond military matters and to encompass economics, the environment and the collective and individual rights of human beings in the participating States (human rights, minority rights, democracy, rule of law and culture). This found expression in the “three baskets” of the Helsinki Final Act of 1975.

This philosophy is also evident in the more than twenty OSCE missions deployed so far, in the establishment of the Office for Democratic Institutions and Human Rights (ODIHR) and the creation of the offices of the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media.

Before 11 September 2001, combating international terrorism was just one among many aspects of promoting security in the OSCE. The attacks on the World Trade Center and the Pentagon, however, led to the immediate adoption in Bucharest at the annual OSCE Ministerial Council on 3 and 4 December 2001 of a Plan of Action for Combating Terrorism.² The Action against Terrorism Unit (ATU) was established within the OSCE Secretariat in Vienna, and the post of Co-ordinator on Anti-Terrorism Issues was created within ODIHR in Warsaw with the task of co-ordinating all projects and joint activities related to terrorism with the Secretariat.

On the basis of the 2001 Action Plan, the ATU’s tasks include monitoring the 55 OSCE participating States’ accession to and implementation of

¹ This article reflects the personal opinions of the author.

² Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 391-417, therein: The Bucharest Plan of Action for Combating Terrorism, pp. 395-402.

the twelve UN conventions and protocols related to terrorism. The OSCE is providing participating States with advice and support in this area. Since the adoption of the Action Plan, the process of OSCE States' accession to the UN conventions has accelerated considerably. ODIHR has been tasked with offering them technical assistance on the legislation and implementation of the twelve UN conventions upon request. In the meantime, the Co-ordinator has initiated a joint programme with the ATU to provide support primarily to the countries of Central Asia and the Caucasus. On 10 and 11 February 2003, the OSCE, the British government and the United Nations Office on Drugs and Crime (UNODC) organized a seminar on technical assistance for Central Asian states in the implementation of UN Security Council Resolution 1373 on combating terrorism. ODIHR translated background information on legislation in this area. In March and April 2003, the OSCE arranged for experts to be sent to the Central Asian states. Similar programmes are planned for the Caucasus.

In 2002, the Co-ordinator of OSCE Economic and Environmental Activities conducted joint seminars in Kyrgyzstan and Kazakhstan with the UN Global Programme against Money Laundering (GPML) and developed recommendations for each government on implementing the relevant UN conventions. Both institutions also offered to conduct similar seminars in other OSCE States.

The Strategic Police Matters Unit (SPMU), created in 2002 within the OSCE Secretariat, offers assistance in implementing legal provisions to improve participating States' ability to uncover extremism and to react to extremist activities. Both the OSCE Secretariat's Conflict Prevention Centre (CPC) and its Strategic Police Matters Unit are offering to support participating States in improving border controls and border control systems on request.

Within the framework of the OSCE Forum for Security Co-operation, the questionnaire on the Code of Conduct was expanded to include questions related to terrorism. An expert meeting took place in May 2002, at which representatives of the United Nations Office for Drug Control and Crime Prevention (UNODCCP; since October 2002 UNODC) and NATO also participated. At this meeting, the threat of terrorism in the OSCE area was addressed from a military standpoint. Other events included a high-level meeting in Lisbon in June 2002 and a meeting with regional and subregional organizations and initiatives in the OSCE area in September 2002. This event focused mainly on discussing current and planned projects. An important topic is providing participating States with support in identifying and dealing with forged identity papers and other documents.

On 7 December 2002, the OSCE Ministerial Council in Porto adopted the OSCE Charter on Preventing and Combating Terrorism,³ which establishes a framework for further OSCE activities in this area.

The OSCE is planning numerous projects that, alongside border monitoring, primarily concern measures related to domestic security, the police and the judiciary in the economically weak OSCE States of Central Asia and Eastern and South-eastern Europe. Most of the projects related to terrorism come under the human dimension. As a rule, financing for these projects is obtained through voluntary contributions by individual OSCE participating States. Germany is, alongside the USA, one of the biggest donors.⁴

On 6 March 2003, a special meeting of the Counter-Terrorism Committee (CTC) of the UN Security Council took place, at which the role of regional organizations in combating national and international terrorism was discussed.⁵ In conclusion, the participants agreed to improve information exchange, in particular regarding best practices and standards. For its part, the CTC is to draw up and maintain an up-to-date list of contacts and to prepare an annual directory of relevant activities. This aims to avoid the unnecessary duplication of work and to intensify the efforts of each organization to combat terrorism within the scope of its specific mandate. Furthermore, the CTC will seek to use its influence to convince member and participating States to give combating terrorism the highest priority.

The OSCE is particularly concerned to assist participating States in ensuring that measures taken to combat terrorism are in accordance with the human-rights standards and commitments – the so-called “human dimension” – of the OSCE. Unfortunately, there are indeed good grounds to be concerned that measures to combat terrorism can be accompanied by human-rights violations and that the fight against terrorism can be used as a pretext for infringing the rights of “undesirable” political opponents. Restrictions on civil rights in OSCE participating States are a cause for concern (for example, on freedom of the press, on which particular emphasis has been laid by the OSCE Representative on Freedom of the Media).

How realistic are the expectations that the OSCE can play more than a minor supplementary role in combating international terrorism? Given the current crisis within major international organizations such as the UN and NATO, hopes should not be raised too high.

The OSCE’s role in combating terrorism is restricted by the following deficits, in particular:

To date, the 55 participating States have not been able to agree on giving the OSCE the status of an international organization under international

3 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 und 7 December 2002, printed in this volume, pp. 421-455, herein: OSCE Charter on Preventing and Combating Terrorism, pp. 425-428.

4 Information on all OSCE projects and the status of their implementation can be accessed at the OSCE website at: <http://www.osce.org/osceprojects/index.php>.

5 Cf. Report of the OSCE Secretary General of 25 March 2003, SEC.GAL/53/03.

law. This stems from the fact that participating States, especially the USA, Russia and the EU states, cannot agree on the role the OSCE should play as a regional arrangement under Chapter VIII of the UN Charter.

The OSCE's main decision-making body – alongside the annual Ministerial Council – is the Permanent Council in Vienna, which is composed of the permanent representatives of the participating States. In this Council of 55 states, all decisions are reached through consensus. This has the advantage that the participating States must share responsibility for decisions once they have been passed. However, decisions based on compromise are often reduced to a lowest common denominator containing vanishingly little of substance.

The annually rotating Chairmanship-in-Office carries limited decision-making authority. Recent Chairmanships have repeatedly been weakened by unforeseen events such as the Kosovo war in 1999, the "EU boycott" of the Austrian government in 2000 and the unexpected change of government in Portugal in 2002.

The OSCE Secretary General has relatively few competencies compared to the Secretaries General in other organizations. His function consists primarily of advising the Chair. In addition, he acts as the head of the Secretariat, a provider of services for the participating States and OSCE field activities. He has no authority over other OSCE institutions and missions and cannot even compel them to abide with financial and administrative regulations.

Around 80 per cent of OSCE expenditure goes to the missions. In 2003, the Organization's budget was 185.72 million euros, compared to 177.5 million in 2002. In theory, Heads of Missions are accountable to the Permanent Council. However, when Heads of Mission appear before the Permanent Council, errors in administrative and personnel policy, which are the responsibility of the missions, are very seldom addressed. In general, Heads of Mission are solidly supported by the delegations of their native countries. Consequently, such matters are usually discussed with representatives of the Secretariat, who do not, however, have the authority to issue instructions to the missions.

The majority of current and planned projects in the area of combating terrorism are being conducted jointly by ODIHR, the Secretariat and the missions. Because the OSCE – in contrast to UN organizations or the EU – has very little project funding of its own, it is dependent for its projects on its partners and the voluntary contributions of the participating States. About 90 per cent of these come from only a handful of countries, who thus have a dominant influence on the selection of projects to be funded.

The OSCE States in which missions are stationed often perceive them as restricting their sovereignty. The missions' mandates give voice to the fact that the states involved exhibit failings in the areas of democracy, human rights and the rule of law. The frequently repeated reproach that the OSCE is

one-sided is not justified inasmuch as, already in 1991, all participating States declared that “the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”.⁶ Host states have generally been disappointed in their hopes that they would receive material support through the presence of OSCE missions. They are thus often only prepared to accept those projects that bring them material advantages. Attempts to influence or control matters such as legislation and its implementation are accepted reluctantly and are viewed as interventions in the state’s internal affairs.

All these weaknesses restrict the role of the OSCE in combating terrorism. Furthermore, projects that have been planned have not yet found financing.

Nevertheless, the OSCE may still play a supplementary role in certain areas of the fight against international terrorism, acting in concert with other international organizations. But this will require that the participating States can summon the necessary political will to undertake reforms in relevant structures and decision-making processes and to provide the necessary funding for these. It will also be important to eliminate duplication and to replace competition between international organizations – which is currently widespread – in favour of stronger co-operation and co-ordination with international and national partners. The OSCE has the important task here of setting a good example. The Organization’s manageable size and relative transparency mean it is ideally suited to this role. It has also gained vast experience in the field, which it can put to good use.

Together with the Council of Europe, the OSCE can monitor the compatibility of each participating State’s anti-terrorist measures with their commitments to human rights and the human dimension of the OSCE. Thanks to its experience in police training and police monitoring in Kosovo, Macedonia, Croatia, Bosnia and Herzegovina and Serbia and Montenegro, the Organization can provide advice and assistance in this area to the participating States. This is also true of border monitoring (Georgia) and the large and complex range of tasks involved in promoting the rule of law. Whether and in what way the OSCE plays a role in combating terrorism depends on the oft-mentioned “political will” of the OSCE participating States – in particular that of the major powers, the USA and Russia. Nevertheless, the EU countries also have a special responsibility in this area.

6 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 605-629, here: p. 606.

The OSCE States: Their Interests and Commitment

Kazakhstan and the OSCE

Co-operation with international organizations and active participation in the work of multilateral forums play an essential role in the process of consolidating sovereignty, statehood and national security in the Republic of Kazakhstan.

One international body of vital importance for Kazakhstan is the Organization for Security and Co-operation in Europe (OSCE). Established in 1975 with the aim of initiating and developing a dialogue between the antagonistic blocs of the Cold War, the OSCE not only remains significant today, but has even intensified its activities directed at securing peace and stability in Central Asia.

Security, Stability and the Democratic Transformation of Kazakh Society and the OSCE

Kazakhstan joined the OSCE in January 1992, thus committing itself to the principles of the Helsinki Final Act. For this young state, it was an important step towards joining the global community. At the time of accession, it was assumed that close and constructive co-operation with international organizations would promote the development of friendly and constructive relations and that, for their part, the international organizations would contribute to strengthening democracy in Kazakhstan. On the basis of the various provisions of the Helsinki Final Act, the Charter of Paris for a New Europe and the Vienna and Budapest Documents, Kazakhstan assumed that its participation in the OSCE would ensure its involvement in the elaboration of a pan-European security model.

At the Helsinki Summit Meeting in 1992, the OSCE participating States agreed to begin the realization of a programme of co-ordinated support for recently admitted countries. The goal of the programme was to utilize the experience and the potential of the OSCE States in all the Organization's fields of activity.

In May 1992, Kazakhstan, as a full Party to the START-1 Treaty, signed the Lisbon Protocol, thereby committing itself to renouncing nuclear weapons. Kazakhstan was the first state party to the Lisbon Protocol to accede to the Nuclear Non-Proliferation Treaty (NPT) as a non-nuclear-weapon state. During the OSCE Summit in December 1994 in Budapest, the USA, the Russian Federation and the United Kingdom signed a memorandum on security guarantees with Kazakhstan, relating to the latter's accession to the

NPT as a non-nuclear state. Kazakhstan subsequently obtained similar guarantees from two other nuclear powers, China and France.

The government of the Republic of Kazakhstan thus proved with its actions its loyalty to the principles and goals of international security while creating a springboard to enable the best possible leverage of its foreign policy potential.

In recent years, co-operation between the Republic of Kazakhstan and the OSCE has taken on special significance. The Organization has extended its activities considerably in the Central Asian region, devoting special attention to solving economic and environmental problems and strengthening the corresponding dimensions of its work.

At the 1998 meeting of OSCE foreign ministers in Oslo, joint memoranda were signed on the opening of an OSCE Office in Almaty and on co-operation with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). The OSCE Centre in Kazakhstan was subsequently opened and successfully began operations. A series of joint projects were implemented with ODIHR and were well received in the OSCE.

The importance of our region for the OSCE was underlined by the establishment of the Personal Representative for Central Asia of the OSCE Chairman-in-Office, a post held by OSCE Secretary General Ján Kubiš from 2000 to 2002.

The opening of the OSCE Centre in Kazakhstan and the establishment of the post of the Personal Representative are evidence of intensified co-operation between Kazakhstan and the OSCE. This has included numerous trips by the directors of various OSCE institutions to Kazakhstan, the implementation of a series of OSCE seminars, co-operation in the preparation and implementation of parliamentary elections in Kazakhstan and the realization of various programmes in all three dimensions of OSCE activity: the economic and environmental, the human and the politico-military.

The good relations between Kazakhstan and OSCE Secretary General Ján Kubiš were shown by his personal participation at the summit meeting of the Conference on Interaction and Confidence-Building Measures in Asia (CICA) in Almaty (3-5 June 2002). The majority of conference participants held the view that co-operation between the OSCE and CICA would be mutually beneficial.

Evidence of constructive dialogue between Kazakhstan and ODIHR is provided by their collaboration on a document containing recommendations for electoral reform, which was used as the basis for changing the previous law on elections. ODIHR also organized the monitoring of parliamentary elections in Kazakhstan in the autumn of 1999 and has conducted programmes jointly with the Kazakh government within the framework of the memorandum on co-operation.

Kazakhstan has also co-operated successfully with other OSCE structures, including the Forum for Security Co-operation, the Office of the High

Commissioner on National Minorities, the Office of the OSCE Representative on Freedom of the Media, the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the OSCE Parliamentary Assembly.

The most important event at the time of the Millennium was the OSCE Summit in Istanbul at the end of 1999, at which the delegation of the Republic of Kazakhstan was led by President Nursultan Nazarbaev. At the Istanbul Summit Meeting, a series of basic documents on international security co-operation in the 21st century were adopted:

1. The Vienna Document 1999 on Confidence- and Security-Building Measures
2. The Agreement on Adaptation of the Treaty on Conventional Forces in Europe (CFE Treaty)
3. The Charter for European Security
4. The Istanbul Summit Declaration.

The Istanbul Summit was characterized by fierce debate on all points with the exception of the Vienna Document, which did not contain any substantial differences to the previous version of the Document from the year 1994.

The Summit Declaration and, above all, the most important document of the meeting – the Charter for European Security – contain no points whatsoever that run counter to the interests of Kazakhstan. On the contrary, our recommendations on the current relevance of the economic and environmental aspects of security were included in Point 5 of the Charter.

The Adapted CFE Treaty was amended to reflect Kazakhstan's new national and territorial ceilings for conventional armed forces and armaments as agreed with the Russian Federation.

According to the OSCE Chairmanship and the delegations of the participating States, President Nazarbaev's speech at the Summit Meeting testified to an honest striving on the part of our country to enter into dialogue with the international community and to continue to introduce democratic and market economy reforms. As was emphasized in the course of unofficial talks, this has become particularly clear in contrast to the negative position taken by the representatives of some other Central Asian countries.¹

Kazakhstan's vigorous dialogue with the OSCE continued during President Nazarbaev's visit to the Organization's Vienna headquarters on 24 and 25 February 2000. In his speech before the Permanent Council, the Kazakh President emphasized that the OSCE's function had changed considerably in the last decade of the 20th century as the Organization had started to perform early-warning tasks and to participate in conflict prevention and settlement.²

1 Cf. Saginbek Tursunov, *Dialog Kazakhstan s OBSE*, in: *Prioritety kazakhstanskoi diplomatii na rubezhe vekov*, Moscow 2000, p. 43.

2 Cf. President Nursultan Nazarbaev's speech given at the meeting of the OSCE Permanent Council, Vienna, 24 February 2000, in: *Diplomaticheski Kurer* 1/2000, pp. 72-75.

General guidelines for further co-operation between the Republic of Kazakhstan and the OSCE were established on the basis of agreements made in the course of this visit. The key issues identified were those which related to implementing economic reforms, solving environmental problems, and tackling the growing threats posed by terrorism, international drug trafficking and religious extremism. Kazakhstan and other countries that have chosen the path of democratization are currently undergoing a period of socio-political transformation. It is important that the scope of co-operation is able to expand in a way that takes account of the unique aspects of this transformation.

In June 2002, the first summit meeting of the Conference on Interaction and Confidence-Building Measures in Asia (CICA) took place in Almaty. For the first time, the Heads of State of 16 Asian countries met to declare their political will and interest in joining forces to find means to strengthen peace and stability in the Asian region. The concluding documents adopted at this summit meeting – the Almaty Act and the Declaration on Eliminating Terrorism and Promoting Dialogue among Civilizations – were the first steps towards achieving these goals.

At the end of 2001, Kazakhstan celebrated the tenth anniversary of its independence. In this period of time – short by the usual standards – important goals were achieved: Stable foundations for statehood were created, national unity was consolidated, and Kazakh society chose to take the path of democracy. In the words of President Nazarbaev: Democracy is our conscious choice.

Kazakhstan owes its successes in economic development and the solution of its social problems to its citizens, who belong to 100 different ethnic groups.³ National unity is an important factor in guaranteeing our country's domestic stability, without which the 35 per cent growth in gross domestic product in the last three years could not have been achieved. Today, around 70 per cent of the national budget is accounted for by social matters; the government has provided a billion dollars to pay for retirement benefits alone.⁴

Kazakhstan has developed an effective investment programme directed towards the socio-economic development of the country's rural regions. Implementation of this programme will make it possible to reduce poverty in our country. Moreover, by focussing primarily on small enterprises, the programme will create the prerequisites for the further growth of the middle class.

3 Composition of the population of Kazakhstan (1 January 2002): Kazakhs 55.8 per cent, Russians 28.3 per cent, Ukrainians 3.3 per cent, Uzbeks 2.6 per cent, Germans 1.8 per cent, Tatars 1.6 per cent, Uigurs 1.4 per cent, Belarusians 0.7 per cent, Koreans 0.7 per cent, Azeris 0.6 per cent, Turks 0.6 per cent, other ethnicities 2.6 per cent; see *Kazakhstanskaya Pravda*, 5 April 2003.

4 Cf. President Nursultan Nazarbaev's speech at the United Nations World Summit on Sustainable Development (WSSD) on 3 September 2002 in Johannesburg. Official website of the Ministry of Foreign Affairs of the Republic of Kazakhstan: http://www.mfa.kz/russian/art_040902CAR.htm (in Russian).

Kazakhstan was the first post-Soviet state to be recognized by the European Union and the US government as a country with a market economy. At the Earth Summit in Johannesburg, President Nazarbaev emphasized that in the ten years since the first Earth Summit in Rio de Janeiro, humanity has made no progress in solving the problems associated with poverty. He said this applied to practically all post-Soviet states, stressing that poverty provides the most fertile soil for the growth of terrorism, religious extremism and transnational crime. These problems he described as extremely acute in the states of Central Asia.⁵

The new security threats in the region pose a danger not only to the national security of Central Asian states, but also to the region's democratic achievements. The economic and political reforms implemented in Kazakhstan have no precedent in Central Asia. The result of these reforms has been the creation of basic institutions of democracy and civil society. The Parliament of Kazakhstan adopted the law "On Political Parties", which aims to increase the participation of citizens in political processes, to strengthen the role and the authority of political parties in the life of society and the state and to transform them into an effective instrument of civil society.

The following key points for achieving further democratization have been identified:⁶

1. Modernizing public administration. The Kazakh Parliament will shortly adopt the law "On Local Self-government", which will enable the resolution of numerous questions on the relations between the central government and the regions. Local administrative organs will acquire extensive competencies in areas including finance. There is no doubt that this law will promote the democratization of society.
2. Improving the electoral system. This is being carried out with the involvement of political associations, non-governmental organizations (NGOs) and, of course, the OSCE. A final document has already been produced; the proposals contained therein provide a foundation for changes and additions to the existing electoral law.
3. Further consolidation of the institutions of civil society. The number of NGOs has increased to 3,500. A policy on state support for NGOs was adopted in 2002, on which the law on non-governmental organizations will be based. An ombudsman institution was established in co-operation with ODIHR to complement the national system for the protection of human rights. By making use of this institution, citizens learn to protect their rights.

5 Cf. *ibid.*

6 Cf. on the following the main directions of foreign and domestic policy for 2004, address of the President to the people of Kazakhstan; 4 April 2003, in: *Kazakhstanskaya Pravda*, 5 April 2003. See also: Nursultan Nazarbaev, Main Directions of Foreign and Domestic Policy, in: *Kazakhstan Economic Review*, January-March 2003, pp. 15-24, at: <http://www.kazakhstaninvestment.com/support-files/ker-mar2003.pdf>.

4. Strengthening the role and enhancing the status of the media. The fate of Kazakhstan's democracy and the prospects for the country's progressive development will depend upon how the media develops. A new media law included further liberalization measures, consolidating media freedom. The state monopoly over the media has been abolished and 95 per cent of all media in Kazakhstan is now in private hands. Kazakhstan is occasionally criticized by international and non-governmental legal-rights organizations for its lack of democracy. However, while the situation may be far from ideal according to the standards of developed democracies, President Nazarbaev has emphasized that: "If one takes into consideration the standards of a country which has just overcome totalitarianism, the progress made has been monumental. To ignore the overall direction of the development of a state that is increasingly building liberal institutions means undermining the motivation for creating such institutions. We hope for a balanced assessment and understanding of the difficulties involved in reforming a society in transition. Our approach to fulfilling OSCE standards is based on the recognition that it will take a long time for them to take root throughout society."⁷
5. Improving the operations of courts and the legal system. With the support of ODIHR, an independent and effective court system is being built up in Kazakhstan. The adoption of the law "On the Court System and the Status of Judges", considerably increased the authority of the courts and established the irremovability and immunity of judges. Plans for the near future include the introduction of trial by jury and a system of specialized courts – predominantly economic and administrative courts.

At the same time, responsibility for the penal system is being transferred gradually to the Ministry of Justice. This will contribute to improving the treatment of prisoners. The same end will also be served by the work of ensuring that prison conditions in Kazakh penal institutions conform to the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. There are also plans to adopt a series of laws in the near future to improve prison conditions.

Kazakhstan's co-operation with the OSCE has recently undergone a qualitative improvement. The country is now more intensively involved in solving a broad range of politico-military, socio-economic and humanitarian problems.

7 Nursultan Nazarbaev, speech at the OSCE Summit in Istanbul, 18 November 1999, in: *Diplomaticheski kurer* 4/1999, p. 72 (author's translation).

In Central Asia today, processes such as the reorganization of the economy on market principles are accompanied by those such as the strengthening of the authoritarian basis of governance; growing national self-consciousness goes along with aggressive manifestations of nationalism and Islamic fundamentalism. Central Asia faces a growing problem of international terrorism and political extremism dressed up in religious slogans. The region also plays a major role in the international trade in illegal drugs.

One cannot exaggerate the importance of the OSCE's role in Central Asia. The Organization serves primarily as a well-established channel for co-operation between Europe and Central Asia. The OSCE is a regional arrangement, one of the most important organizations for peaceful dispute settlement in Europe and a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation. As far as its activities in Central Asia are concerned, the OSCE needs to refashion its methods to take into consideration specific regional conditions, innovative thinking and the prevailing moods of the populations in Central Asian societies.

The presence of an organization like the OSCE in the Central Asian region is indispensable for upholding peace and security. The provision of expert advice and the political support provided by OSCE institutions are particularly important aspects of this.

The OSCE is open to co-operation with other regions in many areas. The Istanbul Summit Meeting in November 1999 was the first whose documents contained explicit details of the growing significance of Central Asia for the OSCE. Thus, point 6 of the Charter for European Security states that the risks and threats to security in direct proximity to the region have an immediate affect on the security of the entire OSCE area. This has served to strengthen the Central Asian component of the OSCE.

The variety of potential issues and conflicts in the area gives rise to numerous topics for practical co-operation. The joint efforts of the OSCE and the countries in the region aim to promote the creation of economic and political ties and economic and democratic reform.

Stability in Central Asia represents a key requirement for security in the region, which borders on Afghanistan, Iran, China and Pakistan.

The following activities of the OSCE are particularly important for the democratization of the countries of the region:

- Assistance in the fight against drug trafficking and drug addiction
- Co-operation in fighting terrorism and religious extremism
- Military aspects of security, including concrete confidence- and security-building measures in the CIS area
- Co-operation on reducing tensions in conflicts relating to finite water resources

- Support in consolidating Central Asian integration
- The work of the numerous OSCE missions that contribute to early warning, conflict prevention and crisis management
- The diffusion of OSCE norms and standards in the human dimension
- The activities of ODIHR.

A Kazakh Perspective on Ways to Revitalize the OSCE

With Central Asia one of the topics currently being prioritized within the OSCE, it is vital to grasp the opportunities the Organization provides to resolve our republic's economic and environmental problems and regional-security issues. It is particularly important to make more active use of the resources of the OSCE Centre in Almaty to ensure a broader Kazakh contribution to the work of different OSCE institutions.⁸

Kazakhstan's notification of its national and territorial ceilings for conventional weapons requires an intensification of work in the politico-military dimension within the scope of the Vienna Document 1999 and the Adapted Treaty on Conventional Armed Forces in Europe (CFE).

At present, the OSCE has a rich arsenal of political and legal mechanisms and procedures to settle and resolve conflicts between participating States. These include negotiation and consultation, mediation, fact-finding and rapporteur missions and conciliation and arbitration.

The CIS member states are in agreement that those involved in a conflict have the greatest responsibility for its solution. At the same time, however, they consider that more needs to be done to improve the mechanisms for mediation and peacemaking. The basis for this work is the policy on the prevention and management of conflicts on the territories of CIS states adopted by the Council of Heads of States of CIS countries on 19 January 1996. In addition, the OSCE needs to participate more effectively in conflict settlement in CIS member states, particularly with respect to providing resources and financing peacekeeping missions being implemented under CIS mandates.

It his statement at the OSCE Permanent Council meeting of 11 September 2002 in Vienna, the Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan, Kassymzhomart Tokaev, emphasized that it would be necessary to focus on implementing regional projects in the areas of strengthening security, economic development, environmental protection and combating international crime, including the drug trade.⁹

8 Cf. President Nazarbaev's speech given at the meeting of the OSCE Permanent Council, cited above (Note 2).

9 Cf. Statement by Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan Kassymzhomart Tokaev at the meeting of the OSCE Permanent Council, Vienna, 11 September 2002, at the official website of the Ministry of Foreign Affairs of the Republic of Kazakhstan: http://www.mfa.kz/russian/art_110902obse.htm# (in Russian).

The UN World Summit on Sustainable Development (WSSD) in Johannesburg, adopted the goal of developing mechanisms to overcome the contradictions of current economic and political developments. The most important task in this endeavour is to realize the right of every human being to a dignified existence. The OSCE can make a substantial contribution to performing this essential task.

It is also imperative to co-operate on solving the problems in Afghanistan. Peace and security in Eurasia depend upon the effectiveness of the international community's efforts to normalize the situation in this country. Afghanistan continues to be unstable and is a major source of drugs that reach Europe through Central Asia. The growth of foreign trade, the permeability of the region's borders, the existence of major international transportation routes and Kazakhstan's geopolitical situation mean that the territory is used as a "transit corridor" for illicit drugs. The main drug-smuggling routes from south-western Asia to European countries run through Kazakhstan. To be precise: Almost 65 per cent of the drugs produced in Afghanistan are transported through our country.¹⁰

The problem of Afghanistan's economic reconstruction is especially significant. Kazakhstan intends to be actively involved in the implementation of the international assistance programme for Afghanistan, the peaceful reconstruction of which will, without a doubt, have a positive effect on the fight against terrorism.

As far as Kazakhstan is concerned, the OSCE is strengthening its activities to combat terrorism at the right time. We welcome the establishment of anti-terrorist units in the Secretariat and ODIHR, the commencement of operations of the Senior Police Adviser and the strengthening of the activities of the Co-ordinator of OSCE Economic and Environmental Activities within the framework of combating terrorism.

"With a view to the OSCE's activity on preventing the dissemination of small arms and light weapons, we consider it possible that the OSCE can contribute to the organization of a conference on this topic under the auspices of the United Nations in the year 2003 in Kazakhstan. We assume that activities in this area will increase the effectiveness of the OSCE's Bucharest Plan of Action and Bishkek Programme of Action for Combating Terrorism. The realization of these plans should include strengthening border, customs, immigration and emigration authorities and taking combined action to combat the illegal drug trade."¹¹

10 Cf. Statement by Kassymzhomart Tokaev, Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan, at the general debate of the Ministerial segment of the 46th Session of the UN Commission on Narcotic Drugs, 15 April 2003, at the official website of the Ministry of Foreign Affairs of the Republic of Kazakhstan: http://www.mfa.kz/russian/art_150403.htm (in Russian).

11 Statement by Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan Kassymzhomart Tokaev at the meeting of the OSCE Permanent Council, cited above (Note 9, author's translation).

Kazakhstan is quite aware of how important it is for the Central Asian countries to co-ordinate their efforts in solving the acute problems they face. These include the need for rational and efficient use of water resources; the rehabilitation of the environmental disaster area of the Semipalatinsk region and the Aral Sea; preventing further soil degradation and desertification; and preserving biodiversity, especially in the region of the Caspian Sea. Only by joining forces to combat these problems can the countries of Central Asia ensure conflict-free and stable development in the region. Long-term assistance on the part of the OSCE is urgently necessary for this.

Co-operation in the development of fundamental principles in international law for water-resource management and the realization of a programme of measures to solve the region's economic and environmental problems would be of prime importance for this. We have made considerable progress in pushing forward international co-operation in this area. A series of agreements have been concluded with governments and individual authorities in neighbouring countries and other interested countries in Europe and Asia. Kazakhstan is also participating actively in the work of several regional organizations that address these issues.

The Central Asian states urgently need to secure their borders and to take decisive measures to fight the use of their territories as transit routes for illicit drugs. At the same time, however, the existing means are far from adequate to this task. Consequently, they have the right to expect comprehensive assistance in solving these urgent problems, including help from donor countries and international organizations.¹²

Kazakhstan supports the activity of the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the strengthening of his position, which will improve his ability to finance projects.

Kazakhstan upholds democratic values and is prepared to engage in constructive dialogue with the OSCE on the following questions:

- Compliance with international commitments in the area of human rights
- The development of democracy
- Building up civil society in the spirit of constructive partnership and mutual respect.

Inner stability and progress in the reform process are interdependent. Our experience makes it very clear that the hopes of success for economic and political reforms cannot be fulfilled without peace and stability in the country.

12 Cf. Statement by Kassymzhomart Tokaev, Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan, at the general debate of the Ministerial segment of the 46th Session of the UN Commission on Narcotic Drugs, cited above (Note 10).

The Activity of the OSCE from a Ukrainian Perspective

In 2002, Ukraine marked the tenth anniversary of its becoming an OSCE participating State. This article attempts to sum up the results of the first decade of Ukraine's participation within the largest (in terms of the number of participating States) and most comprehensive international organization in Europe and to formulate Ukraine's basic priorities for future co-operation within the scope of this organization.

Having become a participating State of the CSCE in 1992, Ukraine is now among the most active contributors to the Helsinki process. Ukraine's participation in OSCE field activities in the Balkans, Moldova, the Caucasus and Central Asia have enabled it to build up a reputation as an important player in European security and stability. About twenty representatives of Ukraine are currently active in the OSCE's long-term missions and offices in Bosnia and Herzegovina, Croatia, Georgia, Kosovo, Kyrgyzstan, Macedonia, Serbia and Montenegro and Tajikistan as well as in the Minsk Group, which deals with the Nagorno-Karabakh conflict.

In accordance with the resolution of the Ukrainian Parliament (Verkhovna Rada), "The basic directions of Ukrainian foreign policy" (adopted on 2 June 1993), Ukraine's participation in the OSCE is a key regional priority within the state's foreign policy. As stated in the resolution, collaboration with the OSCE facilitates "a full-scaled entry of Ukraine into the European space", as well as the use of OSCE mechanisms in order to guarantee its national interests.

Active and comprehensive co-operation with the OSCE is one of the most important components in the process of Ukraine's integration in Europe – the main strategic goal of the country's national foreign policy. One of the main tasks facing Ukraine is to strengthen the mechanisms within the Organization which promote the building of an effective international system of regional security, the resolution of problems connected with maintaining military and political stability in Europe and the development of constructive and fruitful co-operation between states.

Membership of the OSCE enables Ukraine to participate equally in the process of discussing and resolving ongoing contemporary and urgent problems of international security and co-operation. It provides Ukraine with the right and the ability to place impending threats to international security upon the agenda of this pan-European forum, to demand the investigation and discussion of possible violations of OSCE principles and standards and to count on the Organization's support in restraining states that commit such transgressions.

The OSCE Presence in Ukraine and Potential Future Forms of Co-operation

The OSCE Long-term Mission to Ukraine

The activities of the OSCE High Commissioner on National Minorities and the long-term OSCE Mission to Ukraine concerning the situation in the Autonomous Republic of Crimea provide an example of the successful implementation of the opportunities that OSCE membership brings. OSCE involvement has yielded positive results. The OSCE Mission to Ukraine was one of the first OSCE long-term missions to successfully complete its mandate as stipulated by the OSCE Permanent Council. The Mission was established in 1994 and closed on 30 April 1999.

OSCE Project Co-ordinator in Ukraine

In the second half of 1999, Ukraine's relationship with the OSCE took a new and innovative turn with the establishment, on the initiative of Ukraine, of the office of the OSCE Project Co-ordinator. According to Permanent Council Decision No. 295 of 1 June 1999, "[p]roceeding from the respect for OSCE principles and commitments and with a view to developing further the operational capabilities of the various dimensions of the OSCE, a new form of co-operation between Ukraine and the OSCE [...] has been] created [...] This co-operation will be based on the planning, implementation and monitoring of projects between relevant authorities of Ukraine and the OSCE and its institutions. Such projects may cover all aspects of OSCE activities and may involve governmental as well as non-governmental bodies of Ukraine."¹ This form of co-operation has functioned successfully for the past four years.

The Project Co-ordinator has been engaged in planning and implementing projects designed to assist relevant Ukrainian state bodies in adapting legislation, institutions and policies to the necessities of a modern democracy based on the rule of law in the age of globalization and the microelectronic revolution. The focus of this work was placed on strengthening the rule of law and good governance. The following ten projects have been successfully implemented:

1. Legal reform: providing assistance to Ukraine in adapting legislation related to the rule of law and human rights; disseminating relevant new legislation and facilitating its implementation; disseminating relevant international legal instruments
2. Reform of the registration system ("*propiska*"): assisting the Ukrainian authorities in developing a new system for registering citizens in accordance with international human rights standards

¹ Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 295, PC.DEC/295, 1 June 1999.

3. Supporting the official human-rights representative (ombudsman) of the Ukrainian Parliament: strengthening the ability of the Ukrainian ombudsman institution to promote human rights; providing advice and technical assistance
4. Combating trafficking in human beings: contributing to the efforts of the Ukrainian authorities to combat trafficking in human beings from and within Ukraine; continuing the witness protection programme, with a focus on co-operation with regional authorities
5. Assisting the Constitutional Court in coping with challenges related to the transition process: strengthening the judiciary's ability to enforce the Constitution
6. Assisting the Supreme Court: strengthening the judiciary's ability to promote the rule of law
7. Supporting the rule of law in the military sphere: providing assistance in addressing issues related to reforms in the field of military judiciary and law enforcement
8. Freedom of the media: assisting in adapting legislation, regulations and procedures to comply with relevant international standards regarding freedom of the media
9. Fighting corruption: supporting state prosecutors in combating corruption and in implementing anti-corruption measures in accordance with democratic norms and standards
10. Transparency in regional governance: improving transparency in the system of regional and local government; improving the standard of public information on the activities of the executive branch at regional and local levels.

Analysis of the implementation of these projects demonstrates that the mandate of the office of the OSCE Project Co-ordinator in Ukraine is near completion. It is therefore time to develop a new form of co-operation between Ukraine and the OSCE.

Ukrainian Proposal to Establish an OSCE Ethnic Research Centre

The Ukrainian Delegation presented a rough sketch of this proposal prior to and during the OSCE Istanbul Summit (November 1999). The idea is to found an Ethnic Research Centre under the aegis of the OSCE High Commissioner on National Minorities or the OSCE Secretary General. The proposal gained support among representatives of leading bodies of the OSCE, the Council of Europe and some participating States. It was also received positively by the then OSCE High Commissioner on National Minorities, Max van der Stoep, and was mentioned in the joint communiqué of the Ukrainian-American intergovernmental commission on co-operation.

Following extensive consultation with OSCE institutions and participating States, Ukraine officially submitted the proposal for consideration by

the OSCE Permanent Council. Unfortunately, there has of yet been no positive decision on the issue. There are, however, good reasons to implement this initiative, which I go into below.

The proposal for establishing the OSCE Ethnic Research Centre was based on comprehensive analysis of current political developments in the OSCE region. The end of the two-bloc confrontation of the Cold War era, the collapse of the Soviet multinational empire and similar state formations has brought about an absolutely new geopolitical situation. Its characteristic features are the emergence of many new independent states, the sudden awakening of ethnic and national self-consciousness, the struggle of peoples to overcome the unequal status they were accorded during the totalitarian era and the growth of movements for gaining and securing rights and freedoms.

Because of its complexity, this process could not help but give rise to problems and increased tensions in international and interethnic relations. Moreover, these were heightened by negative manifestations such as aggressive nationalism, chauvinism, and bellicose separatism. Such tendencies have contributed to many long-lasting, intense and bloody conflicts, which have threatened security and stability in all OSCE regions. Their resolution requires the combined efforts of the international community and the OSCE, the improvement and renewal of the appropriate OSCE instruments and the mobilization of all available resources.

The Istanbul Summit designated certain priorities in the spheres of crisis prevention and conflict settlement and the consolidation of stability and security in Europe. These are the strengthening of democracy, the protection of human rights and fundamental freedoms – in particular the rights of national minorities – and efforts to counteract intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism. The Summit stressed that issues of national minorities could be solved positively only within democratic political frameworks on the basis of the rule of law.² This will require comprehensive work on the part of the OSCE, and the continual active search for ways and means to improve the Organization and its institutions to create the necessary conditions for their successful functioning.

In this context, the utmost importance should be placed on the institution of the OSCE High Commissioner on National Minorities. Due to its past successes, it must play a major role in fulfilling this goal. This institution could gain considerably from the establishment within its structure of a research capability, which could provide vital academic assistance in developing new approaches based on thorough research to solving complicated and often delicate ethno-political issues. The Ethnic Research Centre is intended to fulfil this role.

2 Cf. 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: pp. 431-432.

In order to meet the demands vested in it, the Centre will have the task of carefully studying the status of interethnic relations, existing practices used to ensure the rights of national minorities in the OSCE region and the experiences of those involved. It will also be charged with preparing informational materials, providing expert advice and recommendations and initiating projects for dealing with various issues. The Centre will lay the theoretical groundwork for the OSCE's political activities, thereby enhancing the Organization's efficiency. The establishment of the Ethnic Research Centre would create new opportunities for representatives of the non-governmental sector to participate in OSCE activities. It would be an innovative development among security organizations in the Euro-Atlantic area and would increase the Organization's authority and influence. The Centre's mandate could include the following tasks and functions:

- Studying the ethnopolitical situation in the OSCE region to uncover potential problems and crises with an interethnic character, making prognoses regarding possible further developments and formulating proposals for action based on academic research aimed at early prevention and removal of threats to stability and security
- Formulating effective approaches and projects aimed at the peaceful political settlement of existing problems and conflicts with ethnic origins.

The Centre would also

- Monitor development of the situation in the above-mentioned areas by processing information supplied by field missions and other OSCE structures, the public institutions of participating States, and responsible non-governmental organizations
- Facilitate contacts and co-operation with research institutes and other relevant bodies in both participating and non-participating States with a view to using their state-of-the-art knowledge in its work on ethnic relations and applying it to OSCE peace initiatives.

The centre should focus on the following research areas and activities:

- Trends in the changing ethnopolitical situation in the region and the investigation and monitoring of issues that raise tensions in interethnic relations
- Ethnic factors in modern political processes and interstate relations
- National ethnic policies and legislation (international standards and practices), comparative studies of the status of national minorities in the countries of the region
- The evolution of ethnic and national identities, ethnic integration processes, the significant contribution of national minorities to building and consolidating democratic nation states, the integration of ethnic groups new to the region (refugees, deportees)

- Analysis and forecasting of the development of national and ethnic movements and their influence on state authorities.

The Centre needs to pay particular attention to research carried out worldwide on ethnic problems, conflict prevention and the experience of their settlement. It should employ representatives of leading research institutions and well-known conflictologists. These will develop research proposals on resolving crucial ethnic problems and prognoses and models of specific conflict-transformation processes. This should result in the development of effective measures founded on thoroughgoing research designed to counter ethnic problems. It would be expedient to set up a voluntary contribution fund under the aegis of the Centre with a view to covering financial expenditure related to its research. The Centre's remit could extend to

- Monitoring and the provision of confidential consulting services to participating States on issues they face relating to their ethnic minorities policy
- Holding conferences, workshops, seminars, round-tables and other events to initiate discussion of the ethnic issues primarily with a view to preventing and resolving conflict and crisis situations
- Setting up a database on relevant international experiences, publishing a periodic bulletin and other materials analysing the situation in problem regions, delivering expert assessments and proposals to the OSCE Chairmanship and institutions.

The effectiveness of the Centre would depend on the reliability of its contacts and the intensity of its co-operation with appropriate institutions within participating States, its perceptiveness regarding ethnic situations and relevant processes in the region and its flexibility in reacting to troublesome developments. This requires that it be located "in the thick of things", i.e. in a participating State whose geopolitical position makes it ideal to meet the aforementioned requirements. Ukraine is such a state. It has a convenient geographical position in Central Eastern Europe, is a post-Soviet state, and is situated relatively close to the majority of the burning epicentres of the continent's current conflicts. Further, establishing the Centre in Ukraine has the following advantages:

- Ukraine's non-aligned status and its close relationships with its neighbours and other countries
- The multi-ethnic population of Ukraine (with more than 100 ethnic groups) and its extensive and positive experience in implementing ethnic policy, resolving ethnic issues and ensuring respect for the rights of national minorities
- The absence of conflicts on Ukrainian territory as a result of the sensible Ukrainian nationalities policy

- The active participation of Ukraine in conflict resolution within the OSCE region
- Ukraine's possession of the intellectual potential and modern infrastructure necessary to support ethnological research, enabling rapid development of the Centre and its activities.

Ukraine already has a framework for carrying out research on interethnic issues, namely the Institute of Political and Ethnic Studies at the National Academy of Sciences of Ukraine, the premises of which could be modified for use by the Ethnic Research Centre. Several other institutions within the National Academy of Sciences of Ukraine are of relevance to the area, such as the Institute of State and Law (ethnopolitics), the Institute of Philosophy (ethnoconfessional problems, natiology), the Institute of Sociology (ethnosocial issues), the Institute of Art, Folklore and Ethnology (ethnography, ethnology), the Institute of Peoples' Studies in Lviv (ethnography, ethnology), departments of sociology and ethnology within institutions of higher education (universities and academies). Ukraine's National Institute of Strategic Studies and several other institutions also research ethnopolitical issues. The aforementioned institutions are well known in academic circles, have yielded substantial achievements in research and could become a bulwark of the Centre's activities.

If implemented, the Ukrainian initiative would bolster security and stability and would promote the European integration of post-Soviet states. Establishing the Centre would be a major step towards fulfilling the commitment, envisaged in the Charter for European Security, of improving the existing means of co-operation and introducing new ones to enable more effective responses to participating States' requests for assistance in implementing the rules and principles of the OSCE.³

The Ukrainian National Interest and the OSCE

The participation of Ukraine in the OSCE serves its basic national interests, such as the affirmation and development of Ukraine as an independent sovereign state, the guarantee of its territorial integrity and the inviolability of its borders, the stability of its international situation, the development of Ukraine as a democratic state based on the rule of law, the transformation of its national economy in accordance with market principles and the promotion of stable development in the interest of the general welfare of the population.

Ukraine's aims in participating in the OSCE are to increase the Organization's efficiency in preventing and resolving conflicts, crisis management and post-conflict rehabilitation. It also seeks to encourage full and detailed compliance with principles, norms and commitments adopted and fixed in the

3 Cf. Charter for European Security, cited above (Note 2), p. 430.

documents of the Organization, and at increasing the OSCE's contribution to the creation of a new and effective system of European security.

Ukraine is interested in broadening and deepening co-operation with the OSCE, its institutions and structures in order to make a concrete contribution to the Organization's peacemaking and peacekeeping activities. At the same time, it also desires to make use of the opportunities and assistance the OSCE can provide in accordance with Ukrainian national interests and requirements.

Ukraine's participation in the OSCE must promote acceleration of the country's strategic policy goal of European and Euro-Atlantic integration. It should be co-ordinated with the objectives and tasks of Ukraine's co-operation with NATO, the EU and the Council of Europe – the OSCE's partners in the new European security architecture.

The OSCE framework provides Ukraine with considerable opportunities to enhance co-operation with the EU, in particular on issues relating to the Common Foreign and Security Policy. Links between the OSCE and the European crisis response force, which is in the process of being established, will provide the possibility for participation of Ukrainian military units.

It is in the Ukrainian national interest to make maximum use of the OSCE's expert assistance in strengthening and further developing basic democratic principles, the rule of law, a market economy, and mechanisms for environmental protection within the country. This will require the promotion of a new form of co-operation between Ukraine and the OSCE, based on drafting and implementing projects in Ukraine that have a practical value for the state, and which leverage financial and expert assistance from the OSCE. Ukraine could work more closely with the institutions of the Organization, in particular with the Representative on Freedom of the Media, the High Commissioner on National Minorities and the Co-ordinator of OSCE Economic and Environmental Activities.

The fundamental criteria detailed above determine Ukraine's position on specific issues relating to its participation in the OSCE. These have served as a starting point, in particular, in defining the country's priorities and opportunities for their realization in the process of elaborating the common and comprehensive security model for Europe in the 21st century, which was carried out within the OSCE framework from 1995 to 1999, during the preparation of the European Security Charter as adopted at the OSCE Istanbul Summit (November 1999) and in the last three Ministerial Council meetings (Vienna 2000, Bucharest 2001, and Porto 2002).

The Istanbul Summit has opened a new phase in reshaping the European security landscape. The decisions taken at the Summit provide an excellent opportunity to further Ukrainian national interests, to strengthen the country's international prestige and its role as an important source of stability and an active contributor to European security.

The OSCE's key priorities at present include containing and overcoming certain negative tendencies in the Organization as well as further intensifying efforts to resolve ongoing conflicts and prevent potential new crises, primarily in South-eastern Europe and in "hot spots" within the post-Soviet region. In this respect, Ukraine supports the OSCE programme on creating and, if necessary, engaging Rapid Expert Assistance and Co-operation Teams (REACT) as well as measures related to international police activity.

Ukraine and the OSCE's Preventive Activities

By consistently increasing the level of its contribution to conflict prevention and peacemaking, Ukraine assists in creating stable, favourable conditions around its borders and in the OSCE region as a whole. In doing this it strengthens its role and authority within the OSCE.

Ukraine should assume an active role as a mediator and guarantor in resolving the Transdniestria problem. Its peacemaking potential should also be utilized in settling the conflicts in Abkhazia (Georgia), South Ossetia (Georgia) and Nagorno-Karabakh (Azerbaijan).

As one of the mediators and guarantors in the political process aimed at peacefully resolving the Transdniestria conflict, Ukraine supports the development of friendly and good-neighbourly relations with the Republic of Moldova and the rapid settlement of the Transdniestria problem. Ukraine is always ready to engage in constructive discussions with all parties involved. At the same time, it shares the concerns of the European Union and the OSCE regarding the stalemate in negotiations between the Republic of Moldova and the Transdniestria region. Since 1992, Ukraine has followed certain basic principles in acting as a mediator in the negotiation process on Transdniestria: the exclusive use of peaceful and political means; the maintenance of basic human rights and fundamental freedoms; the guarantee of the sovereignty and territorial integrity of the Republic of Moldova; the implementation of agreements; the adoption of mutually accepted decisions; the fulfilment by all parties of their obligations and guarantees; and the continuity of the negotiation process.

It is important to strive to realize the Ukrainian proposal for improving OSCE strategy on preventing conflicts within the OSCE region. To this end, a high-level international seminar on "Preventive functions of the OSCE: experience, opportunities and tasks" was held in Kiev under the auspices of the OSCE on 8-9 October 2001. Around 150 senior officials, NGO representatives and academics from more than 50 OSCE participating States took an active part in the seminar along with the Minister for Foreign Affairs of Ukraine, Anatoly Zlenko, and OSCE Secretary General, Ján Kubiš. During the seminar, careful analysis was undertaken of the most important elements of preventive activity being carried out in the OSCE region: the main stages

of conflict prevention within the basic dimensions of security and the effectiveness of the instruments used; the general role and specific activities of international organizations and structures active in prevention in the region; and the necessity of consolidating and co-ordinating approaches and activities in the area of prevention. As these issues were discussed, achievements were noted and positive experiences were exchanged. At the same time, a number of flaws and weaknesses were revealed, highlighting areas requiring improvement.

Of particular relevance were those speeches relating to strengthening preventive activity in the struggle against international terrorism. This problem has assumed priority status on the Organization's agenda in view of the tragic events of 11 September 2001 in New York and Washington – just four weeks prior to the seminar.

The summary of the seminar's discussions confirmed that prevention is becoming the fundamental factor in maintaining and consolidating peace and security.

The discussions revealed once again the need for a comprehensive approach in researching the roots of and reasons for tensions and conflicts, in effectively preventing them and in elaborating and implementing measures to nip emerging crises in the bud.

Analysis of the situation in the OSCE region has demonstrated the need for a decisive strengthening of preventive activity in the later post-conflict stages in order to ensure that tensions do not flare up again and that no complications arise. This approach should accelerate the settlement of both so-called "frozen conflicts" in the post-Soviet area as well as the resolution of current problems in the Balkans. The discussions also demonstrated the need for the practical realization of the premise, set out in the Charter for European Security, that – taking into consideration the interdependency of every security dimension – each should be treated as a component of an integral whole. This requires the consolidation of preventive activity, first and foremost in the economic and environmental spheres.

The seminar's conclusions confirmed that the best way to provide for a comprehensive approach to preventive activity is the further co-ordination of preventive efforts both within the OSCE and, more importantly, between the OSCE and its partner organizations. In this context, the further development of practical co-operation and co-ordination of the OSCE's preventive activities with those of the UN, the EU, the Council of Europe and NATO and the consolidation of co-operation activities with subregional structures and institutions are of great importance.

The prevention strategy developed by the UN and the implementation of the "EU Programme for the Prevention of Violent Conflict" endorsed by the Gothenburg European Council in June 2001 provide the OSCE with ample opportunities for improving and expanding preventive activities. Ukraine believes that the OSCE must co-operate closely with the other organizations

mentioned here in the name of complementarity, reinforcement and mutual support and should actively take advantage of their assistance, particularly in areas where OSCE expertise and potential are limited as, for example, in the economic and environmental dimension of security. Consolidating co-operation between partner organizations in the field of prevention will accelerate the process of finding solutions to existing conflicts, increase the effectiveness of conflict prevention and provide an opportunity to take an important step forward in furthering the consolidation of security and stability in the OSCE region.

In examining ways of extending the OSCE's role in international peacemaking, it is necessary to take into account the limited ability of the Organization to confront contemporary challenges and threats unilaterally. This makes it vital to realize the Platform for Co-operative Security adopted within the Charter for European Security. This document stipulates the need to strengthen and develop OSCE co-operation with the UN, the EU, the Council of Europe and NATO on the basis of complementarity and equality. In this respect, the framing of concrete mechanisms for interaction among the various organizations, particularly in crises situations, becomes very relevant.

Given that the main causes of long-term crises and conflicts include the arbitrary and selective observance of the basic principles and norms of the OSCE, there is an urgent need to maintain and uphold the requirements of the Helsinki Final Act. Participating States reconfirmed their commitment to this document at the Istanbul Summit.

In this context, all member states and organizations that participate in the Platform for Co-operative Security should strictly adhere to the recognition of the primary responsibility of the UN Security Council for the maintenance of international peace and security and its crucial role on these issues in the OSCE region, which is confirmed in the European Security Charter⁴ as well as their obligation to avoid the use of force or the threat of force and to resolve disputes in a peaceful manner.

International Efforts to Reform the OSCE

The session of the OSCE Council of Ministers of Foreign Affairs held on 3 and 4 December 2001 in Bucharest was the culminating moment for positive shifts that had significantly intensified during preparation for this session. Here, it became clear the Organization has managed to overcome certain negative tendencies that had become evident after the Vienna Ministerial Council.

The positive changes, which were accompanied by an atmosphere of stronger mutual understanding and partnership among participating States,

4 Cf. Charter for European Security, cited above (Note 2), pp. 428-429.

provided an opportunity to agree upon and update important issues concerning OSCE activities.⁵

Following the adoption of key documents on the role and tasks of the OSCE in the fight against terrorism – which represents the inclusion of a new and extremely important area of activity in the Organization's mandate and significantly increases its contribution to peace and security – the Ministerial Council in Bucharest made the first significant steps towards reforming the OSCE. During the meeting, a decision was made to give the OSCE a new role as a forum for political consultation on European security issues.

Continuing the course of removing imbalances in the activities of the OSCE, the Ministerial Council, while focusing the attention of the Organization on human aspects of security, has also defined steps for intensifying activities in the economic-environmental and politico-military dimensions. It was decided to create a sub-committee within the Permanent Council to deal with economic and environmental issues. The Co-ordinator of OSCE Economic and Environmental Activities was to provide this sub-committee with all necessary support in its work.

Another very important OSCE institution is the Forum for Security Co-operation (FSC). While it will maintain its autonomy and continue to fulfil its functions, it also needs to update its activities to take account of new challenges to security and to orient its work more closely to the Organization's current priorities. Closer contacts between the Permanent Council and the FSC have been established to enable this. In response to the proposal that the police be provided with a greater role in confronting new challenges and threats, upholding the rule of law and protecting democratic institutions, and given participating States' increasing requirements for assistance in this area, it was decided at the Ministerial Council meeting in Bucharest to intensify relevant OSCE activities. This includes providing participating States who request it with support in the area of police activity, performing expert analyses of conditions in interested countries, consulting, advising and making recommendations and providing courses on or establishing schools for police training on the basis of generally accepted international standards.

As regards the OSCE's legal status, the Ministerial Council directed the working group on the OSCE's legal capacity to continue its work and to prepare specific proposals for consideration.

Many important decisions, including those mentioned here, have only become possible thanks to agreements reached between leading OSCE participating States, especially the USA and the Russian Federation, and between NATO and the Russian Federation resulting from improved relations between the parties concerned.

5 On the following, see Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 391-417.

The about-face in the US position, the desire to provide Russia with an important role within NATO activities, Russia's positive reaction to the proposals made by the USA and NATO – all of these have combined to change the Russian Federation's treatment of the Alliance and have reduced or eliminated some of the differences in the positions of the states in question with respect to the OSCE. It is now possible to bring closer the two principle approaches to the role of the OSCE – the course of reform, which focuses on strengthening the OSCE's position, both legally and in general, on enhancing its role with the aim of making it the leading and co-ordinating organization among all the security institutions in the region and the course of preserving the OSCE's distinctive features, i.e. its focus on the functions of preventive diplomacy, civil peaceful activity and the human dimension. Collective and constructive approaches will need to be defined. Evidence of the beginning of such a process is provided by the existence of a consensus on the necessity of the OSCE to reform in order to increase its effectiveness. It is obvious that this process will not be an easy one.

As the OSCE is the only security organization in the region in which Ukraine is a full-fledged member and can protect its national security interests, Ukraine is interested in strengthening the Organization and increasing its effectiveness. Ukraine is therefore fully supportive of OSCE reform. Together with other participating States, Ukraine committed itself to adhere to the Platform for Co-operative Security, just as to the principle decrees of the European Security Charter. According to these, the OSCE should play a key integrating role, acting as a flexible co-ordinating framework for the development of complementary and mutually supportive co-operative efforts among organizations, while avoiding hierarchies and ensuring effective distribution of labour and responsibility among them. Ukraine's policy on OSCE reform, as on the OSCE's activities in general, should take into account both Ukrainian national interests and the positions of leading participating States. The main negative tendencies must be overcome, and constructive compromises and concise decisions based on adherence to the principles, norms, commitments and decisions of the OSCE must be reached.

With regard to OSCE reform, Ukraine should focus on realizing in full the decisions adopted at the Bucharest and the Porto meetings of the Ministerial Council. The Organization needs to introduce specific measures to begin full-scale activities as a proper forum for political dialogue as defined at those meetings.

One important task is to strengthen the political and military dimensions of the OSCE. With this in mind, the FSC should work to increase security in the OSCE region by including the task of resolving the conflicts in Abkhazia (Georgia), South Ossetia (Georgia), Nagorno-Karabakh (Azerbaijan) and Transnistria (Moldova) on its agenda.

As is true of most states with transition economies, one of the Ukraine's priorities is strengthening the economic and environmental dimension of the

OSCE. One aspect of this is to promote the work of the relevant sub-committee already established within the Permanent Council. This sub-committee must become the key body charged with assisting countries with complicated economic problems. The sub-committee should work to broaden the mandate and increase the effectiveness of the Co-ordinator of OSCE Economic and Environmental Activities. Both the role of the Co-ordinator and the OSCE Economic Forum, which is held each year in Prague, should more closely relate to the needs of participating States with transition economies.

Attention needs to be devoted to improving the OSCE's management. It is necessary to define strict parameters for its activities, removing any opportunities for voluntarism, unilateralism, the weakening of the OSCE's consensus character or the use of double standards in its work.

Appropriate procedures should be adopted to improve the Organization's efficiency. These should ensure that duties are executed properly, thereby increasing the effectiveness of institutions, missions and other forms of OSCE presence within participating States.

Ukraine should take more part in the OSCE's working-groups and field missions. This could also help resolve issues regarding the selection of specialists from participating States for work in OSCE structures and the Secretariat. The Organization should strive for a high degree of professionalism and the fair geographic distribution of staff.

The idea of giving limited legal authority to the OSCE and granting immunities and privileges to the Organization, its structures and its representatives should be supported.

The most important aspect of Ukraine's participation in the OSCE today involves using the OSCE framework to contribute to the country's integration in Europe and the Euro-Atlantic region. Ukraine's ambitions to eventually join the EU are particularly important in this respect. With this aim in mind, it is important that the Ukraine continue to develop its co-operation with the group of EU member states within the OSCE. The practice of regular consultations with the EU group to promote common initiatives and support EU proposals (where they are acceptable to Ukraine) should be extended.

It is also in Ukraine's interest to promote co-operation between the EU and the OSCE in the question of deploying EU peacekeeping forces within the scope of OSCE operations. Constructive co-operation between the EU and the OSCE could be furthered on the basis of the above-mentioned "EU Programme for the Prevention of Violent Conflict". The Programme puts forward important proposals for interaction with the OSCE on the basis of mutually reinforcing, effective partnership and the principle of comparative advantage.

II.

Responsibilities, Instruments, Mechanisms
and Procedures

Conflict Prevention and Dispute Settlement

The OSCE Presence in Albania – Raison d’Etre and Future Plans

Introduction

For centuries, the only people to whom the name “Albania” meant anything were military experts, diplomats and a handful of historians and linguists. Things have not changed much to this day. Though merely an hour or two by plane from the capitals of Central Europe, Albania remains largely terra incognita. During the 1990s, there were a few exceptional occasions when Albania impinged on public consciousness: firstly when, following the collapse of the dictatorship that will always be associated with the name of Enver Hoxha, tens of thousands of exhausted people attempted to flee to Italy aboard rusting ships; later, in relation to the nationwide unrest of 1997, caused by the collapse of several massive pyramid investment schemes; and finally, in the context of the Kosovo war, as hundreds of thousands of Kosovo Albanians sought refuge in northern Albania. However, following the apparent end of (or respite in) South-eastern Europe’s major interethnic conflicts, the interest in this region on the part of Western governments and the Western media has declined in favour of other parts of the globe. This is particularly true of Albania.

The history of Albania, which is situated in the far south-west of the Balkan peninsula, consists of a virtually unbroken chain of conquests by foreign rulers. Each of these left their mark on Albanian culture, combining to create an extremely distinctive whole. Archaic ways of life, which have survived in the inaccessible northern mountains in particular, are as much a part of Albania’s unique make-up as is the search for a new identity that has followed the fall of the dictatorship and the massive influx of Western information. These events ended the strict isolation in which generations of Albanians had been raised with a strong sense of national pride and a fixation on their own ethnicity, causing a major crisis for – and occasionally completely reversing – the positive image of what it means to be Albanian. In contemporary Albanian society, one thus finds aspects of traditional societies – such as the important place given to concepts such as pride, honour and vengeance (including blood vengeance) – combined with a strong desire to be included in the process of European integration as quickly and completely as possible, so that Albania can finally arrive where it has always geographically belonged: in Europe.

There can be no doubt that – taking into account the specific histories of the countries in the region – Albania has made more progress during the last decade than any other state. This point was made in early March 2003 by the

country's then Deputy Prime Minister and Foreign Minister, Ilir Meta, at a meeting in Tirana with representatives of the OSCE's Parliamentary Assembly. Among the OSCE parliamentarians present were representatives of three further transition countries: Slovenia, the Czech Republic and Romania. When asked about the particularities of Albania's situation, Meta stressed that one should not forget the unparalleled backwardness of the country (in European terms), which the Albanians have had to overcome since the overthrow of the dictatorship. The significant progress that has been made by the democratic Albania can only be measured against this specific history.

The OSCE Presence has been working in Albania since March 1997.¹ It has a broad mandate that encompasses promoting the rule of law, democratization, media development, human rights, monitoring the collection of small arms and light weapons and the preparation and monitoring of elections. Given the situation in which the OSCE Presence began its work, another important aspect of its mandate was defined as ensuring flexible co-ordination of the efforts of the international community. Intensive activities have been undertaken over the last few years in all areas of the mandate, as clearly shown in the two articles that have previously appeared in OSCE Yearbooks.²

The Current Situation in Albania

The election in summer 2002 of Alfred Moisiu as President of the Republic of Albania, the result of a remarkable agreement between the country's two leading political figures, Fatos Nano, the Chairman of the ruling Socialist Party, and Sali Berisha, his counterpart in the opposition Democratic Party, must be counted a great success in the struggle for political stability in Albania. Although this pact has occasionally faced fierce criticism, particularly from the smaller parties, it remains in place, more or less, to this day.³ And although recent times in particular have seen tensions rise sharply between Nano and Berisha and near insurmountable divisions emerge between the government and the opposition, it is clear that the consensus has brought significant progress, allowing the country to overcome a number of difficulties that were the result of political confrontation. For instance, the two-year boy-

1 Established by: OSCE, Permanent Council, Decision No. 160, PC.DEC/160, 27 March 1997; this decision is based on Decision No. 158, PC.DEC/158, 20 March 1997. The mandate was expanded in the following Decisions of the Permanent Council: Decision No. 206, PC.DEC/206, 11 December 1997; Decision No. 218, PC.DEC/218, 11 March 1998, as of October 2003.

2 Daan Everts, The OSCE Presence in Albania, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 1999, Baden-Baden 2000, pp 271-282, and Kathleen Imholz, The OSCE Presence in Albania: From a State of Emergency to a Consolidated State, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2001, Baden-Baden 2002, pp. 159-166.

3 As of October 2003.

cott of the municipal councils of Tirana and Durres by the Democratic Party was ended by this means in September 2002. A form of reconciliation was also achieved in the matter of the circumstances of the 1998 murder of the opposition leader Azem Hajdari and the possible role played in it by the state security service. Finally, it also proved possible to overcome apparently permanent obstacles standing in the way of electoral reform.

For ten years, the political climate in Albania was dominated by mutual distrust and conflict between the two main political groups; a sense of deadlock dominated in many areas. By achieving consensus as described above, it was possible to overcome this and set about performing critical outstanding tasks. These included the reform of electoral and property law – two areas in which the OSCE Presence is involved. We support dialogue and encourage compromise, promoting a political culture based on factual discussions.

Wide-ranging public debate at the end of 2002, provoked by the parliamentary examination of the 2003 budget, raised astonishingly complex questions: What are the government's major priorities? Is it capable of identifying projects, financing them and planning their execution competently and comprehensively? A thoroughgoing debate over state finances was thus held for the first time. The active participation of the opposition in this process demonstrated once more the potential benefits that Albania could expect to gain from normalized political relations and healthy competition. A number of procedural issues were discussed in detail during the debate, which led to improvements in the process of adopting a budget for the coming year. The OSCE once more provided expert advice to help make this process a success.

In the run-up to the campaign for the October 2003 local elections, the rivalries between government and opposition parties once more came to the fore, and power struggles between the wings of each party increased. This war particularly evident in relation to the question of property-law reform.

In the interest of strengthening the opposition – not to mention improving his own prospects – the opposition leader Sali Berisha intensified his attempts to unite all right-leaning groups in order to bring about a change of government. He turned first of all to former members of his own Democratic Party and to other parties within the "Union for Victory" coalition which had been formed to contest the parliamentary elections of 2001. His proposals aimed at creating a new party through the fusion of all Albania's centre-right parties, or, at the very least, to build a new, clearly positioned and therefore stronger coalition. To make his preferred option of creating a new party more attractive, Berisha also announced that he could even envisage the formation of a number of separate factions within the proposed party.

On several occasions during his time in office, President Moisiu has demonstrated his ability to mediate between the parties, thereby facilitating bipartisan agreement on several questions of fundamental reform. He has repeatedly emphasized the high priority he ascribes to outstanding reforms in areas such as electoral and property law and improvements to the legal sys-

tem and has actively supported efforts to achieve them. Despite frequent and open differences of opinion, there is no doubt that both sides have contributed to a historic success. At the very least, the principal goals of the 2002 agreement between Nano and Berisha have been achieved.

Recognizing the progress that has been made towards carrying out necessary reforms and securing political stability, Romano Prodi, President of the European Commission, formally opened negotiations on the Stabilization and Association Agreement with Albania on 31 January 2003. This is, without a doubt, a milestone in the development of Albanian democracy and the country's international relations and ushers in a new phase in the transition process towards the adoption of European standards.

Subsequent months have shown, however, just how difficult the work of reform and reconstruction is. Albania has repeatedly been criticized by Brussels for dragging its feet in carrying out reforms in general, and in connection with fighting corruption and trafficking in human beings and drugs in particular.

There can be no doubt that Albania has made progress in the fight against corruption, organized crime and various forms of trafficking. Recent times, in particular, have seen a number of political initiatives. However, if there have been tangible successes in individual cases, the underlying problems have deeper roots and cannot be considered solved as long as the perpetrators are able to evade criminal prosecution and punishment. This is a symptom of the weakness of the Albanian criminal justice system. The report presented to Parliament by Albania's General Prosecutor in spring 2003 highlights these difficulties while representing at the same time the first step in developing a comprehensive strategy to reform the Albanian legal system in line with European standards.

The Consultative Task Force EU-Albania, part of the Stabilization and Association Process, met again in Tirana from 24-25 March 2003 to consider Albania's progress in fulfilling the conditions for the conclusion of a Stabilization and Association Agreement regarding the strengthening of the rule of law, including efforts to combat trafficking and organized crime. The second round of negotiations on the Stabilization and Association Agreement was held in Tirana on 25 March. This was followed by the publication of the European Commission's second annual report on the Stabilization and Association Process. The report's critical tone made it clear once again that the Albanian government has so far done too little to turn the Commission's recommendations into concrete action. It finds, among other things, that while the election of a president on the basis of bipartisan consensus has contributed substantially to political stability, this "has not yet translated into significant achievements in terms of reforms"⁴ of the kind that had been ex-

4 Commission of the European Communities, Commission Staff Working Paper, Albania, Stabilisation and Association Report 2003, Brussels, 26 March 2003, SEC(2003)339, p. 1, at: http://www.europa.eu.int/comm/external_relations/see/sap/rep2/com03_339_en.pdf.

pected. The Albanian government appears to attach appropriate weight to the report: Just one day after publication, the country's Council of Ministers adopted a number of concrete measures to tackle organized crime, trafficking and corruption and presented the appropriate draft laws to Parliament for approval. The package of measures included a proposal for reformed court procedure for serious crimes and amendments aimed at strengthening the law against money laundering.

Although the final results of the October 12 local elections were not available at the time of writing, there can be no doubt of the Socialist Party's victory. Colouring a map of Albania with the currently available election results, however, would demonstrate clearly that the borders of the traditional zones of influence – the Democratic Party in the north and the Socialist Party in the south – are less distinct than they were in the 2001 parliamentary elections. The opposition has gained support throughout the country, and the smaller parties, led by the Social Democratic Party, have emerged as a genuine third force. There is also a growing tendency for people to vote for individuals rather than for parties. This is an expression of Albanians' dissatisfaction with both the governing party's ineffective policies and the opposition's less than constructive approach. At 52 per cent, voter turnout is significantly lower than in the last elections – a sign of increasing election fatigue. Although the Election Monitoring Mission from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), vigorously supported by our Presence, noted that further progress has been made overall in adhering to international standards for the holding of democratic elections, it also drew attention to significant weaknesses that remain, in particular with regard to the quality of voter registers.⁵

The OSCE Today – Goals Achieved and Goals Outstanding

Despite justified criticisms, it is clear that Albania has entered a new phase of political consolidation and democratic development. The OSCE has not only followed the growth of political stability and democracy with sympathy and interest but its work has also helped to accelerate progress. Given the changed situation in the country, the OSCE Presence has for some time now been concerned with the question of whether we should limit our activities to a range of specific tasks in the future and how these should be defined.

Albania has been an OSCE participating State since 19 June 1991 and is represented in Vienna by a permanent delegation led by a diplomat with the rank of ambassador.

In the spring of 2002, the OSCE Presence in Albania came under sharp criticism from official Albanian quarters in connection with a meeting of the

5 Cf. Fourth Interim Report of the ODIHR Election Monitoring Mission, ODIHR.GAL/70/03, 24 October 2003.

“Friends of Albania” held in the Vienna Hofburg. The Friends of Albania was established in Tirana in 1998 by various countries that actively support Albania and other international participants. It met at regular intervals in Albania, where it was chaired by the Head of the OSCE Presence there, and in Vienna and Brussels under joint EU/OSCE chairmanship. Albania’s then Foreign Minister, Arta Dade, and Deputy Prime Minister, Skender Gjinushi, had expected the meetings to result in concrete promises of aid, which were, however, not forthcoming. In addition, Tirana had received an admonishment from Brussels only a few days previously: An EU report had criticized the lack of progress made towards political stabilization, the weakness of the rule of law and judicial inefficiency. This was also the tone of the 24 point final document produced by the Friends of Albania, in the formulation of which the Albanian representatives were given less say than they would have wished. “This group must cease to exist,” wrote Zef Mazi,⁶ Albania’s former OSCE Ambassador in Vienna, in a reply published in the Albanian newspaper *Shekulli*. The Friends of Albania reminded him “of London 1912 and the way Albania was treated then”.⁷ In that year, the European Great Powers drew the borders of the new state of Albania, temporarily establishing it as a military protectorate – largely over the heads of the Albanians. Mazi singled out the make-up of the Friends of Albania for particular criticism, claiming that the group contains not a few countries who have no real interest in Albania and pointing out, moreover, that Macedonia is a member: a country from which Albania would on no account accept advice.⁸

The resulting polemical campaign against not only the Friends of Albania, but also partly against the OSCE Presence in Albania, underlined once more how sensitively Albania needs to be treated as a result of its specific history. The principle of co-operation “as equal partners”, which implies advising rather than dictating terms, has thus proved indispensable for the success of our work.

The OSCE has engaged constructively and openly with the criticisms it has received. It began to reconsider its role and to set realistic and measurable goals – developing what amounts to a strategy for the OSCE Presence to gradually make itself superfluous – at the same time as the Presence had a change of leadership.

Since October 2002, our team has been headed by Ambassador Osmo Lipponen, an experienced Finnish diplomat. It counts very much in Ambassador Lipponen’s favour that he represents a small European country that nevertheless enjoys considerable political and economic success. The Am-

6 Zef Mazi had previously been the Head of Albania’s Permanent Delegation to the OSCE, at the time of publication of a series of critical articles written by him, however, he held a different position in Vienna. He has again been the Head of Albania’s Delegation in Vienna since the start of 2003.

7 Zef Mazi, Ambassador Ahrens dhe situata ne Shiperine, in: *Shekulli*, 1 April 2002 (author’s translation).

8 Cf. *ibid*.

bassador's sensitivity to the concerns of a small country was acknowledged at his very first round of high-level meetings following his appointment. President Moisiu, for example, explicitly mentioned the desire on the part of the Albanians to exchange personal views with Ambassador Lipponen.

When asked in a television interview what he had first done on arriving in Albania, Ambassador Lipponen answered as follows: "First of all I listened to my people. I had very intensive briefings and after that I had discussions with the Prime Minister, the Foreign Minister and the President. I had extremely intensive introductions to Albania and the Albanian politics [...] The role of the OSCE in Albania has been very strong and constructive. As far as I see, it is now becoming even more important and constructive than before. Of course, the times are changing, but with the excellent work the Presence is doing we have earned our role in the processes in Albania, but that role has to be earned every week. When it comes to my role, it is one of keeping the OSCE Presence's participation in the processes constructive, so that they result in the best possible product, if I can put it that way. My role is also to maintain the connection with the government and as much as possible with the international community so that the activities of all of us are harmonized."⁹

Ambassador Lipponen's first appearance before the OSCE's Permanent Council in early February 2003 provided an initial opportunity to take stock of the Presence's activities since his appointment. The Presence had already undertaken a comprehensive analysis, which was intended to provide the basis for improving the efficiency of its newly restructured departments.¹⁰ The Ambassador's summary of the work of the OSCE Presence in Albania met with broad approval in Vienna.

The Focus of Our Future Work

Following constructive discussions with the OSCE Chairman-in-Office and the Delegations of OSCE participating States in Vienna, in particular during the decision-making phase prior to approval of the annual budget, the Presence concentrated its work mainly on internal restructuring.

One consequence of this policy was the closing of three of the Presence's original eleven field stations in mid-December 2002. This slimming-down of the OSCE's network of Albanian offices to the most important areas reflects the improvement of the overall situation in the country. The Presence

9 Ambassador Osmo Lipponen during a television interview, TV Arberia, 19 March 2003, at: http://www.osce.org/documents/pia/2003/03/20_en.pdf.

10 OSCE Presence in Albania, Activity Report: September-December 02, SEC.FR/695/02, 19 December 2002. The head of the Albanian delegation, Ambassador Zef Mazi, also gave a positive overall view of the OSCE's recent activities in Albania in an interview with the Albanian daily newspaper Koha jone: Pse po sulmohet OSBE-ja, in: Koha jone, 27 April 2003.

has reoriented its activities and, in the future, will focus even more strongly on legislation and reform of the judicial system and on generally strengthening democratic processes by lending its expertise to support electoral law reform. Our additional priorities include border security issues, the fight against organized crime – especially trafficking in human beings – and providing the Albanian Parliament with expert advice and training. The Presence has adopted a project-oriented approach, which allows it to provide better support for democratic institutions and functions of government and makes it easier to measure results.¹¹

By concentrating on key activities and raising the efficiency of our work, we can ensure that the human, technical and – last but not least – financial resources available to us are employed even more effectively. To facilitate this, the Presence has been restructured: We have replaced the former flat management structure, which was characterized by numerous small and very small departments on the same level, with a structure based on five departments, each of which has a number of dependent specialized subunits. The core competencies of each department are reflected in the activities of the field stations, which are being increasingly involved in the work of the Presence.

The OSCE currently has over 30 international and almost 100 local staff members in Albania. Alongside our headquarters in Tirana, we operate field stations in Shkodra, Kukës, Peshkopi, Gjirokastra, Vlora and Elbasan¹² – most of which are staffed by two international mission members – and run a liaison office linking Tirana and Durres.

The field stations not only extend headquarters' reach throughout the country, but are also a key source of local information. No other international organization has a comparable network of field stations or is so deeply rooted in the country. Our field workers are trusted partners and contact persons in a broad range of matters. We have not always made the best possible use of this tremendous potential in the past. Weaknesses here have become particularly evident as we have tried to involve every staff member more closely in restructuring the Presence. The newly established departments now have the task of optimizing the involvement of the field stations, furthering their development and ensuring that they make use of their full potential.

The adoption of a new structure and the increasing focus on concrete and quantifiable project work required us first of all to rethink the way we

11 In this regard, Ambassador Zef Mazi responded to Ambassador Lipponen's statement at the Permanent Council on 6 February 2003 as follows: "We welcome the work the Presence is currently doing to restructure, to streamline and focus its activities. This has been a long-standing request from delegations of participating States and the Albanian authorities. The country has made significant progress in a number of fields." PC.DEL/108/03, 7 February 2003. See also: United States Mission to the OSCE, Statement of Response to the Head of Presence in Albania: "I would like to start by supporting the reorganization of the Presence as he has outlined in his report. We believe that it will contribute to the effectiveness of the Presence." PC.DL/110/03, 7 February 2003.

12 As of October 2003; the number of field stations was further reduced by the end of 2003.

operate ourselves. The key qualities required are more individual initiative, creativity, personal responsibility and team spirit.

The process of drafting and discussing “vision papers” for the various departments sometimes almost verged on the painful and certainly involved a steep learning curve for everyone. The results of this process will – following intensive consultation with the Albanians and the delegations in Vienna – be the basis of our future activities. The process has delivered a demanding set of objectives. The priorities of our future work are as follows:

- Support for the legal system
- Property legislation
- Reforming electoral law
- Supporting the national strategy for combating trafficking in human beings
- Establishing a witness protection programme
- Intensifying the co-ordination of police activities in cross-border zones
- Monitoring the collection of small arms, light weapons and ammunition
- Strengthening civil society
- Helping to raise the quality of the work of the Albanian Parliament
- Media development.

The restructuring process has led the Presence to develop a more analytical style of working and reporting. Since Albania has successfully negotiated the phase of establishing a democratic state, the activities of the Presence that aim to further the democratic development of the new state institutions take on even more importance.

The following sections profile in detail two departments whose activities are particularly central to the work of the OSCE in Albania.

The Rule of Law and Human Rights Department

As a result of calls from both the international community and Albanian circles for the prioritizing of legal reform, the Rule of Law and Human Rights Department began by undertaking a comprehensive analysis of the state of the Albanian legal system. By showing up current weaknesses, this aims to assist in the development of a national strategy for the reform of the Albanian judiciary. As soon as the report is complete,¹³ it will be presented to the Albanian government and to international partners to help them identify more easily and rapidly areas in which concrete projects can be undertaken.

The inadequate prosecution of organized crime is an issue of particular importance. Although numerous reports by the Presence have cited with praise the growing number of convictions of people involved in human traf-

13 The report will be published in 2004 in both English and Albanian: OSCE, Legal Sector Report for Albania, Tirana 2004 (ISBN 99927-972-0-7).

ficking, figures recently released by Albania's General Prosecutor reveal that those convicted represent only a small proportion of those charged with such crimes. The General Prosecutor's October 2002 report to Parliament recorded that, in that year, only eight of the 72 charges of involvement in drug trafficking had resulted in a court case. The report also noted that few if any drug cases heard in Albania ultimately resulted in a conviction – a fact that contrasts sharply with the large number of Albanians convicted of drug offences in Western Europe, and in Italy in particular.¹⁴

The report makes clear that despite the fact that the police have recently begun to achieve results in combating human trafficking, little has so far been done to counter the trade in hard drugs. The report also mentions failings in the prosecution of serious crime.

Since then, General Prosecutor Theodhori Sollaku has given an interview to an Albanian newspaper in which he summed up his experience after one year in the job. Whilst stressing his unwavering intention to declare war on organized crime, he also noted that his ability to act required the courts to reliably perform their preliminary work. In the same interview, General Prosecutor Sollaku stated that, since he took office, 250 state prosecutors have examined 14,000 cases involving 9,000 suspects, leading to 4,300 arrests. During this one year, 336 charges were made involving drugs, of which 130 resulted in a court case. The number of cases of money laundering rose significantly over the period covered by the report. This is attributed to an unstable banking sector, an inadequate tax system, trafficking and corruption.¹⁵

The Presence has continued its successful co-operation with the office of the minister responsible for the implementation of the national strategy to combat trafficking in human beings. Via our network of field stations, we maintain close relations with local representatives of the anti-trafficking teams of the Albanian police and with district prosecutors. Our experience with the Albanian justice system and the administration of justice led directly to the creation of a witness protection unit and to the development of a victim-support project, which was launched in September 2002. This project aims at establishing a unit within the Albanian police to identify victims of human trafficking who have been sent back to Albania and making sure they are provided with comprehensive information on their rights as well as appropriate advice. As a first step towards reintegrating the victims into Albanian society, the project aims to keep them out of the clutches of their former tormentors, who are often only waiting for the girls to return to Albania before getting hold of them once more and continuing their illegal exploitation. The project was made possible by start-up funds from ODIHR. Some 50

14 Cf. Office of the General Prosecutor. Report of the General Prosecutor of the Republic of Albania on the State of Criminality in Albania for the Period 1 January-30 September 2002, 28 October 2002.

15 Cf. interview with General Prosecutor Theodhori Sollaku, in: *Koha jone*, 2 April 2003.

former victims of human trafficking have already been helped by a joint OSCE and IOM (International Organization for Migration) team. The second phase of this project will be to create and train the special unit within the Albanian police.

The search for a long overdue solution to the problem of property law has recently taken on a political dimension. Because of the complexity of this issue and the inherent danger that negotiations could collapse completely, destroying the consensus between the two camps, the Presence has increased its efforts in this area. We are not only providing expert assistance, but are also mediating between the parties. The establishment of a parliamentary commission for property legislation in April 2002 was the first positive result of our efforts. The courts are overwhelmed with a backlog of unresolved property cases: Some statistics put the figure as high as 40 to 50 per cent of all outstanding cases. The OSCE has presented its recommendations on a draft law on property restitution and the payment of compensation to the legal owners, and this is due to be discussed by the parliamentary commission. However, in a newspaper interview, Maksim Begeja, deputy chairman of the Republican Party Parliamentary Group and one of Albania's leading property legislation activists, stressed that there are many issues which remain to be resolved and noted that the commentaries on the draft law also require thoroughgoing discussion. Nevertheless, the right to private property – which is acknowledged worldwide – must not be called into question. As soon as Albania joins the rest of the world by securing existing property rights, foreign investors will also be more likely to invest in Albania.¹⁶

Democratization Department

Activities relating to democratization and the development of civil society certainly count among our Presence's most important tasks. The Democratization Department supported the Bipartisan Committee for the Implementation of the ODIHR recommendations on electoral legislation. This comprised round-table discussions, consultation with international experts and – not least importantly – negotiation and mediation at the highest political level. All in all, this brought about an improvement in the legal and administrative basis for holding democratic elections. It is true, however, that a great deal remains to be done, especially with regard to the register of voters.

The Presence is also involved in a number of concrete projects. One of the most important seeks to support the work of the Albanian Parliament. Given the fundamental role of the Parliament, particularly regarding its executive responsibility, the Presence has made a major effort to improve the way it scrutinizes and approves the state budget. As a result of our work with

16 Cf. Republican Lawmaker on OSCE Draft of Property Restitution, in: Albanian Daily News, 10 April 2003.

the Committee on Economic Issues, Finance and Privatization, concrete steps were taken in preparing to overhaul laws relating to the national budget.

One of our goals here is to extend the time available to Parliament to discuss the budget, which is currently limited to one month. A further aim is to ensure that Parliament is involved in the budget-planning process from the start. This project also covers the provision of a range of training opportunities for the parliamentary administration, which are designed not only to help improve the quality of its work, but also to support the reform process in this area in general.

The Democratization Department includes a Media Development Unit. The Presence, working closely with external partners, provided Albania's National Council for Radio and Television with expert support for the creation of a frequency map – an overview of all broadcasting frequencies in use. This is the first time an exact overview of all television stations, their broadcast ranges, technical specifications and potential interference between broadcasters has been drawn up. There are currently more than 50 television stations in Albania. Their legality is frequently doubtful and their operating ranges are unregulated. In the future, television broadcasting should be restricted to those possessing a valid licence issued by the National Council for Radio and Television. In relation to this issue, the Presence has actively supported the parliamentary committee on mass media; assistance has also been promised by the office of the OSCE Representative on Freedom of the Media in Vienna.

The OSCE and its international partners have so far opened five Civil Society Development Centres at locations throughout Albania. More are set to follow during 2004. By supporting the heads of these centres in developing business strategies and marketing skills, we aim to ensure their future financial autonomy and independence.

Our Women's Rights and Anti-Trafficking Education (WRATE) project has initially focused on raising public awareness of women's issues, especially in rural and underdeveloped areas. More than 1,500 people, mainly teachers and NGO representatives, but also students and young women from rural areas, have taken part in our seminars so far.

Albania's economic and environmental problems are fundamental and readily apparent. Despite this, the OSCE's activities in these areas had been declining in the recent past and had, for a number of reasons, slipped from the centre of attention. This situation has since been remedied. The Economics and Environment Unit is now the first OSCE centre to be headed by an indigenous specialist. She enjoys high regard both among our Albanian partners and within the Office of the Co-ordinator of OSCE Economic and Environmental Activities in Vienna and was to a great extent personally responsible for translating Transparency International's anti-corruption handbook into

Albanian.¹⁷ We consider this to be a useful instrument for the Albanian government's work of developing an anti-corruption strategy – a task we are actively supporting with all the means at our disposal.

We have implemented a very successful training project for the Albanian Ministry of Finance, which focuses mainly on the development of analytical skills, but also lays considerable stress on practical instruction in the use of a software application designed to help fight money laundering. In addition, the Presence is supporting and performing mediation within the scope of the constructive dialogue between the Albanian government and national and international business associations through a project on the status and feasibility of free-trade zones.

Outlook

While we can look back on months of intensive activity, we know that the bulk of our work still lies ahead. We are currently holding constructive discussions with our Albanian partners in order to set our priorities for 2004. What Albania expects of us was already made clear in the statement by the Head of the Albanian Delegation to the OSCE on the occasion of Ambassador Lipponen's February 2003 appearance in Vienna: concentration on key priorities and measurable, project-oriented work.¹⁸

We share the view of the other OSCE missions to the Balkans that a great deal has been achieved in this troubled region of Europe in recent years. In his address at the South Eastern European Co-operation Process (SEEC) summit, which was held in Belgrade in April 2003 and attended by the Presidents of South-eastern European states, the OSCE's Secretary General emphasized the importance attributed by the OSCE to successful regional co-operation in the fight against organized crime and trafficking in drugs and human beings in South-eastern Europe.¹⁹ Also in this connection, the OSCE missions to the Balkans will remain of vital importance – whatever form they take in the future. Not only because of the practical assistance they provide to countries in transition as they negotiate their way to stability and democracy, but also – and not least of all – because of the helping hand they give on the way towards EU membership.

17 Cf. Transparency International (ed.), *Source Book on Confronting Corruption: the Elements of a National Integrity System*, translated into Albanian by the OSCE Presence in Albania, September 2002.

18 Ambassador Zef Mazi in response to Ambassador Lipponen's statement at the Permanent Council on 6 February 2003: "However, we would be in favour of continued work to further streamline and focus the Presence's activities, including with a project-oriented approach. There is room for this. This should principally go in line with priorities and views of the host country." PC.DEL/108/03, cited above (Note 10).

19 Cf. Address by Ambassador Jan Kubis at the SEEC Summit, Belgrade, 9 April 2003, SEC.GAL/68/03, 10 April 2003.

With this in mind, I think it is appropriate for me to end – and to end looking forward – by quoting the 2003 OSCE Chairman-in-Office, Dutch Foreign Minister Jaap de Hoop Scheffer: “OSCE Missions help to speed up the necessary internal transition process, and increase respect for and compliance with OSCE commitments. Instead of a gatekeeper, I see an OSCE Mission as more of a locksmith helping to unlock a door that was jammed.”²⁰

20 Jaap de Hoop Scheffer, Heads of Mission Meeting, Vienna, 13 January 2003, AVT02/BZ 69239.

Relations Running Hot and Cold: The Reopened OSCE Mission in Minsk and Its Political Prospects¹

Historical Background

Belarus' relations with the OSCE have a different structural foundation to its relations with the EU. After achieving sovereignty in 1991, Belarus automatically became a member of the Organization, thereby committing itself to the Organization's values and principles. The Helsinki Final Act and the Charter of Paris are thus politically binding documents for Belarus.

As far as Belarus' relations with the OSCE are concerned, the constitutional crisis of 1996 was the critical moment. After dissolution of the freely elected 13th Supreme Soviet in 1997 and the appointment of a parliament hand-picked by President Alexander Lukashenko, the OSCE urged that a mission be established in Minsk.

The OSCE Advisory and Monitoring Group was established at the beginning of 1998 with Ambassador Hans-Georg Wieck as Head of Mission. According to its mandate, the Mission, in co-operation with the Belarusian authorities and other international organizations, was to fulfil the following tasks:

- To assist the Belarusian authorities in promoting democratic institutions and in complying with other OSCE commitments
- To monitor and report on this process.²

The Advisory and Monitoring Group was the first OSCE Mission in which human dimension commitments were in the foreground.

A key role was played by the OSCE's Istanbul Summit Meeting in November 1999, where a great deal of effort was expended in persuading President Lukashenko to sign the Summit Declaration, Paragraph 22 of which contained a commitment to enter into political dialogue with the opposition and to uphold the rule of law and freedom of the media.

In the run-up to the parliamentary elections of 15 October 2000, Ambassador Wieck and the OSCE Mission in Minsk worked intensively to promote free and fair elections as a means of solving the constitutional crisis. They faced a truly mammoth task. Existing electoral laws could not have guaranteed free and fair elections. And despite intensive consultations with the government, only marginal improvements were achieved. Lukashenko

1 This article covers the period up to August 2003.

2 Cf. Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 185, PC.DEC/185, 18 September 1997.

pressurized the opposition and did not allow it access to the state media. An agreement between Lukashenko and the opposition parties on access to the media, which was made possible by the exceptional efforts of Ambassador Wieck, never came into force. The dialogue between the government and the opposition was perverted by Lukashenko into a “Public Political Dialogue” open to not only the opposition, but to any and all civil groups and organizations – and above all those loyal to Lukashenko.

The conflict reached its climax when the opposition largely boycotted the elections. Only Nikolai Statkevich’s Social Democrats participated and were punished for this by the rest of the opposition parties.

This highlights a serious problem with which the Advisory and Monitoring Group was confronted, namely the political immaturity and deep disunity of the opposition parties. It is truly one of Ambassador Wieck’s greatest achievements to have succeeded in bringing all these discordant, antagonistic groups together at a single table. He was able to unite them to create a “Consultative Council of Opposition Political Parties” that was capable of reaching agreement and (at least most of the time) speaking with one voice.

This is, however, also the reason for Lukashenko’s profound dislike – one could even say his outright hatred – of the OSCE Mission and Ambassador Wieck. The degree of aversion increased when the Advisory and Monitoring Group succeeded in establishing a network of independent, national election monitors, whose work and election analyses uncovered numerous manipulations in the parliamentary elections of 2000. Lukashenko accused Ambassador Wieck of working on behalf of foreign intelligence services and of conspiracy against Belarus.

Although the OSCE Office for Democratic Institutions and Human Rights (ODIHR) did not carry out comprehensive election monitoring but sent only a “Technical Assessment Mission” alongside 194 international monitors and observers from the Parliamentary Troika (consisting of the European Parliament and the Parliamentary Assemblies of the OSCE and the Council of Europe), it was clear that these elections were not conducted in a free, fair and transparent manner.

This clearly did nothing to improve Belarus’ relations with the EU, the Council of Europe and the OSCE.

At the same time, Lukashenko’s harassment of the Mission in Minsk intensified. Ambassador Wieck was no longer granted access to the government. He was also accused of failing to consult with the government, something Minsk described in terms of a violation of the Mission’s mandate. Using excessive language, Lukashenko repeatedly threatened to close the Mission.

The then Minister of Foreign Affairs Mikhail Khvastov was somewhat more moderate in his choice of words. Nevertheless, during a visit of the Working Group of the OSCE Parliamentary Assembly, he refused to meet us in the presence of Ambassador Wieck. When we countered this by refusing to

meet Khvostov without the Ambassador, he offered to meet me, as the Head of the Working Group, privately. This offer I also refused. Later, he apologized to me in a letter saying that it was all an administrative “misunderstanding”.

The Year 2002 and the Negotiations on a New Mandate for the OSCE Mission

Ambassador Wieck left Minsk in December 2001 at the end of his term in office. He did not wish to extend his period in office, as co-operation with the Belarusian government was no longer possible. It had already become evident during 2001 that the Belarusian government wanted complete control over the Mission’s projects, and Minsk now demanded the right to approve each proposal. The mandate of 18 September 1997 had established an Advisory and Monitoring Group, which was to perform its tasks “*in co-operation with Belarusian authorities*”.³ The new mandate of 30 December 2002 states that the OSCE Office in Minsk – the new official name of the Mission – is to “perform its tasks and carry out its activities, in a transparent way, *in close co-operation and consultation with the Government of Belarus*”.⁴ There is no mention of official approval by the Belarusian government.

The “interpretative statement” of 30 December 2002 by the Delegation of Belarus to the decision on the new mandate indicates that this point of contention has still not been conclusively settled; the statement specifies the following:

In connection with the adoption of the decision on the OSCE Office in Minsk our Delegation would like to make the following interpretative statement.

1. The procedure of the implementation of all projects and programmes of the OSCE Office in Minsk in accordance with the Permanent Council Decision No. 486 of 28 June 2002 foresees prior consultations with the Government of the host country. We understand that these consultations should result in the agreement by the Government to implementation of any project or programme. Any activity financed through extra-budgetary contributions cannot be carried out without the agreement of the host country.

2. The OSCE Office in Minsk should carry out monitoring on the basis of factual data and using in a balanced way all sources of information. The coverage of any event or fact without presenting an official position of the Government of the host country would be unacceptable.

3 Ibid. (author’s emphasis).

4 OSCE, Permanent Council, Decision No. 526, OSCE Office in Minsk, PC.DEC/526, 30 December 2002, p. 1 (author’s emphasis).

3. The OSCE Office in Minsk in its activities should be guided, *inter alia*, by the principle of political neutrality and non-interference in the internal affairs of Belarus.

4. Former international and local members of the Advisory and Monitoring Group in Belarus can not be integrated in the work of the OSCE Office in Minsk. Persons who are or were engaged in the activities of intelligence services or any other activity directed against national interests of the Republic of Belarus cannot also be employed as the members of the Office.⁵

The question of whether the Mission is required to seek the *approval* of the government of Belarus or is merely obliged to *consult* with it may thus continue to be a source of friction and so to impede the work of the new Office. For example, the Deputy Minister of Foreign Affairs, Alexander Sychev, who is in charge of co-operation with the Office, made this topic the subject of discussion in a meeting with Ambassador Eberhard Heyken, the Head of the OSCE Office in Minsk, in February 2003.

Another point had already become clear in discussions during 2001: the extension of the mandate to economic issues and environmental projects. The new mandate accommodates this desire on the part of the Belarusian side. In addition to the tasks it has fulfilled to date, that is, assistance in promoting the building of democratic institutions, the consolidation of the rule of law and the development of relations with civil society, the mandate now also covers efforts to develop economic and environmental activities.

After Ambassador Wieck's departure from Belarus at the end of 2001, it became clear that, although the Mission then did not have a specific time limit, the Belarusian government was aiming to "starve it out". Minsk rejected the candidate proposed to succeed Ambassador Wieck and demanded new negotiations on the mandate. While the visas of one international Mission member after another were allowed to expire, forcing them to leave the country, the negotiations on the mandate dragged on at snail's pace or came to a complete halt. A tug-of-war had begun.

The Road to a New OSCE Office

The OSCE repeatedly announced its willingness to normalize its relations with Belarus. Portugal, which held the OSCE Chair in 2002, signalized on several occasions that the OSCE was striving to reach a consensual solution to the conflict surrounding the future of the Advisory and Monitoring Group in Minsk and that it was by all means ready to compromise on this issue.

5 Interpretative Statement under Paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, OSCE, Permanent Council, Decision No. 526, cited above (Note 4), Attachment 1.

There was quite a good chance that an OSCE presence in Minsk with a new name, new personnel and an enlarged and possibly modified annually renewable mandate would be acceptable to all OSCE participating States.

On 8 March 2002, the then Portuguese Foreign Minister Jaime José Matos da Gama appointed retired Ambassador Eberhard Heyken as "Special Envoy for matters related to OSCE co-operation with Belarus". At the same time as being informed of this appointment, the Belarusian Ambassador to the OSCE, Viktor Gaisenak, was also made aware that, following the completion of Heyken's planned discussions in Vienna and Minsk on the Mission's future programme of work, he would be proposed as Head of Mission. This gave Belarus a chance to save face. The selection of this German diplomat, who had been friendly with Belarus for many years, was the Organization's answer to the Belarusian desire for Ambassador Wieck to be succeeded as Head of Mission by an experienced German diplomat who was willing to engage in dialogue. In informal talks held in Vienna, Heyken and Gaisenak made significant progress towards drafting a programme to supplement the existing mandate. However, the Belarusian leadership did not at that time give an official response to the results of these talks or to the OSCE's offer to conduct a dialogue between the Belarusian government and Ambassador Heyken on future projects to be carried out by the Mission in Minsk.

After months during which Belarus ignored the OSCE's offers, the OSCE Chair considered it was appropriate to get the EU involved. On 21 October 2002, the EU foreign ministers made a high-level appeal to the Belarusian leadership to abandon such a confrontational course. They also demanded, among other things, that the accreditation of the last international member of the OSCE Advisory and Monitoring Group be extended or that her successor be accredited and that immediate talks on a future OSCE presence in Belarus take place. If Belarus were to refuse, the EU foreign ministers announced that further measures would be taken. After it became clear that no concrete progress would be achieved and the last international member of the Group was expelled, the EU met on 19 November 2002 to discuss visa restrictions on high-ranking members of the Belarusian government. The adoption of the Council Conclusions imposing these restrictions was only hindered by Portugal's refusal. As a result, the remaining 14 EU member states came to a political agreement to refuse entry to eight of the most senior members of the Belarusian government. The sanctions against the President, the Prime Minister, the Head of the Presidential Administration, the Minister of Foreign Affairs, the Minister of Defence, the Minister of the Interior, the Minister of Justice and the Head of the Intelligence Service (KGB) became effective on 26 November 2002 with their entry in the Schengen Information System.

At a summit meeting with the Russian President Vladimir Putin on 27 November 2002, Lukashenko announced his readiness to enter into immediate negotiations with the OSCE on the question of a presence in Minsk. This

was confirmed by Foreign Minister Khvostov at the OSCE Ministerial Council on 6 and 7 December 2002 in Porto. Negotiations began in Vienna on 11 December 2002, and agreement on a new mandate was reached on 30 December 2002. The key points were the closure of the Advisory and Monitoring Group by 31 December 2002 and the opening of the OSCE Office on 1 January 2003. The EU's Working Parties on Eastern Europe and Central Asia (COEST) and on the OSCE (COSCE) decided, on 14 January 2003, to make the lifting of sanctions entirely dependent on the question of establishing the OSCE Office. The EU made no further political demands in this regard, nor did it pursue a policy of gradually lifting the sanctions. The only test to be fulfilled was the ability of the Office to carry out its work unhindered – over which time-period was not specified. On 20 and 21 January 2003, the Political Directors on the Political and Security Committee agreed that the new Head of Mission would have to verify that the Office was fully operative before sanctions could be lifted.

With the passing, on 21 January 2003, of the deadline for applications for the position of Head of Mission, the Dutch Chairmanship recommended retired Ambassador Heyken for the job of Head of Office. His appointment followed on 30 January 2003, after the Belarusian government had signaled its agreement on 29 January 2003. The new Head of Mission began work in Minsk on 10 February 2003.

The dispute over the Minsk Mission has been settled for the present. All now depends on whether the Office will really be able to carry out its work. The new mandate and the accompanying Memorandum of Understanding are broad enough to allow it to perform its mandate effectively. The new mandate differs from the old one by including economic and environmental activities – something that has long been desired by Belarus.

The criticism voiced by some opposition groups in Belarus that the OSCE has succumbed to Lukashenko's wishes is erroneous. On the contrary, undertaking economic and environmental activities presents the OSCE with an opportunity to expand its influence in Belarusian civil society. Co-operation with businesses and environmental groups can help create a broader base for democratic reforms.

The Role of the OSCE Parliamentary Assembly

Parallel to the conflict over the OSCE Advisory and Monitoring Group, itself a consequence of the attempt to solve Belarus' constitutional crisis, a dispute developed over Belarus' representation in the OSCE Parliamentary Assembly. Following President Lukashenko's dissolution of the 13th Supreme Soviet and his appointment of a hand-picked new parliament, the OSCE Parliamentary Assembly resolved to continue to reserve Belarus' seat in the Assembly for the 13th Supreme Soviet, which it considered to be the legally

elected, legitimate parliament of Belarus – and whose electoral period was due to run until 2000. Only a new legally elected parliament would be able to claim this seat in the OSCE Parliamentary Assembly. However, the elections held in 2000 were not adjudged free, fair and transparent to the satisfaction of the OSCE. Many national parliaments that had also recognized the 13th Supreme Soviet as the legitimate parliament in 1997, refused to engage in official contacts with the Belarusian National Assembly.

There followed a dispute over the recognition of the newly elected parliament. The National Assembly – now once more an elected body – demanded a seat in the OSCE Parliamentary Assembly (and in the NATO Parliamentary Assembly). At the same time, however, this seat was also still claimed by the deputies of the 13th Supreme Soviet.

This dispute developed into a conflict *within* the Parliamentary Assembly, one that was very closely entangled with the escalating struggle over the Advisory and Monitoring Group. Even after the regular electoral period of the 13th Supreme Soviet had ended, its delegation claimed that it represented Belarus' only legally elected parliament.

Politically, the two topics – the seat in the Parliamentary Assembly and the continuation of the Mission – were closely connected. This linkage could not, however, be allowed to affect the decision-making procedure of the Parliamentary Assembly, which must act in line with its own rules. Accordingly, it was legitimate to grant the Belarusian seat to the delegation of the 13th Supreme Soviet until the end of its official parliamentary term on the grounds that the official Belarusian parliament had been appointed rather than elected. The case of the parliament elected on 15 October 2000 is somewhat different: While it was the result of manipulated elections, the same could also be said of other parliaments in states in transition.

The ad hoc Working Group

The OSCE Parliamentary Assembly established this Working Group in 1998 in response to the constitutional crisis. Under the Chairmanship of the former Romanian Foreign Minister Adrian Severin, it was given the task of supporting democratization in Belarus and monitoring developments in the country. I have chaired this Working Group since 2001.

The reports of the Working Group to the Standing Committee of the Assembly have influenced the dispute over Belarus' seat in the Parliamentary Assembly. EU and OSCE ambassadors have also paid careful attention to the opinion of the Working Group.

During the crisis over the Advisory and Monitoring Group, I accounted for my position to the ambassadors in Vienna and Brussels on more than one occasion and found them open to my arguments. At the same time, however, there was no shortage of attempts to influence the decision of the OSCE Parliamentary Assembly regarding Belarus' seat.

After the election of a new Belarusian National Assembly in the year 2000, the seat in the OSCE Parliamentary Assembly initially remained vacant.

The delegations could not agree on whether the fact that the 2000 parliamentary elections had been manipulated meant that the 13th Supreme Soviet would still be entitled to a seat. The delegates of the former 13th Supreme Soviet continued to receive invitations to attend as guests. The Standing Committee of the Parliamentary Assembly decided in advance of the Assembly's 2002 Annual Session in Berlin to continue their policy of leaving the Belarusian seat empty, even though the Secretariat had issued a legal expert opinion in which the right to exclude a delegation for political reasons was rejected.

The Winter Session of the Parliamentary Assembly held in Vienna in February 2003 rejected a proposal by the US delegation to again postpone the decision until the Annual Session in Rotterdam in July 2003. A proposal by the Swedish delegation to exclude the Belarusian delegation was also dismissed.

Despite the political misgivings of various delegations, in February 2003, the OSCE Parliamentary Assembly admitted a Belarusian delegation consisting of representatives of the newly elected parliament.

The Standing Committee thus took the course I had recommended. Including Belarusian parliamentarians within the Parliamentary Assembly in order to enter into dialogue with them seems a sensible course to take, all the more so as the rules of procedure of the Parliamentary Assembly do not allow any other alternative.

The OSCE will continue to keep a critical eye on Belarus' political shortcomings. The activity of the Working Group will ensure that the opposition remains included in the discourse.

The Working Group held its first round-table discussions with parliamentarians of the National Assembly and representatives of the opposition in Berlin in 2002. This kind of an informal dialogue can and should become a permanent institution.

The admission of the Belarusian delegation to the OSCE Parliamentary Assembly can and hopefully will help the work of the OSCE Office in Minsk. In any case, the last-minute agreement on the OSCE representation in Minsk played a major role in the Assembly's positive decision and increased their willingness to conduct a dialogue despite the lack of political progress.

A New Start – A New Potential?

The contradictions of Belarusian politics remain apparent even after the agreement on a new mandate for the OSCE representation in Minsk.

The agreement between Belarus and the OSCE on closing the Advisory and Monitoring Group on 31 December 2002 and opening the OSCE Office on 1 January 2003 should have enabled the designated Head of Office, Ambassador Heyken, to assume his post immediately. Instead, Belarus insisted on readvertising the position, with the result that Ambassador Heyken was only appointed on 30 January 2003 and could only assume his post on 10 February.

On 14 April, the 14 EU states withdrew visa restrictions after Ambassador Heyken had determined that the Mission was fully operative and that the Belarusian government was willing to co-operate. His report of 25 March 2003 is positive about the conditions under which the Mission is working and the willingness of the Belarusian government to co-operate. However, he is extremely critical of developments in the political situation.

Acts of repression against what remains of the independent trade-union movement, the free press and journalists have continued; freedom of religion has been drastically restricted; the evidence of manipulation in the March 2003 local elections is as strong as in the case of the 2000 parliamentary elections and the 2001 presidential elections. Increasingly, civil society is also coming under pressure through the obstruction and mistreatment of NGOs.

Positive Signals

The rapid accreditation of Ambassador Heyken by the Belarusian government, which was enacted on 11 February 2003, only a day after his arrival in Minsk, is welcome. After assuming his new position as Head of the OSCE Office, Ambassador Heyken was promptly received by high-ranking representatives of the Belarusian government. The fact that the then Foreign Minister Khvostov expressed President Lukashenko's interest in the Mission and promised full co-operation was also an important indication of the good prospects for co-operation between the government and the OSCE Office.

The Central Election Commission offered to propose a revised working programme on electoral legislation and to place the new electoral law, which will be decisive for the implementation of free, fair and transparent elections, on the parliamentary agenda by May 2003. The Chairperson of the Central Election Commission, Lidiya Yermoshina, also expressed a favourable opinion of a proposed joint EU-ODIHR project on electoral legislation. A mechanism for co-operation was agreed during the first weeks of the Office's existence.

The Minister of Information, Mikhail Podgainy, agreed to present the OSCE and the Council of Europe with a draft new media law for their examination – a promise that he had already made to the Working Group over a year before, but had not kept.

The Deputy Foreign Minister Sychev proposed the creation of working groups on civil society matters, institution building and economic and environmental questions. These working groups were to be open to NGOs and other interested parties – an extremely significant suggestion in view of the customary exclusion of these groups. In the course of the same discussion, however, Sychev again insisted that projects be submitted for government approval.

By the end of March 2003, the working groups on the following topics had already been constituted:

- Institution Building and the Rule of Law
- The Environment
- Economics
- Civil Society.

In the meantime, Belarus has produced a list of 60 project proposals. It is hoped that this is not a strategy of “killing by overenthusiasm”. In any case, the Office’s relatively modest budget and its limited number of personnel make the setting of priorities imperative.

Reading the reports made by the Office, one can only be amazed by the enormous volume of work that it has accomplished in such a short period of time. The positive resonance this has found within the Belarusian government is a hopeful sign. There are a number of further phenomena that should be viewed with cautious optimism. For example, two journalists from the newspaper *Pahonya* who had been given prison sentences of several years were released early and a number of judgements against journalists have been reversed on appeal.

Despite this, however, Lukashenko’s repression of the opposition continues. He publicly accused the group *Respublika*, an amalgamation of several independent representatives in the Belarusian National Assembly, of engaging in subversive activities. On 20 May 2003, the Belarusian public prosecutor’s office instigated criminal proceedings against the group’s Chairman, Sergei Skrebets. On 4 April 2003, the parliament further restricted the right to demonstrate. Moreover, the last two trade unions not toeing the government line were facing disciplinary action. Lukashenko gave the Minister of Industry Anatoli Kharlap two months to solve the “problem”. The gap between *de facto* government policies and the official policy of co-operating with the OSCE Office is widening.

The extent to which we really can speak of “new potential” remains to be seen.

The OSCE Mission to Moldova¹

Introduction

The conflicts in Abkhazia and South Ossetia (in Georgia), in the Armenian enclave of Nagorno-Karabakh (in Azerbaijan) and in the region of Transdniestria (in the Republic of Moldova) are referred to within OSCE circles as “frozen conflicts”. The OSCE’s wide-ranging efforts over more than ten years to achieve a peaceful and sustainable solution to these conflicts have had little success to date. While these areas have seen virtually no violent confrontations in recent years – with the sole possible exception of Abkhazia, where the ceasefire has been threatened by Georgian guerrillas – there is still a long way to go before a political solution to any of the four conflicts can be found, and in no case can any concrete or substantial progress be observed. Of the four conflicts, Transdniestria in the Republic of Moldova is considered the most amenable to solution. This is probably one of the reasons the Dutch OSCE Chairmanship in 2003 has made the resolution of this conflict one of its priorities. This involves three tightly connected elements, central to the OSCE’s work in Moldova:

1. The signing of a document on the final resolution of the conflict
2. The complete withdrawal of Russian troops stationed in Transdniestria, including the military equipment and ammunition stored there
3. The stationing of peacekeeping troops under OSCE auspices.

A Federal State as a Solution to the Conflict?

The negotiations between Chişinău and Tiraspol, in which the OSCE Mission to Moldova, alongside Russia and the Ukraine², has acted as a mediator since 1993, gathered momentum in July 2002. At a meeting in Kiev on 2 and 3 July 2002, the mediators presented a document in which they recommended the federalization of the Republic of Moldova. During the past ten years, the Moldovan government had always rejected a federal solution, and a large part of the opposition continues to do so. However, the communist government

1 The opinions and views expressed in this article do not reflect the official standpoint of the OSCE Mission to Moldova or of the OSCE in general but are exclusively the personal observations and judgements of the author. This contribution deals with the period up to 31 August 2003.

2 Ukraine was invited to join the negotiations as a third mediator in 1995.

elected in the spring of 2001 is more open to the idea of transforming Moldova from a centralized state into a federation.

The Kiev Document³ consists of eight chapters and 42 paragraphs. The first chapter deals with the foundations of the constitutional system of the Republic of Moldova. The second chapter concerns the structure of the state, while chapters three to five outline the competencies of the president, the parliament and the government. Chapters six and seven are concerned with the court system and local self-government. Finally, the eighth chapter covers political, economic, military, social and cultural guarantees and also includes regulations for the transition. While this draft does contain elements from documents produced earlier in the negotiation process, it can nevertheless be considered a new departure as it is concerned less with defining the status of Transdnistria than with reshaping the entire state. It describes the Republic of Moldova as a federal state (Article 1) and provides for the creation of state-territorial entities within the Republic of Moldova, each entitled to their own constitutions and legislation (Article 4). However, the Kiev Document does not stipulate how many entities the federal state should comprise nor who is responsible for creating them. The representatives of Gagauzia made their demand clear that the existing autonomous region of Gagauz-Yeri be made an equal entity in the new federal state. Whether the Republic of Moldova is to consist of two (Bessarabia⁴ and Transdnistria), three (Bessarabia, Transdnistria and Gagauzia) or more (e.g. corresponding to the administrative districts existing from 1998-2001) entities is, however, of fundamental importance, as the draft document stipulates that all entities enjoy equal rights (Article 4) and are entitled to send an equal number of representatives to the proposed second parliamentary chamber (Article 26). This second chamber, the Chamber of Representatives, is to have 30 seats. The first chamber, the Chamber of Legislators, is to have 71 deputies. Here, the entities do not have an equal number of representatives, but in proportion to the size of their electorates. Hence, in the Chamber of Legislators, there would be 57 deputies from Bessarabia, but only eleven from Transdnistria and a mere three from Gagauzia. Note that if Gagauzia were included as an equal entity in the federal state, Bessarabia would only have one third of the votes in the Chamber of Representatives. Because all the laws passed by the first chamber must be ratified by a majority of members of the second chamber, Chişinău is unlikely to accept a proposal such as this that would allow it to be outvoted by Gagauzia and Transdnistria on a regular basis. On the other hand, if the federal state were to be comprised of only two entities, a functioning majority in the upper chamber would have to include representatives of both states. In order to prevent the Chamber of Representatives from blocking legislation

3 An unofficial English translation of the Kiev Document can be found in: Bruno Coppie-
ters/Michael Emerson, Conflict Resolution for Moldova and Transdnistria Through Fed-
eralisation? CEPS Policy Brief No. 25, August 2002, Annex.

4 The area between the Prut and Nistru (Dniestr) rivers is also known historically as Bes-
sarabia.

indefinitely, laws would also be deemed approved if not debated by the second chamber within 14 days, or if the Chamber of Legislators outvotes the resolutions of the Chamber of Representatives with a two-thirds majority. In a federal state comprising two entities, Transnistria would thus have a restricted power of veto and, despite its formal equality to Bessarabia, would be *de facto* in a weaker position. The delimitation of competencies between the federal state and the entities is thus a particularly decisive issue for the Transdnistrians.

Exclusive competencies of the federal state (Article 15) are to comprise the Constitution and federal laws; the structure of the state and national territory; the regulation and protection of basic rights and fundamental freedoms; citizenship; the regulation and protection of the rights of minorities; the establishment of the organs of the legislative, executive and judicial branches and the procedures that govern their effective operation; the formation of organs of state power; state property; the elaboration of policy fundamentals and programmes in the areas of general government, economy, environment, social welfare, culture, and national development; legislation to provide for a unified economic, currency and customs area; foreign policy; foreign economic relations; defence and security; the border regime; the legal system – especially law enforcement, criminal law, criminal procedure, amnesty and pardon, civil legislation, civil procedure, arbitration procedure and intellectual property; legal conflicts; meteorology; standards and official statistics; and state awards and honorary titles of the Republic of Moldova. Competencies shared by the federal state and the entities (Article 16) are to include ensuring the laws of the entities comply with the agreement and with the Constitution and laws of the Republic of Moldova; protecting basic rights and fundamental freedoms; protecting the rights of minorities; general matters in the areas of education, science, culture and sports; the co-ordination of the health system; family policy; social security; civil contingency planning; the introduction of standardized principles of taxation; legislation in the areas of administration, administrative procedures, labour, residency, agriculture, water management and forestry, mineral resources and environmental protection. They will also be jointly responsible for court and prison personnel, bar association and notaries' office and for establishing common standards for the organization of central state power and local self-government. Competencies which the (draft) agreement does not define as exclusive competencies of the federal state or as joint competencies are the exclusive competencies of the state-territorial entities (Article 17). However, laws and other normative legal acts of the entities may not contradict the Constitution or the laws of the Republic of Moldova (Article 20). Given the current situation, it is also noteworthy that the draft forbids the establishment of internal customs regimes and other impediments to the free movement of commodities and persons (Article 18) and stipulates that the Moldovan lei is the monetary unit of the Republic (Article 19) and that the Moldovan language written in the

Latin script is the state language (Article 14). However, the entities are allowed the right to establish their own official languages in their regions, which can be used alongside the state language. The implementation of the agreement and the delimitation of competencies are to take place step-by-step during a transition phase (Article 16). Disagreements between the parties over the implementation of the agreement are to be settled through negotiations and consultations mediated by Russia, the Ukraine and the OSCE Mission (Article 34). A peacekeeping force under the supervision of the OSCE is to ensure security and stability during the transition phase (Article 36, III); however, no concrete details are mentioned on its composition.

Although it often goes into great detail, the Kiev Document is imprecise in many fundamental areas: Specific details on the role of the guarantor states and the structure of the peacekeeping force are not stated; the delimitation of federal and joint competencies is contradictory in parts; and the number of entities is not stipulated. Moreover, exact provisions for the transition phase and the procedure for settling disputes between the federal state and the entities over competencies are lacking. Ultimately, the Kiev Document is a rather hastily compiled draft, which consists largely of provisions quoted directly from the Constitution of the Russian Federation. It is, therefore, hardly a suitable basis for a conclusive agreement between Transdniestria and the Moldovan central government. Nevertheless, the draft agreement has had two significant effects: *First*, the negotiation process, which had been suspended since the summer of 2001, was given a new lease of life and *second*, the idea of a federal solution is being discussed within the framework of this process for the first time.

The OSCE Mission to Moldova had been cautiously promoting the federalization of the Republic of Moldova for a number of years without success before the summer of 2002. While a large part of the Moldovan opposition and some Western observers came out against the notion following the publication of the Kiev Document, moderate opposition politicians such as former Prime Minister Dumitru Braghiș as well as the European Union and the United States have expressed their support for the idea in principle. Two factors in particular argue in favour of a federal solution for Moldova. *First*, no sustainable solution to the conflict is feasible that does not involve granting some concessions to the Transdniestrian side, and *second*, reorganizing the Moldovan state along federal lines would mean that Transdniestria would also be involved in decision-making at the level of the country as a whole. In contrast to a solution based on autonomy, which favours parallel and – in the last instance – separate structures, a federation is inherently inclusive. Furthermore, critics of federalization often overlook the possibility that autonomy may under certain circumstances give a territory more rights and freedoms than federal models do. The question of the concrete delimitation of powers and Transdniestria's ability to influence decisions at the federal level

are thus key matters that must be decided – regardless of the model that is ultimately chosen.

Since the presentation of the Kiev Document, however, hardly any progress has been made in tackling these crucial issues. Although the conflict parties and the mediators met to negotiate eleven times between August and November 2002, they could not even agree on the exact wording of the first article of a final document. Initially, the Transdniestrian side distanced itself from a draft in which the Republic of Moldova was described as a democratic, federal state governed by the rule of law and founded on a treaty, as it did not want to give up its concept of a “common state”, which amounts to much the same as a confederation. When, however, the Transdniestrian side showed itself prepared to make concessions on this matter, Chişinău came to the conclusion that a federation based on a treaty could amount to the *de facto* recognition of Transdniestria and ultimately to a confederation. The negotiation process thus ground to a halt once more at the end of 2002. It picked up again at the start of February 2003 with the proposal by the Moldovan President Vladimir Voronin to appoint a joint constitutional commission and to task it with the elaboration of a new constitution for the Republic of Moldova including Transdniestria. Voronin’s initiative envisaged that the joint commission would draft a federal constitution within a period of six months. This draft was to be discussed in public and put to a referendum by 1 February 2004. Elections to a new parliament were then to follow on 25 February 2005 after a one-year transition and after the end of the legislative period of the present Moldovan parliament. This initiative represented the first time the Moldovan side had offered Transdniestria the opportunity to jointly build a new foundation for a reunified state. Up to then, Chişinău had assumed that the reintegration of Transdniestria could only occur largely on the basis of the existing Moldovan state and constitution – irrespective of the fact that the people of Transdniestria had played no part in creating them.

Despite these concessions and although the Joint Constitutional Commission was indeed established in April 2003, no major progress has so far been made towards developing a final document or a new constitution. It was only at the beginning of August that the Transdniestrian and Moldovan delegations in the Commission exchanged initial draft proposals. The Transdniestrian proposal, which was made accessible on the Internet on the same day, outlined a loose confederation rather than a federation and did not even go as far as the proposals expressed verbally by the Transdniestrian delegation at an earlier date. One should also note that the work of the Constitutional Commission did not commence until the beginning of July, as the parties could agree on neither a statute for the Commission nor a meeting place. It was only at the beginning of July with the mediation of the OSCE Mission that the two sides finally agreed on a statute and on making Bender the seat of the Commission. During these discussions, it became clear that the political will to make real progress was lacking not only on the Transdniestrian

side but that the Moldovans were also hesitant to implement the initiatives they had themselves set in motion. The role of the OSCE Mission during this phase consisted primarily of classical mediation activities. The Mission's offices in Chişinău and Tiraspol served as neutral ground for meetings between the chief negotiators on both sides and between the members of the Constitutional Commission. The OSCE also officially provided the building in Bender that was used for further meetings of the Constitutional Commission and found the formula that made it possible for experts from the European Union to take part in the development of the constitution as advisory observers.

The growing interest of the European Union in a lasting settlement of the conflict in Transdnistria will be a crucial factor in the process in the years to come. The EU has not only delegated experts to support the Constitutional Commission, but – more importantly – has begun to bring its political and economic power to bear on the process. Thus, on 27 February 2003, the EU Council of Ministers imposed visa restrictions on 17 members of the Transdnistrian leadership. These 17 people were made responsible for the lack of co-operation in the search for a political settlement. In the event of further obstacles to co-operation, the Council of Ministers has threatened additional sanctions. As these would in all likelihood extend to economic sanctions such as freezing bank accounts, this threat was taken very seriously in Tiraspol. And while progress in the negotiations has admittedly been limited since then, the current delay cannot be attributed solely to the Transdnistrians but is largely explained by the lack of willingness to compromise on the Moldovan side. With regard to the withdrawal of Russian equipment and ammunition, the EU's sanctions – which were rapidly taken up by some of the Union's associated states and, most importantly, the USA – had an instantaneous effect.

Istanbul – Porto – Maastricht?

Following Moldova's independence, Russia committed itself at the CSCE Ministerial Council in Stockholm in 1992, to withdrawing the 14th Army that had been stationed there during the Soviet period.⁵ Although, between 1992 and 1999, the size of this force was reduced from 9,250 to 2,600, large amounts of heavy weapons that fell under the CFE Treaty and around 40,000 tons of ammunition remained in Moldova. It was generally understood that a further troop reduction could only occur after the removal of this ammunition and the other military equipment. However, the Transdnistrian leadership considered this equipment and ammunition to be their inheritance from the

5 Since 1995, the units of the former 14th Army remaining in Transdnistria have been designated the "Operational Group of Russian Forces in the Transdnistrian Region of the Republic of Moldova" (OGRF).

estate of the former Soviet Union and threatened to resist or block the withdrawal if Transdniestria did not receive corresponding financial compensation. And although Russia had agreed to pay the appropriate compensation in a protocol signed in 1998 in Odessa, Moscow showed no real political will to withdraw all the Russian troops either. At the Istanbul Summit Meeting of the Heads of State or Government of the OSCE participating States in November 1999, Russia nevertheless did commit itself to destroying or removing all CFE-relevant material in Transdniestria by the end of 2001 and to withdraw its troops entirely from the territory of the Republic of Moldova by the end of 2002. The fact that Russia made concessions on this issue can be attributed to a combination of diplomatic pressure underpinned by international law (the CFE Treaty),⁶ concrete offers of assistance from Western states and the willingness of Russia's President Yeltsin to compromise as his presidency came to a close. The after-effects of this diplomatic initiative made it possible, on 9 December 1999, for the OSCE Permanent Council "to expand the scope of the present mandate [of the OSCE Mission to Moldova], in accordance with paragraph 19 of the Istanbul Summit Declaration, in terms of ensuring transparency of the removal and destruction of Russian ammunition and armaments and co-ordination of financial and technical assistance offered to facilitate withdrawal and destruction".⁷

A conversion expert was subsequently added to the OSCE Mission, which held extensive negotiations in Tiraspol and Chişinău and in Moscow in the following months. A voluntary fund to support the withdrawal was also established. However, this money was not made immediately available as there were no signs of the necessary progress being made. It was only at the end of May 2001 that the Head of Mission, William Hill, and the Russian Deputy Minister of Defence, Vladimir Isakov, signed an agreement on OSCE financing of the demolition of Russian weapons in Transdniestria and the principles of monitoring the process. Thereafter, Russian units stationed in Transdniestria began to destroy their heavy weapons under the supervision of the OSCE Mission. In mid-June, Russia and the OSCE also came to an agreement with Transdniestria providing for the removal of Russian equipment and the demolition of ammunition stored in Transdniestria. This is also being financed by the OSCE. Despite continued Transdniestrian protests and blocking tactics⁸ in violation of the agreement, all military equipment stationed in Transdniestria and falling under the CFE Treaty was destroyed or evacuated by 14 November 2001, thereby fulfilling the first part of the commitments made in Istanbul. With diplomatic pressure and material dispensa-

6 For example, the USA pointed out that the ratification of the CFE II Treaty would only be possible after the completion of the troop withdrawal from Moldova.

7 OSCE, Permanent Council, Decision No. 329, PC.DEC/329, 9 December 1999.

8 The protests were directed against both the Russian forces, whose commander was under investigation by the Transdniestrian "Public Prosecutors' Office" (cf. Infotag, 26 July 2001), and the OSCE Mission, whose office was besieged and whose members were sometimes denied entry into Transdniestria (cf. Infotag, 19 July and 28 August 2001; RFE/RL Newswire 31 August 2001).

tions, the OSCE and Russia had finally moved the Transnistrian leadership to make concessions. Decisive for this success was the Russians' willingness during 2001 to implement the first part of the commitments made in 1999 in Istanbul and to influence the Transnistrian leadership accordingly.⁹

Nevertheless, the fulfilment of the second part of the Istanbul commitments failed due to the ongoing non-co-operation of the Transnistrian leadership. For example, the Transnistrian leadership refused to allow the import of the OSCE-financed equipment to be used to destroy ammunition. At the OSCE Ministerial in Porto on 6 and 7 December 2002, a Declaration was adopted that included the following statement: "We welcome the Russian Federation's commitment to complete the withdrawal of Russian forces as early as possible and its intention to do so by 31 December 2003, provided necessary conditions are in place."¹⁰ In the Statements of the Porto Ministerial Council, the OSCE not only expressed its agreement with the Russian view that the delay in the removal of ammunition was "due in part to the fact that the Transnistrian authorities have systematically created difficulties and obstacles",¹¹ it also, by including the clause that removal should take place "provided necessary conditions are in place", opened the door for Russia to delay completion of the withdrawal of its armed forces beyond December 2003 without violating the letter of the commitments made in Porto. The text had not been agreed with the Moldovan delegation but was primarily a product of American-Russian negotiations. In contrast to most Western states, who were only represented in Porto by state secretaries or political directors, Russia was the only important state to send its foreign minister to the Ministerial. The Russian delegation, which was in a position of political as well as numerical strength, was thus able to assert its ideas without appreciable resistance. The Moldovan delegation, in contrast, was merely able to add an interpretative statement in which it strongly insisted that the Russian Federation fulfil the commitment it made in 1999 in Istanbul to complete withdrawal of its armed forces from the territory of the Republic of Moldova and made clear that the term "necessary conditions" in the context of withdrawal "refers solely to eventual technical arrangements and may in no way be applied to any political circumstances".¹² The extent of Moldova's frustration becomes even clearer in a statement it made in a meeting of the Permanent Council on 12 December 2002: "However, we must also state that the techniques used by a number of mostly involved Delegations in view of obtaining

9 Cf. William Hill, *Making Istanbul a reality: Moldova, Russia, and the withdrawal from Transnistria*, in: *Helsinki Monitor* 2/2002, p. 141.

10 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, printed in this volume, pp. 421-455, herein: Statements by the Ministerial Council, pp. 431-442, here: p. 435.

11 *Ibid.*

12 Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, Attachment 1 to Statements, in: *ibid.*, pp. 438-439, here: p. 438.

our consensus were unprecedented for our Organization and they could never be referred as a negotiation process in the traditional sense of the phrase.”¹³

Although the Porto Declaration did not annul the Istanbul commitments, it did serve to weaken them considerably. While there can be no removal of ammunition and military equipment or troop withdrawal in the face of Transdnistrian resistance, one must ask whether the Russian Federation does not have the means to break this resistance – to the extent that it is genuinely interested in fulfilling its commitments. The destruction of CFE-relevant material in 2001 has shown that resistance from Transdnistria is not insurmountable; developments between March and July 2003 are a further indication of this.

On 5 March 2003, the Supreme Soviet of Transdnistria passed a decision in which it recommended that the Transdnistrian leadership enable the removal of military equipment and ammunition belonging to Russian troops stationed in Transdnistria. This decision was tantamount to a declaration of agreement with the removal on the part of Transdnistria. And indeed, between March and June 2003, 35 per cent of the military equipment and the ammunition stationed in Transdnistria was removed.

Two events contributed to this breakthrough. First, Tiraspol was alarmed about the visa restrictions introduced by the European Union. Although the EU justified sanctions by reference to the lack of progress in the negotiating process, the use of sanctions had, during the previous two and a half years, most often been linked to Transdnistria’s blocking of the troop withdrawal. Even Russia, which had rejected sanctions over Transdnistria’s conduct in the negotiation process, was in favour of threatening sanctions in connection with the withdrawal hold-up. Thus faced with possible further measures, Tiraspol considered it opportune to make concessions on this issue. The second event that contributed to the breakthrough was the offer, in early March, by a delegation of the Russian company Gazprom to cancel 100 million US dollars worth of Transdnistrian debt for outstanding gas invoices as compensation for the equipment that was to be removed. Thus, it was the classic “carrot and stick” approach that persuaded the Transdnistrian side to resume co-operation.

As in 2001, however, this co-operative attitude did not last long. When the promised debt cancellation had not been granted by mid-June 2003, Transdnistria put any further withdrawal on hold for a month. An additional fact that probably influenced Transdnistria’s resumption of blocking tactics was the kind of ammunition and equipment to be removed in the second half of the year. Whereas the Russian armed forces will be able to use the equipment and ammunition that had been removed up to then, much of the ammunition remaining in Transdnistria now is obsolete from the Russian point of view. For the Transdnistrian and other armed forces, however, who are pri-

13 Statement by the Delegation of Moldova, in: OSCE, Permanent Council, PC.JOUR/426, 12 December 2002, Annex.

marily equipped with older Soviet weapon systems, the remaining ammunition is still usable. To put it another way, while the Russians do not have any particular interest in transferring more ammunition to Russia, as it would have to be stored there or destroyed at Russia's cost, Transdniestria does have an interest in keeping this ammunition – whether for use by its own armed forces or for resale. Although the OSCE is using its Voluntary Fund to finance the transport of ammunition out of the country – and would finance its demolition in Transdniestria – the countries that provide the money for the Voluntary Fund have so far not expressed their willingness to finance demolition in Russia. Transdniestrian resistance has so far rendered demolition in Transdniestria impossible. As no progress in this regard looked likely at the time of writing, the process of fulfilling the Istanbul commitments will in all probability extend beyond the end of 2003. The Russian side attributes the current hold-up to the need to resolve customs issues¹⁴ and takes the position that solving these problems is a necessary condition for withdrawal to go ahead. As far as Russia is concerned, the repeated postponement of the original deadline, which was set for the end of 2002, is thus covered by the Statement adopted in Porto.

An OSCE Peacekeeping Force for Transdniestria?

Even if Russia were to completely remove the military equipment and ammunition it has stationed in Transdniestria, all prerequisites for the withdrawal of the remaining 1,288 Russian soldiers would still not be met. Currently, 500 to 600 OGRF soldiers are deployed on a rotating basis within the framework of the trilateral Russian-Moldovan-Transdniestrian peacekeeping force, which has been stationed in an approximately twelve kilometre-deep security zone on each side of the Nistru (Dniestr) since 1992. The withdrawal of Russian troops would turn the trilateral peacekeeping force into a Moldovan-Transdniestrian operation. Although there have been no serious incidents in the security zone since 1992, it would be reckless to place responsibility for keeping the peace entirely in the hands of the two parties to the conflict. The complete withdrawal of Russian troops is thus linked to the stationing of a new peacekeeping force.

As already mentioned, the Kiev Document provided for the deployment of peacekeeping troops under the auspices of the OSCE. It did not, however, give any concrete details on their form or composition. Russian politicians and diplomats have on several occasions emphasized that Russia would have to play a leading role in a peacekeeping force for Transdniestria. Western

14 As a result of the customs agreement from 15 May 2003 between the Republic of Moldova and Ukraine, no goods may be removed via Ukraine that carry a Transdniestrian-Moldovan customs seal. These seals became invalid on 1 September 2001. From the Russian point of view, this agreement also makes it more difficult to complete the withdrawal.

OSCE delegations have also acknowledged that a peacekeeping force without Russian participation would be unrealistic. However, the solutions discussed in mid-2003 by the Dutch Chairmanship and other Western participating States do not envisage a dominant role for Russia. Independently of whether a force of this kind was deployed by the OSCE itself, NATO and/or the NATO-Russia Council or the European Union, it is thus clear that, although there will be strong Russian participation, Russia will not be in charge.

The establishment of an OSCE peacekeeping force by the beginning of 2004 is not realistic, as the OSCE does not have the capacity for such an operation at present, and not all participating States are willing to build capacities up within the OSCE framework. Although the working group on peacekeeping forces that was established in Porto will, at the Ministerial Council in Maastricht, present recommendations for reforming the regulations on OSCE peacekeeping operations adopted in Helsinki in 1992, this will hardly suffice to enable a deployment in Moldova at the beginning of 2004. At the same time, discussions within the working group on the possibility of the OSCE's mandating peacekeeping operations to be carried out by other organizations are becoming increasingly concrete. The OSCE established the prerequisites for mandating peacekeeping operations to be conducted by other states or organizations in the 1999 Charter for European Security. Paragraph 46 contains the following statement: "We have decided to explore options for a potentially greater and wider role for the OSCE in peacekeeping. Reaffirming our rights and obligations under the Charter of the United Nations, and on the basis of our existing decisions, we confirm that the OSCE can, on a case-by-case basis and by consensus, decide to play a role in peacekeeping, including a leading role when participating States judge it to be the most effective and appropriate organization. In this regard, it could also decide to provide the mandate covering peacekeeping by others and seek the support of participating States as well as other organizations to provide resources and expertise. In accordance with the Platform for Co-operative Security, it could also provide a co-ordinating framework for such efforts."¹⁵

In line with this statement, the 2003 Dutch OSCE Chairmanship favours stationing an EU-led peacekeeping force under an OSCE mandate. This kind of force could also contain a strong Russian contingent.¹⁶ The arrangements for including Russia in an EU peacekeeping mission already exist. According to these stipulations, Russia would be equal to the EU member states in the

15 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. 439.

16 Cf. Dov Lynch, Russia faces Europe, Chaillot Paper No. 60, Paris 2003, pp. 100-103; John Chalmers, Dutch propose EU peacekeeping force for Moldova, Reuters, 11 July 2003.

peacekeeping force in the implementation of daily tasks.¹⁷ However, this type of operation would be the responsibility of the European Military Staff, meaning that Russia would have no overall command of the operation. In addition to the EU, which has already signalled its willingness to take on such an operation, NATO may also be in a position to assume this kind of task. However, the Transdniestrian leadership has so far rejected the stationing of NATO troops, and the Transdniestrian people are generally critical of NATO. In particular, the intensive anti-NATO propaganda produced by the Transdniestrian leadership during the Kosovo war may still have a certain influence even today. An EU peacekeeping force under an OSCE mandate and with the participation of Russia as well as interested participating States would thus probably be the best alternative for securing the peace in Moldova as of 2004. A peacekeeping force of this kind is likely to number not much over 600 soldiers and could be gradually reduced in size. As a final conflict settlement would also entail the integration or demobilization of the security forces on both sides, the key future tasks in Moldova would be monitoring the demobilization process and training and modernizing the police forces – fields which are established core competencies of the OSCE. Consequently, an EU peacekeeping force in Moldova would be a good interim solution. Due to its limited duration, the stable military situation in the region and the expertise of the OSCE Mission, which has been in Moldova since 1993, the EU peacekeeping force should be linked as closely as possible to the civilian OSCE Mission. In contrast to the EU's Artemis Operation in the Democratic Republic of Congo, in which political control is the responsibility of the EU Policy and Security Committee, political command of a peacekeeping operation in Moldova should remain in the hands of the OSCE.

Summary and Outlook

The Dutch OSCE Chairmanship in 2003 has given the situation in the Republic of Moldova much attention and has endeavoured with great dedication to advance the settlement of the Transdniestria conflict. It is now essential to make use of the momentum achieved through these initiatives. As a member of the OSCE Troika and holder of the Presidency of the EU Commission during the second half of 2004, the Netherlands will also be able to continue to directly influence the processes it has set in motion. As Moldova's neighbour and the kin-state of the country's fourth largest minority, Bulgaria – which will take over the OSCE Chairmanship in 2004 – also has an interest in the rapid settlement of the Transdniestria conflict. This is also true of the European Union as a whole, which, in all likelihood, will extend its borders

17 Cf. Presidency Report on ESDP, 10160/2/02REV2ESDP188, Annex IV, Arrangements for Consultation and Cooperation between the European Union and Russia on CIS Crisis Management, Brussels, 22 June 2002.

eastward as far as the Prut in 2007. The potential for further progress in the conflict settlement process is thus good. While resolving the conflict is ultimately the responsibility of the parties themselves, only outside influence – particularly a balanced application of incentives and sanctions – is capable of weakening the powers that have more interest in maintaining the status quo than in settling the conflict. Furthermore, the withdrawal of Russian troops will not be attainable without active political support from the EU and the USA, as the interest in an enduring, at least symbolic, stationing of troops in Moldova is still very pronounced in influential circles of Russian politicians and policy makers.

The OSCE Mission to Georgia¹

Introduction

The mandate of the OSCE Mission to Georgia embraces all dimensions of the Organization's work: the politico-military, the human and the economic-environmental. While the Mission has been in existence since 1992, its mandate has been expanded repeatedly in recent years, specifically in 1999, 2001 and in December 2002 to include the Border Monitoring Operation (BMO) on the Georgian-Russian border.²

In 1999, the Mission had fewer than 20 international members – in 2003, there are over 160. It can be said that the Mission has grown to meet the complexity of the political, economic and human situation in Georgia and in the entire region.

Interrelations between all the OSCE dimensions and the interaction of all the Mission's activities make working in the Mission to Georgia an extraordinarily interesting experience.

Casting an eye back on the last three and a half years, it is clear that the expansion of the Mission's mandate to include border monitoring has brought the greatest change, tasking the Mission with new responsibilities in a further extremely sensitive area. The Mission also remains committed to its long-established role in attempting to find a peaceful and lasting solution to the Georgian-South Ossetian conflict. Besides this, the Mission supports the United Nations' efforts to reach a peaceful settlement of the Georgian-Abkhaz conflict and performs human-dimension tasks, including support for

1 The opinions expressed in this article are exclusively the personal views of the author. The article covers developments up to August 2003.

2 With its Decision of 15 December 1999, the Permanent Council supplemented the Mission's original mandate by charging it to "observe and report on movement across the border between Georgia and the Chechen Republic of the Russian Federation, both by vehicle and on foot [...]" (OSCE, Permanent Council, Decision No. 334, PC.DEC/334 of 15 December 1999). To this mandate was added two years later, on 13 December 2001, the task "to observe and report on movement across the border between Georgia and the Ingush Republic of the Russian Federation, both by vehicle and on foot [...]" (OSCE, Permanent Council, Decision No. 450, Geographical Expansion of the Border Monitoring Operation of the OSCE Mission to Georgia, PC.DEC/450 of 13 December 2001). Another year later, on 19 December 2002, the Permanent Council decided to expand the mandate again "to include observation and reporting on movement across the border between Georgia and the Dagestan Republic of the Russian Federation, both by vehicle and on foot [...]" (OSCE, Permanent Council, Decision No. 523, Border Monitoring Operation of the OSCE Mission to Georgia, PC.DEC/523 of 19 December 2002). Furthermore, it was decided to "enhance the operational efficiency of the Border Monitoring Operation (BMO) of the OSCE Mission to Georgia within the existing Area of Operation [...] on the Ingush and Chechen segments of the Georgian-Russian border [...]" (ibid.).

democratic institution building, the rule of law, respect for human rights, freedom of the media and gender equality.

It is tempting to deal separately with each of these apparently so very diverse aspects of the Mission's mandate. However, it has become increasingly obvious within the Mission itself that the closely interwoven nature of all the areas of the Mission's mandate and all its activities – their interdependence – may generate synergies. Active integration of all aspects of the mandate can be seen as one of the Mission's key challenges.

What does this mean concretely? All Mission tasks have to do – directly or indirectly – with the relationship between Georgia and the Russian Federation. They must therefore be seen not only in a regional but also partly in a supraregional context. In addition, all Mission tasks touch upon the question of democratization as a prerequisite for good governance in the broadest sense. These two elements must be taken into account in all the various areas of the Mission's activity – both when performing analysis and when attempting to find solutions.

Georgia and the Russian Federation – or the Consensus Principle and the Principle of Territorial Integrity

A key reference point for many Georgian politicians with regard to the Georgian-South Ossetian and Georgian-Abkhaz conflicts and to the importance for Georgia of the war in Chechnya is the alleged imperial aspirations of Georgia's northern neighbour. These are made responsible for a number of Georgia's problems and for the country's struggle to prevent violations of its territorial integrity.

Georgian politicians also stress the country's orientation towards the West, its close ties with the United States of America in particular, its desire to join NATO and its closeness to the European Union. Georgians like to contrast their country's Western-friendly stance to the imperial policies of the Russian Federation and link this with an appeal to Western donor countries not to abandon Georgia but to be patient with an emerging democracy.

As mentioned above, Georgian-Russian relations are relevant to three aspects of the Mission's mandate, in particular: the Georgian-South Ossetian conflict, the Georgian-Abkhaz conflict and the BMO.

Russia is often accused of supporting the separatist entities of South Ossetia and Abkhazia. For example, Russia first waived visa requirements for inhabitants of those regions and then issued them with Russian passports. The Russians – repeating views often heard from the Abkhaz and South Ossetians – have accused Georgia of doing nothing to change the status quo, which limits the basic right to freedom of movement in the separatist entities.

On the question of the Pankisi valley, Russia has repeatedly alleged that the Georgian government has not taken adequate measures to combat terror-

ism, claiming, in addition, that there are Al-Qaida fighters located in the valley. Russia has regularly blamed Georgia for Chechen fighters crossing the border. Georgia, for its part, has denied the allegation, arguing that the war in Chechnya is the cause of the Pankisi valley problem and blaming the imperial tendencies of its northern neighbour for other problems, such as the crisis in the summer of the year 2002.

The relevance of these issues for the OSCE Mission to Georgia is obvious. Regardless of the rights and wrongs in individual matters, this dispute and its staging is central to all the activities of the Mission. Two relatively trivial facts are here of fundamental importance: the consensus principle of the OSCE, in which Georgia and the Russian Federation are participating States, and the principle of the territorial integrity of all participating States.

When considering (and attempting to resolve) the Georgian-South Ossetian conflict, it is impossible to get away from these two fundamental components of OSCE identity. The OSCE has the task of promoting negotiations on a peaceful settlement of the conflict, while, at the same time, defending the principle of Georgia's territorial integrity. This sounds like an attempt to square the circle, but at the operational level is not a contradiction in terms, as careful observation of the negotiations confirms.

There is a tendency to underestimate the successes of the Mission in the negotiations and to gauge the temperature of this frozen conflict as colder than it really is. However, the fact that a number of meetings of the Joint Control Commission – the quadripartite negotiations body in which Georgia, Russia and North and South Ossetia are represented – took place in 2002 and 2003 is in itself an achievement, and one which would have seemed inconceivable three years ago. The above-mentioned basic principles do, to a certain extent, place the Mission in a fundamental dilemma, which certainly limits its ability to take action in various respects. However, it is able to maintain ongoing dialogue between the conflict parties, which has meant that efforts to curb escalation over the last ten years have been successful.

At the Eighth Experts' Group meeting in Castelo Branco (Portugal) in October 2002, the conflict parties agreed to continue the discussions on the status of South Ossetia. In view of the less than hopeful starting position, this must be considered a success in itself. A rapid breakthrough in the negotiations cannot, however, be expected.

While, with regard to the BMO, the events of the summer of 2002 – including the bombardment of Georgian territory³ and intensive Russian pressure on Georgia to finally solve the problem of the Pankisi valley to Russia's satisfaction – have indeed shed light on the limits of the Mission's ability to intervene, the Mission did succeed in reducing tensions between the two

3 The then Chairman-in-Office of the OSCE, the Portuguese Foreign Minister Antonio Martins da Cruz, publicized two press statements expressing his concern about the events; see: http://www.osce.org/news/show_news.php?id=2665 and http://www.osce.org/news/show_news.php?id=2636.

OSCE participating States decisively during the autumn and the winter. In December 2002, the mandate of the OSCE was then expanded “to include observation and reporting on movement across the border between Georgia and the Dagestan Republic of the Russian Federation, both by vehicle and on foot”, and simultaneously it was decided to “enhance the operational efficiency of the Border Monitoring Operation (BMO) of the OSCE Mission to Georgia within the existing Area of Operation [...] on the Ingush and Chechen segments of the Georgian-Russian border [...]”.⁴

Negotiations on the Status of Russian Military Bases

A further aspect of the regional and supraregional context is evident with regard to the implementation of the agreements drafted in the Joint Statement of the Russian Federation and Georgia of 17 November 1999. During 2000, the two sides were due to “complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi und Akhalkalaki”.⁵ However, because of differences over the schedule for decommissioning the bases, this process ground to a halt.

It is clearly not possible for the Mission to simply take sides on this matter. Its role is rather to offer the OSCE participating States a forum for dialogue and to accompany the decommissioning and withdrawal of Russian military bases with projects in areas such as environmental rehabilitation. The “Melange” project, within the scope of which 500 tons of liquid rocket fuel was neutralized in the past year, proves that the Mission can play a positive role. This year, it has already been able to complete the first and second phases of a follow-up project whose goal is to recycle or ensure secure storage of ammunition and bombs at a warehouse in Dedoplistskaro. At present, the third phase of this project is being prepared and further projects are planned.

Democratization as a Precondition for Good Governance

Democratization is perhaps the most broadly defined term among the tasks of the OSCE’s human dimension. Good governance can and should be understood as a result of democratization. Democracy, in turn, is supported by good governance. The institutions of civil society play an important role in the democratization process: Every attempt to make progress at the level of government must be accompanied and supported by activities aimed at

⁴ OSCE, Permanent Council, Decision No. 523, cited above (Note 2).

⁵ Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, Annex 14: Joint Statement of the Russian Federation and Georgia, Istanbul, 17 November 1999, CFE.DOC/2/99, at: <http://www.osce.org/docs/english/1990-1999/cfe/cfeinact99e.htm>.

strengthening civil society and the interaction of both sectors. To ensure success, therefore, a long-term strategy is required that pays attention to both areas. In the case of Georgia, while the first important steps in the direction of developing such a strategy have been made, they are far from exhausting the full range of opportunities offered by the OSCE.

The Small Arms Programme in the Zone of the Georgian-South Ossetian Conflict

A good example of the Mission's work in the area of small-arms control is the Rapid Reaction Programme in the zone of the Georgian-South Ossetian conflict. Micro-projects in the areas of the environment and economic development are financed specifically as compensation for weapons handed over voluntarily to the joint Georgian-Ossetian-Russian peacekeeping troops. The goals of these projects may include, for example, cleaning an irrigation canal, repairing a street, putting up electric wiring or providing a school with computers. The core of this programme is to create sufficient incentives for handing over weapons to be destroyed.⁶ Another key aim is to persuade the Georgian and South Ossetian municipalities to co-operate in implementing the kinds of projects mentioned.

Support for non-governmental organizations throughout Georgia, including the separatist entities, is of cardinal importance for developing a democratic public that can effectively become involved in a meaningful dialogue with the authorities. In fact, the exchange between members of non-governmental organizations involved in confidence-building projects and on the grass-roots level has progressed much farther than the official Track-1 negotiations. The OSCE should also take this development into account and should work towards increasing civil society involvement in official negotiations and maximizing the transparency of these processes, which too often take place behind closed doors. The great challenge for the Mission in this is to find out how much openness is possible given the Mission's precisely defined mandate and the fact that the political process remains tense and volatile.

It is unrealistic to expect lasting solutions to be found to the region's many major and minor conflicts if democracy and the values and structures of civil society do not become more deeply rooted in the societies involved than is currently the case. Hence a vast range of support is provided by donors and international organizations – including the OSCE – for the diverse activities of non-governmental organizations, including those that are not or are not yet engaged in peace work. The OSCE's expenditure on programmes and projects relating to civil society has increased continuously in recent

6 Collective compensation prevents the funds received as a reward for handing over old weapons from being used to buy new ones.

years. The instrument of voluntary contributions by OSCE participating States has proved particularly effective and important in this connection.

The Fight against Trafficking in Human Beings

In co-operation with the Georgian National Security Council, whose initiative the project was, the Mission created a project to develop consistent and comprehensive legislation on combating trafficking in human beings. This project brings together all relevant actors, non-governmental organizations, representatives of relevant ministries and international experts, to achieve a broad social and government-approved consensus on this important question. This kind of consensus-building activity is one of the key areas where the OSCE can make a contribution.

Elections

Parliamentary elections are due to be held in Georgia in November 2003. Georgia's Foreign Minister Irakli Menagarishvili has labelled these elections a "test of maturity" for Georgia.⁷ As well as playing a role in the election monitoring activities of OSCE/ODIHR, the Mission's work concerning these elections has concentrated on facilitating co-operation between international organizations and diplomatic representations. This has aimed at ensuring that the international community speaks with *one voice*, something that is rarely achieved, and yet is so important in the complex transition process that Georgia is currently going through.⁸

In the run-up to the elections planned for November 2003, a working group was formed at the end of 2002 composed of thirteen ambassadors and the heads of missions to Georgia of various international organizations. The *Ambassadorial Working Group* (AWG) is being supported by the *Technical Working Group* (TWG), composed of working-level staff from embassies and international organizations and election experts. The TWG is chaired by the OSCE Mission. Regular meetings are held to analyse the latest developments, discuss concrete actions and projects, co-ordinate project proposals to avoid duplication, define priorities and analyse legislative, political and technical developments in order to identify questions for taking up in ongoing dialogue with the government.

7 Statement by Menagarishvili during the visit of a high-ranking OSCE delegation in Georgia in March/April 2003.

8 This concept of "speaking with one voice" would be desirable in other areas as well. International co-ordination, or at least reciprocal information exchange, is one of the basic pre-requisites for successful intervention; another is the effective and sustainable management and control of project funds.

By means of this concerted and often laborious activity, the international community has succeeded in conveying its major concerns to the Georgian government with clarity and in a way that takes into account the realities of the country. To what extent this can and will be taken into consideration in the run-up to and during the elections is a different question. Following the elections in Armenia in 2003, there is room for doubt. It is important that a realistic assessment is made of the extent to which the international community can influence the situation in contemporary Georgia.

A lot is at stake in the election for Georgia's political elites. It is possible that passing the "test of maturity" is not the key priority for all of them.

In the long term, free and democratic elections have an important effect on the peace process in the entire Caucasus region. For governments, they represent the elixir of legitimacy. But before this can be achieved, it is essential to create a social consensus that election fraud is inherently illegitimate. Unfortunately, it is unlikely that this consensus exists to a sufficient degree (at least at present) in Georgia and the other Caucasus republics or that it is shared by all interest groups. Under these circumstances, elections cannot endow the victors with sufficient legitimacy. This reveals the intimate relationship between, for example, the official negotiations in both of Georgia's conflicts and the question of democratization: A government whose fundamental illegitimacy makes it insecure and which therefore feels constant pressure to maintain its hold on power is in no position to conclude peace with or make extensive concessions to a separatist entity. The options for the OSCE to intervene in such a case are limited by the fact that its presence in the country is at the invitation of the government. Moreover, authorities whose illegitimacy places them under pressure are fond of blaming third parties for all their troubles, which establishes the link to Georgian-Russian relations.

Once again, the solution is to strengthen the structures of civil society and the interaction between them to create a counterweight to illegitimate authorities. While this may involve a certain amount of subversion, it is vital that it be carried out impartially. However, the need to co-operate with the other interest groups involved in the conflicts – including the authorities – creates the appearance of a paradox: On the one hand, the existing state structures are strengthened by international recognition. At the same time, however, work continues to develop and implement a sustainable long-term strategy to strengthen the structures of civil society so that they can play an equal and legitimate role in the construction of the Georgian state. Incidentally, it is not only the OSCE that is seeking a strategic balance between these orientations; there are a number of donors who are just as perplexed by the dynamics in the Caucasus and are also seeking to develop policies and strategies capable of promoting the effective and sustainable democratization and stabilization of Georgia.

Outlook

The mandate of the OSCE Mission to Georgia has been continually expanded since 1992. To some extent, this expansion and increasing complexity simply reflect the complexity of Georgian society and the South Caucasus as a whole. This provides the Mission with a vast array of opportunities to offer assistance and support in all the processes mentioned above. Taking advantage of them requires an integrated approach encompassing all OSCE dimensions. There is room for the Organization to pay more attention to the role of civil society in building the Georgian state. At the end of the day, state building and democratization are indeed the most important fundamental prerequisites for solving the conflicts in the country's territory.

The OSCE Office in Baku¹

Background

The history of Azerbaijan – which lies sandwiched in the region between Iran, Russia and Turkey – is dominated by its position at the crossroads of Asia and Europe. Following the collapse of Soviet rule, the country's present political leadership has made the strategic choice of integrating into the Western world.

This was partly a matter of securing the country's economic future by integrating it in the world economy. This found clear expression in agreements on the exploitation of petroleum and natural gas reserves and in the highly symbolic decision to build a pipeline from the Caspian Sea to the Mediterranean.

It was, however, also a matter of integrating Azerbaijan in the structures of the Euro-Atlantic community of values. The country joined the OSCE in January 1992, shortly after becoming independent. Its accession to the Council of Europe followed in 2001. These steps involved the assumption of various commitments regarding democracy, the rule of law and human rights.

With the goal of intensifying OSCE activities in Azerbaijan, the Permanent Council adopted the decision to establish an OSCE Office in Baku on 16 November 1999. The Office opened its doors in the summer of 2000. Its mandate extends across all OSCE dimensions, encompassing the human, political, economic and environmental aspects of security and stability.

Mandate

One of the key aspects of the Office's mandate is to promote the implementation of OSCE principles and commitments. The open way this is formulated makes it necessary to set priorities and to choose the appropriate course of action from the broad range of options available. We have essentially decided to take a two-sided approach on this:

The Office monitors, tracks and comments upon current developments and events in Azerbaijan from the viewpoint of the implementation of OSCE principles and commitments. It draws attention to any matters of concern that may arise, discusses these with the authorities responsible or endeavours to deal with them using the instruments it has available.

¹ This article reflects the personal opinions of the author. It covers the period up to May 2003.

At the same time, we make every effort to actively support the implementation of selected OSCE principles and commitments by co-ordinating and organizing relevant events and by developing and carrying out corresponding projects.

To be able to fulfil these tasks, the Office is in continual contact with all the relevant governmental and non-governmental institutions and bodies. One key aspect of this is the formalized quarterly exchange of information within the framework of a group that includes representatives of the most important authorities the Office deals with.

Prerequisites

Given the dramatic and turbulent changes that Azerbaijan has gone through in the last decade or so, flexibility and rapid manoeuvrability are indispensable if the OSCE Office is to implement its mandate. Azerbaijan's transformation process continues at breakneck speed. For example, the majority of the laws important for democracy and the rule of law have been fundamentally overhauled since the country acceded to the Council of Europe. Under such circumstances, the ability to react quickly to new developments is vital.

When, on 22 June 2002, President Haidar Aliev called for a referendum on the Constitution to be held on 24 August 2002, the international community, including the Office for Democratic Institutions and Human Rights (ODIHR), demanded that it be postponed, as two months was not long enough for voters to obtain information on the issue. No attention was paid to this proposal. Nevertheless, with the consent of the government and the support of the International Foundation for Electoral Systems (IFES), the OSCE Office was able to conduct a series of five round tables at which representatives of the government and the opposition discussed planned changes to the Constitution. Each of these three-hour round-table discussions was broadcast in full to the whole country following the evening television news.

Apparently, this was the first time this kind of TV debate between the government and the opposition had ever taken place. The round tables, which I moderated, made the broad Azeri public aware of the existence of the Office and immediately and significantly boosted its profile. As a result, it became easier for us to gain access to important offices, while public interest in our Office increased.

We have benefited from the fact that the OSCE has a very high profile in Azerbaijan and is a key point of reference in political discussions. This is a result of the Organization's election monitoring activities during presidential and parliamentary elections, and its role in the Nagorno-Karabakh conflict. Here, however, it must be noted that the OSCE Office in Baku is not responsible for questions related to the conflict.

As we are regularly asked to comment on current events, public relations and media work are an important part of the Office's activities. This function is also important for us because the dialogue between actors participating in the political process is conducted to a large extent through the media. This is arguably the case because important political parties are not represented in Parliament and because many social forces are not integrated in formal political decision-making processes.

Priorities

Precisely because we aim to respond flexibly and quickly to current events and new developments, it is important that the Office bases its activities not only on its mandate but also takes into account priorities derived from a long-term view.

We are convinced that exercising our mandate requires us to direct our attention primarily to promoting the rule of law and good governance – central aspects of all OSCE dimensions. Improvements in the legal and court system, for example, are not only central for enhancing the protection of human and civil rights, but are also seen as important prerequisites for attracting foreign investment and thus for the economic development of the country.

We have chosen to prioritize – in terms of both monitoring developments and pursuing support and project activities – the following topics (not listed according to their importance):

- Election issues
- Law enforcement and policing
- The legal system and civil rights
- Freedom of the media
- Religious tolerance
- Trafficking in human beings
- Ombudsman office
- Refugee and IDP issues
- Good governance and transparency
- Reducing poverty and developing small and medium-sized businesses
- Environmental protection and water management
- Combating terrorism
- Code of Conduct on Politico-Military Aspects of Security
- Border control.

Generally speaking, the tools available to an OSCE mission allow two options for supporting the implementation of OSCE principles and commitments. One is to bring together state institutions and social or political forces relevant to a specific principle or commitment to, for example, reconcile interests or discuss problems and their solutions. The other consists in facilitating the exchange of information and experience between these groups and foreign persons or institutions that can serve as role models or offer expertise.

This second type of work is generally more prominent. This is so because many problems are essentially rooted in the fact that most people participating in public life in a country such as Azerbaijan – police officers as well as demonstrators, politicians as well as journalists – have an insufficient understanding of their roles in a democracy under the rule of law – all the more so as many of these roles were not in existence in the previous system.

The missions generally do not have instruments available that allow them to offer material assistance. Although a lack of material resources often makes it more difficult to implement OSCE principles and commitments, we have not considered questions of material assistance up to now as we have not had the financial means. Our location in Baku also limits our ability to arrange for third-party funding.

However, without funding, it is also impossible to offer intangible assistance in the form of round tables, conferences, seminars, workshops, expert consultations, study trips, etc. Up to the end of 2002, the Office did not have the budget resources available for these kinds of activities – with the exception of a modest “Head of Mission fund”, amounting to three per cent of the operating costs of the Office.

Consequently, in the first few years of the Office’s existence, we stressed events and projects that could be realized in co-operation with other OSCE institutions, in particular ODIHR. In individual cases, we succeeded in carrying out projects jointly with local partners who were able to secure financing. Finally, we also elaborated several projects that were recommended to the OSCE participating States for financing through voluntary, extra-budgetary contributions. It has, however, not proven very prudent to prepare projects in the hope that they attract the attention of a sponsor. It became clear that it was more efficient to develop small projects that could be financed by ODIHR.

A fundamentally new situation arose in December 2002, when the OSCE Permanent Council unexpectedly passed a decision to supplement the Organization’s 2003 budget to fund a range of roughly outlined projects to be carried out by the OSCE field missions in the Caucasus and Central Asia. Funding for these projects is now included in the missions’ budgets. In the case of the Office in Baku, the following project areas are to be addressed:

- Policing (in-depth needs assessment, developing a project on co-operation, training programmes)
- Training programmes for judges and lawyers
- The politico-military dimension of security
- Training programmes and workshops in the areas of border control and trafficking in human beings, drugs and weapons
- Support for state authorities in developing measures to combat terrorism and related capacity building
- Promoting the development of small and medium-sized businesses
- Programmes to raise awareness in the areas of the environment and sustainable development
- Development of a free and independent media.

The task of the Office is now to devise and implement concrete, meaningful projects with the appropriate Azeri partners based on these guidelines. One of our challenges is that the timeframe for planning and implementation is determined by the budgetary year. As far as the Office's project activities are concerned, therefore, we are giving these projects absolute priority in 2003. We will, of course, also continue to co-operate closely with ODIHR to implement its projects – in particular, activities related to the October 2003 presidential elections.

Examples of the Office's Activities

In the following, three examples representative of the areas outlined above will be presented, which we hope will convey an impression of the work of the Office in general.

Participation in Drafting a New Electoral Law

After the above-mentioned referendum of 18 August 2002 on the Constitution, elaborating a new electoral law became one of the most important domestic political topics. This project was ascribed such great importance by all parties because it would establish the ground rules for the presidential elections, which, according to the Constitution, are due to be held in October 2003.

From the viewpoint of the international community – specifically the OSCE and the Council of Europe – the point of this electoral-law project was to create a foundation that would allow the next election to meet democratic standards and ensure that the election results are accepted by the majority of participants.

The new election code was designed to comply with international standards and the recommendations issued by ODIHR based on its experience in

international election monitoring. To this end, experts from ODIHR and the Venice Commission of the Council of Europe have, since the summer of 2002, been working closely with the Azeri presidential administration responsible for the preparation of this law, whose drafts are being continuously reviewed and discussed in meetings of experts.

The new electoral law was also intended to accommodate the interests of the various political parties, enabling participants in the coming elections to agree on at least the ground rules, and creating a minimal measure of reciprocal trust. Without this, democratic elections cannot be held – even with the best of electoral laws.

A public consultation process was judged necessary to complement the expert meetings. As an initial step, the Director of ODIHR arranged with President Aliiev in October 2002 for a round table to be conducted in December of that year; others were planned for the beginning of 2003.

The initial round table, which was held on 17 and 18 December 2002 by ODIHR with our support was, however, only a limited success owing to a boycott by important opposition parties who demanded instead that formal negotiations be held whose results would be binding and that an arbitration commission be appointed. All the same, this event was the reason that the draft law, which had hitherto been confidential, was made public at the end of November. This led to intensive discussion within interested circles, namely non-governmental organizations (NGOs) and opposition parties. Within the latter, a comprehensive commentary with detailed opinions on specific provisions of the draft law was elaborated. The central focus of attention during these discussions was the election commission, which dominated to the exclusion of virtually all other topics.

Following the round table, our Office concentrated on encouraging the leading members of the most important political parties to reconcile their interests with the aim of incorporating the results of this into the draft law. After apparent initial successes in agreeing on format and procedures, the undertaking experienced a setback when the opposition parties laid down new conditions irreconcilable with the agreed principles. The enterprise failed completely when the party representatives we had invited to a meeting to resolve the situation did not show up, although they had originally agreed to attend.

After this setback, we decided to focus less on the purely political level by turning to experts on electoral law. To this end, we organized – with the backing of the IFES – a conference on 26 and 27 February 2003 that brought together academics and practitioners. Key speakers at the conference were to be the government representative responsible for developing the draft law and an opposition election expert who had played a significant role in elaborating the opposition commentary, as well as experts from ODIHR, the Council of Europe and the IFES. However, the opposition expert cancelled his appearance at the last minute when the co-ordination centre of opposition

parties decided to boycott the conference. Thankfully, we were able to convince a co-author of the opposition commentary to participate.

In an effort to make information on the new draft law available to the public, as in the case of the referendum round tables mentioned above, we arranged with the presidential administration for the conference to be broadcast on state television. Viewers throughout the country were thus able to watch the entire event, which I moderated, on prime-time evening television. The presentations made by the government representative and the opposition expert were both broadcast, as was the discussion that followed and the opinions of foreign experts on the draft law.

Unfortunately, our intention to facilitate an informal exchange of information on the fringe of the conference between government and opposition experts did not come to fruition owing to the opposition's decision to boycott. We were, however, able to arrange a formal meeting of this nature a week later.

On 6 March, we arranged for the senior civil servant in charge of the draft law within the Office of the President, who is also the law's author, to meet with the opposition's leading election expert to engage in an initial exchange of ideas on some of its central points. This became possible after opposition election experts stated that they would agree to a meeting of this kind with no further preconditions.

The most important result of this first meeting was that both sides agreed on a roadmap for further discussions on the draft law. However, only one other meeting was held, on 10 March. At this meeting, the opposition expert explained that the co-ordination centre of the opposition had restricted his mandate to what it considered the most crucial aspect of electoral reform – the establishment of the election commission. On hearing this, the government representative declared that under these changed conditions, further discussion was pointless.

This seemed to scupper the last hope of fulfilling, by way of an agreement between key political forces, the criterion set by the ODIHR and Council of Europe experts that the election commission, and thus the electoral process, not be under the influence or control of a single political power. The international experts made it clear that neither the government's draft nor the opposition's counter-proposal were acceptable from this point of view.

Within the international community in Baku, the opinion was therefore growing that the international experts should draft a proposal themselves. On 3 April 2003, in a *démarche* to the head of the presidential administration, I expressed the concerns of ambassadors from OSCE participating States in Baku and presented him with a proposal for provisions regarding the election commission, which had been developed jointly by experts from ODIHR and the Council of Europe. This proposal was subsequently accepted by the government and further elaborated in a meeting with the international experts.

The government then forwarded the changes agreed with the experts to the appropriate parliamentary committee. The legislature had, in the meantime, held a first reading and debate of the draft law. In the debate on the second reading, on 7 May 2003, members of the governing party were highly critical of the proposed changes and of the international organizations involved. The Chairman of Parliament and his deputy accused the Head of the OSCE Office in Baku of interfering in the internal affairs of the country. A number of Members of Parliament even demanded that I be deported. The law was sent back to the committee for further discussion, which again presented the changes to the plenum in a slightly modified form. On 27 May 2003, this version of the law was adopted by Parliament.

Publicizing International Humanitarian Law and the Code of Conduct on Politico-Military Aspects of Security

The politico-military dimension of the mandate is a special challenge for the Office inasmuch as, in Azerbaijan, this area is above all seen in terms of the conflict in Nagorno-Karabakh – which does not fall under the mandate of the Office – and the *de facto* ongoing state of war with neighbouring Armenia.

This was also apparent at a round table on politico-military aspects of security we conducted jointly with the Azerbaijani Foreign Ministry and the OSCE Conflict Prevention Centre on 3 and 4 June 2002 in Baku. At this event, around thirty national-security representatives of the Azerbaijani governmental authorities discussed the role of the security forces in a democratic society with six OSCE experts and considered practical questions regarding the implementation of the Code of Conduct and confidence- and security-building measures. In doing so, the participants focused primarily on the significance of the Code of Conduct and some of its provisions in the light of inter-state relations in the South Caucasus.

Following this round table, I had the opportunity as a guest on a live talkshow broadcast on an Azerbaijan-wide private television network to explain several aspects of the Code of Conduct to the broader public. The questions I was asked focused, in particular, on combating terrorism.

Although several of the participants in the round table expressed an interest in follow-up meetings, this did not become possible until the corresponding financial resources became available through the Permanent Council's December 2002 decision to supplement the 2003 budget. The supplementary budget explicitly provides for the development and implementation of projects in the politico-military dimension.

When, on 1 May 2003, I discussed with the Minister of Defence the possibility of co-operating in this regard with the Azerbaijani armed forces, he suggested, among other things, that an introductory course in international humanitarian law be conducted for the battalion that Azerbaijan wanted to send to Iraq to participate in the stabilization force. Three days later, we

learned that this battalion was due to leave for Iraq within a few days. This meant the only date the course could take place would be 6 May. Thanks to the rapid response and flexibility of all those involved, we were able to make use of this opportunity.

On the appointed date, an experienced Swiss Army training expert acquainted the members of the Iraq battalion with the basic principles of international humanitarian law. Moreover, he assisted us in creating two pocket-sized leaflets on the basic principles of international humanitarian law, which we gave to the members of the battalion printed on laminated paper in the Azeri language to take with them.

Assistance for the Development of Small and Medium-sized Businesses

The 2003 supplementary budget gave a major boost to our work in the economic and environmental sphere as, compared to the other OSCE dimensions, this area has a stronger emphasis on support and project activities. Consistent with the premise that the promotion of economic welfare strengthens security and stability, the supplementary budget provides a substantial sum for the promotion of the development of small and medium-sized businesses.

One way we saw of contributing meaningfully in this area was by supporting plans to create business incubator centres and industrial parks in Azerbaijan. On the one hand, there existed a group of initiators that were interested in taking steps in this direction, and on the other, the necessary state support seemed to be guaranteed. The development of business incubator centres and industrial parks for the development of small and middle-sized businesses for the years 2002 to 2005 was incorporated in the government programme of 7 August 2002 and with the presidential decree of 11 September 2002, the ministerial cabinet was tasked with elaborating the corresponding recommendations.

However, as this instrument was new to Azerbaijan, those involved could not rely on local knowledge and experience. We therefore joined forces with the United Nations Development Programme (UNDP) to facilitate the exchange of knowledge and experience between the persons and institutions involved and appropriate foreign partners.

First, from 27 to 29 January 2003, the Office organized a tour to visit two existing business incubator centres in the Middle Danube area, one in the Austrian city of Wiener Neustadt, and one on the other side of the Austrian border in Hungary. A visit was also organized to the office of the United Nations Industrial Development Organization (UNIDO) in Vienna. The ten participants, who included both representatives of government agencies and private initiators, had the opportunity to gather information first hand on the creation and operation of this kind of enterprise and to gain a concrete idea of how it could look.

Second, on 23 and 24 April in Baku, together with the Azerbaijani government and UNIDO, we organized the first national workshop on business incubator centres and industrial parks. The workshop was attended by representatives of key state agencies, entrepreneurs' organizations and the small and medium-sized business sector, as well as UNIDO experts and representatives of Turkey, Kazakhstan and Uzbekistan who are involved in the construction and operation of business incubator centres and industrial parks in their own countries. In the first part of the workshop, the participants discussed the role of the state. The second part dealt with the establishment, operation and management of such centres and parks. Possibly the most important result of this workshop was the impetus it gave to long-running plans for a major joint project between UNIDO and Azerbaijan to establish business incubator centres and industrial parks.

Outlook

An emerging challenge for Azerbaijan's transformation process is the expected sharp increase in petroleum exploitation and the rise in income this will bring. The future of Azerbaijan will depend decisively on the skill with which it manages the expected "oil boom" and masters the associated social, economic and political challenges. One of the most important tasks in this connection for the OSCE Office will be to promote openness, transparency and public participation in relevant decision-making processes. This can be seen as a continuation of our engagement with the referendum on the Constitution in 2002 and the drafting of a new electoral law. In essence, this work has been a matter of promoting the implementation of a fundamental democratic principle: that political decisions and laws should be prepared and enacted via a transparent process that takes account of the broadest possible spectrum of interests. The promotion of transparency and participation will be of decisive importance in ensuring the sustainability of the transformation process.

The Closure of the OSCE Assistance Group to Chechnya: A Defining Moment for the OSCE?

The activities of the OSCE Assistance Group to Chechnya (AG) ceased at midnight on 31 December 2002 as its mandate came to an end. Last-minute endeavours to extend the mandate by a month were in vain, and the proposed final meeting in 2002 of the OSCE's Permanent Council, scheduled for the afternoon of 31 December solely in order to debate this matter, was cancelled at short notice. Russia did not accept the suggested one-month's extension.

In the absence of a valid mandate, all the political activities of the Group had to be stopped at once. For the technical closure, however, a delay until 21 March 2003 was agreed. At the last moment, the Russians had demanded that the closure time of three months as originally agreed be shortened by one week. On 5 March, well ahead of the deadline and also before the referendum on a new constitution in Chechnya was held on 23 March, the office of the Assistance Group in Znamenskoye, north-western Chechnya, was closed for good.

There has been a lot of imprecise media reporting on the subject of the AG's closure. We were not "kicked out". Although I am aware that some readers may find it unnecessary, I feel it appropriate to tell the story in full. First, however, I would like to briefly review how the Assistance Group's mandate was received and interpreted during its time of validity.

The 1995 Mandate Ran until the End of 2002. What Happened during these Seven Years?

The original mandate of the AG was formulated on 11 April 1995, under circumstances that were totally different from those that finally prevailed. In those days, the real protagonists of the conflict were the government of the Chechen Republic of Ichkeria and the Kremlin, between which the AG was unofficially expected and even *de facto* encouraged to mediate. However, the two sides held to widely differing interpretations as to the position of the Ichkerian Republic under international law. The Republic had already proclaimed its full independence in 1991. This had never been properly recognized by the Russian government, neither at the time when the mandate was created, nor later, in spite of certain concessions included in the Khasavyurt agreement of 31 August 1996, which put an end to the military campaign of 1994-1995, and in the somewhat self-contradictory Moscow peace treaty of 12 May 1997. Neither did the international community ever express anything but full respect for the territorial integrity of Russia. No independent state

(with the exception of Afghanistan under the Taliban) and no relevant international organization (such as the United Nations) ever recognized the independence of the Republic of Ichkeria.

Contradictory conceptions of the situation were artfully spun together in the text of the mandate.¹ The Assistance Group was to operate in conjunction with the Russian authorities and in full conformity with the legislation of the Russian Federation. Its mandated tasks included promoting respect for human rights and fundamental freedoms, establishing the facts concerning their violation and helping foster the development of democratic institutions and processes by, for example, restoring local organs of authority. It was also charged with assisting in the preparation of possible new constitutional arrangements and in the holding and monitoring of elections. Finally, it had the role of promoting law and order and the rule of law.

According to its mandate, the Group was entitled to contact both civilian and military authorities and to have free access to individual citizens or groups of citizens. It was also expected to involve itself in humanitarian aid and in matters concerning the return of refugees and internally displaced persons (IDPs).

Beyond this, it was also encouraged to “promote the peaceful resolution of the crisis and the stabilization of the situation in the Chechen Republic in conformity with the principle of the territorial integrity of the Russian Federation and in accordance with OSCE principles and pursue dialogue and negotiations, as appropriate, through participation in ‘round tables’, with a view to establishing a ceasefire and eliminating sources of tension”.²

To enable it to fulfil its tasks, the Group was promised freedom of movement, six staff members including the Head of Mission, security arrangements, a budget, and a status under international law as referred to in the decisions of the Rome Council Meeting with regard to members of OSCE missions established by competent OSCE bodies.³

In reality, the status provided by the Rome Council is rather vague and interferes considerably with the work of many OSCE field missions. This is, however, a general problem, and a single host country cannot be made responsible for it. So, as is the case for several OSCE field missions, the Assistance Group did not possess a proper legal identity in the host country. It could not have a bank account of its own, and its armoured vehicles were temporarily imported as the private property of the mission members, who figured on the diplomatic list of their home countries’ embassies in Moscow. For instance, the current author had the honour of being included on the list of the Portuguese diplomats in Moscow, in spite of his Finnish nationality.

1 OSCE, Permanent Council, Decision No. 35, PC.DEC/35, 11 April 1995. See also the contribution by my esteemed predecessor, Ambassador Alfred Misson, in the OSCE Yearbook 2001.

2 OSCE, Permanent Council, Decision No. 35, cited above (Note 1).

3 CSCE, Fourth Meeting of the Council, Rome 1993, Legal Capacity and Privileges and Immunities, CSCE/4-C/Dec.2, Rome, 1 December 1993.

We had diplomatic status in virtue of our attachment to specific nation states, not our real function.

We must bear in mind that, from the very beginning, the mandate fully accepted the territorial integrity of Russia. On the other hand, by including the notion of “round tables”, it left a rather vague opening for the free exchange of views.

This mandate was reaffirmed without change in the OSCE Istanbul Summit Declaration of 19 November 1999.⁴ In this text, the summit participants also “fully acknowledge the territorial integrity of the Russian Federation and condemn terrorism in all its forms”.⁵ The text also underscores the need to respect OSCE norms.

The Assistance Group was obliged to leave Grozny for Moscow on 16 December 1998 as the security situation had deteriorated considerably. After a while, even its locally employed workers moved to Ingushetia.

Nevertheless, as soon as the Russian military campaign in Chechnya started in September 1999, discussions about the return of the Assistance Group to Chechnya reappeared on the agenda. A secondary outcome of the Istanbul Summit was Russia’s consent to the Group’s early return to Chechnya. As a result of this, the Group was indeed able to resume its activities in Znamenskoye. This took place on 15 June 2001, during the Romanian Chairmanship.

On 13 March 1997, the Russian government had already pointed out that it believed the political mandate of the AG had been fulfilled. In spite of this, and under some political pressure, it now accepted the outcome of the Istanbul Summit. But then the situation changed again. Through their campaign of 1999 to 2000, and with recourse to massive use of military force, the federal troops succeeded in ousting the Maskhadov regime from Grozny. Accordingly, towards the end of 2001, the government of Russia already seemed to be convinced that it had definitively solved the mandate problem. From now on it was no more prepared to extend the mandate on an *ad hoc* basis. So, on Russia’s insistence, the Permanent Council decided on 21 December 2001 to extend the mandate of the OSCE Assistance Group to Chechnya by one year only, until 31 December 2002.

The Russian delegation also demanded that a specific statement be attached to the decision. In it, the Russian party claimed that fundamental changes had taken place in the situation in the Chechen Republic since the adoption of the Assistance Group’s mandate. According to the Russian view, the political component of the mandate had now been fulfilled in its entirety. The Russian side also stressed the need for the Assistance Group to work closely with the central Russian authorities and the local administration of

4 Cf. 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. 419.

5 Ibid.

Chechnya. Moreover, its work was to now be focused on humanitarian assistance to the population and the return of displaced persons.⁶

The Mandate Question: Developments and Negotiations 2002-2003

This Russian statement in December 2001 earmarked the mandate as a future yearly bargaining object and, accordingly, prejudiced the direction of any further discussions on the topic from the start. When Portugal as the incoming Chairman-in-Office proposed me – a Finn – for the position of Head of the AG in October 2001, it took some time for the Russian administration to give their agreement. Some further clarifications were necessary before the mandate was prolonged by a year, but agreement was finally reached in January 2002.

As late as mid-2002, I was still told by an influential representative of the Russian Ministry of Foreign Affairs that “the incoming Dutch Chairmanship [author’s note: for 2003] will probably continue normally until the end of 2003, but the referendum on the new constitution at the end of the year will subsequently change the situation for 2004”. Then, at the beginning of autumn of 2002, the federal government of Russia and the Chechen administration changed their minds, and in the face of much criticism, set the date of the referendum for March 2003. In reality they probably wanted to show how “normalized” the situation already was, and an OSCE field mission did not quite fit into such a picture. The date was set before the terrorist hijacking of the Dubrovka theatre in Moscow and the blowing-up of the administration building in Grozny. Contrary to the assumed goals of the terrorists, these two events in fact served to fix the date of the referendum irrevocably. Postponing the referendum afterwards would have meant giving in to the terrorists and was therefore completely out of question.

On 29 November 2002, the Portuguese Chairman-in-Office made the routine proposal in Vienna that the current mandate of the AG be prolonged by another year.⁷ But somewhat earlier, on 20 November 2002, the Russians had already circulated an unofficial draft mandate text, which once more aimed at reducing the AG’s activities to humanitarian work, to be carried out in close co-operation with the host government. This was not accepted by most of the other participating States. While they were prepared to accept even far-reaching modifications to the text, they insisted categorically that the Group would maintain its political reporting role and tasks aimed at enhancing the rule of law, human rights and the build-up of democratic institutions

6 Cf. Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, in: OSCE, Permanent Council, Decision No. 454/Corrected reissue, Extension of the Mandate of the OSCE Assistance Group to Chechnya, PC.DEC/454/Corr.2, 21 December 2001.

7 Cf. PC.DD/50/02.

in the region. Portugal tried to find common ground with the host country, but the differences could not be overcome.

Intensive negotiations were carried out at the Porto Ministerial meeting on 6 and 7 December 2002, but these did not lead to a breakthrough. I have never before seen a group of ambassadors and foreign ministers behave as they did at the Porto's old Alfândega customs-house towards the end of the meeting, gathered in the main corridor in a vividly gesticulating bunch – like a swap meet or a Russian *"tolkuchka"* – trying to solve, among other things, the matter of the AG's mandate. After several hours they had to give up their fruitless bargaining. Nor did simultaneous endeavours to mobilize political support at the level of Heads of State influence the situation sufficiently.

In the new year, the incoming Dutch Chairman-in-Office continued to make strenuous efforts to find a compromise that would permit the return of the Assistance Group to Chechnya. However, this did not lead to any concessions from the Russian side either.

*Why Was the Permanent Council Unable to Agree on a Renewed Mandate?
Were We "Kicked out"?*

Why did the Russians wish to end the presence of the Group, or at least turn it into another passive onlooker of political developments in Chechnya? Evidently, some of the motivation is to be found in the relatively recent removal of the OSCE Missions from the Baltic states, against which Russia had raised so many objections. Now the boot was on the other foot: If the Missions had to be removed from the Baltic states, why not from Russia as well? The situation was compounded by the simultaneous occurrence of acute problems concerning the OSCE Mission to Belarus.

I was told by Russian colleagues, in both Vienna and Moscow, that their government was aiming to modify the rules governing OSCE field missions as a whole. From now on, the Russians wanted them to be formulated on a case-by-case basis in close consensus with the host state "in order not to let them be used for political purposes against the host country". I understood this to mean that now even the Russians had accepted the opinion that a field mission "stigmatizes" its host country.

It should also be mentioned that, even with this new change of policy, neither the Group's activities nor my own role came in for the least criticism. It would have indeed been quite easy to use us as scapegoats in order to change the mandate. We had never desisted from criticizing the authorities, whenever called for. On the contrary, we received both public and private recognition for our work from the Russian government. In reality, this was not completely unexpected, as we had been extremely careful to abide to the letter of our mandate. It is true that we received some criticism from certain parties that still maintained the legitimacy of – or at least sympathized with –

the Maskhadov regime and therefore supported the independence of Chechnya. Evidently they did not understand what we were doing and what was impossible for us to do: As far as the question of territorial integrity was concerned, there was nothing we could do.

Was this Really a Defining Moment? Does the OSCE Have a Future in the North Caucasus?

The Assistance Group ceased to exist for precisely the reasons I have tried to trace back above. Nevertheless, it does not therefore follow that the OSCE will never be able to re-establish itself in the region. Lots of things remain to be accomplished there. Even if there is no field mission left to remind us by its mere existence that the host country has a problem, it might still be possible for the OSCE – or ODIHR – to have another type of a local presence in Chechnya, maybe even one with considerable freedom to operate. Organizations such as the United Nations and the International Committee of the Red Cross still have powerful presences in the region. They do not stigmatize anybody. And, of course, neither do the field missions in the South Caucasus, the Balkans or the Central Asian republics stigmatize their host states. On the contrary, they are seen as indicators of progress. If ever established, such an OSCE/ODIHR representation should be placed in Chechnya itself and not in (for example) Ingushetia. This would allow it to make a distinctive contribution that would complement the work of other organizations active in the region. At the time of writing, the security situation in Chechnya is particularly sensitive. Following the attacks in spring 2003 (the bombing of the local headquarters of the Russian secret service, FSB, in Znamenskoye and the failed bomb attack on Akhmad Kadyrov on 14 May 2003 in Gudermes province during a religious rally that was simultaneously used to support President Putin's party in Chechnya) the Council of Europe has decided to pull its experts out of Chechnya, at least temporarily.

Here I return to the question included in the title of this article, viz. whether the closure of the OSCE Assistance Group to Chechnya was a defining moment for the OSCE. Maybe it was, in general terms, but not necessarily for its presence in the North Caucasus, where much remains to be done. This I will try to explain more in detail in the second part of this article.

What Kind of Surroundings Did We Operate in?

I will now concentrate on the time after the return of the Assistance Group from Moscow to Znamenskoye on 15 June 2001. The Group's earlier operations will be remembered as significant achievements, but they must now be definitively consigned to history.

So far I have tried to give the reader the exact legal background of our work. But in practice I used to answer occasional questions about whether this or that was within our mandate by saying that we as a field mission prefer to leave hair-splitting about these problems to more authoritative circles around the Permanent Council in Vienna. We ourselves, I maintained, were more interested in practical activities. Of course, this was a somewhat evasive approach, but astonishingly, it was accepted by all my interlocutors. What really counted was that we travelled at our own discretion, reported whatever we thought was the truth to the Chairman-in-Office and the Secretariat, and decided on the focus of our activities ourselves.

The OSCE Assistance Group was the only international organization, whose expatriate representatives were actually resident inside the Chechen Republic. We lived in Znamenskoye, north-western Chechnya, from where we could reach Grozny in little more than an hour, and, for example, Gudermes in less than two hours.

In my own experience, many local people were greatly surprised that foreigners (“*zamorskie*”) were moving around among people and talking Russian even among themselves, as we did. Most others were totally dependent on their interpreters, and meetings where everything had to be interpreted were generally very awkward.

Our security system, although it was robust and based on Ministry of Justice special forces, did not impede us from moving around freely. These special-forces officers were mostly individuals who themselves understood what we were trying to do, and often even showed a personal positive interest in our humanitarian tasks. Everyone has to have security guards in Chechnya. Those who neglect this rule are risking their lives. Some are assassinated, like our Upper Terek neighbour and head of administration Akhmed Gapurovich Zavgaev, who simply did not believe that he could be a target; others are kidnapped, like my Dutch friend Arjan Erkel, who was captured last summer in Makhachkala and is still missing.⁸

Most ordinary people were delighted to see us around. We operated in an atmosphere that was constantly supportive. On the other hand, people's expectations were occasionally over the top. And since we were unable to perform miracles, some people were inevitably disappointed. I used to tell them that we were not film stars from Hollywood but rather people who still remember what it is like to gather potatoes in the mud on a rainy autumn day. That was understood. Neither did we flatter the population by making excessive promises, or by taking an overly sentimental approach, in spite of the personal sympathy we felt as a result of their awful hardships.

One has to admit that some of the inhabitants of the temporary accommodation centres were already a little “institutionalized”. They were observing a certain pattern of behaviour that has also been noted in casual visitors' reports. They seemed to more or less take it for granted that there was help

8 Editor's note: Arjan Erkel was released in April 2004.

available. It was not easy to encourage them to organize themselves to improve their own situation. For example, many of the centres' occupants complained that there were no beds in the buildings rather than making some out of the abundant scrap wood that was available. Before we left the area, I had very interesting discussions about the possibilities of increasing the motivation of the centres' residents with representatives of the Russian human-rights organization Memorial and our own local humanitarian assistants.

What Did the Assistance Group Really Achieve in 2002?

To give an idea of the actual events behind our formal reports, I have produced the following subjective reference list, which might give some insight into what we actually did:

Firstly, we wanted to be visible in Chechnya; we hoped that people would know that we were working on their behalf. We also wanted to know what was going on and made reports to the Chairman-in-Office, the Permanent Council and the Secretariat. To enable this, we travelled widely in Chechnya and included details in our reports.

Secondly, we established working contacts with the federal authorities and the Chechen administration, right down to the local level. We also contacted and established close co-operation with the main NGOs in the region such as Memorial as well as international organizations such as the United Nations High Commissioner for Refugees (UNHCR), the Danish Refugee Council, or the International Committee of the Red Cross (ICRC).

We were probably the only group to follow from the very beginning the constitutional procedure which led to the referendum on 23 March 2003. We reported on the plan as early as the summer of 2002 and were the first to distribute different editions of the draft constitution, the definitive version of which we fetched from Gudermes on 14 December 2002. In our reports, we analysed the draft texts, which originally contained numerous elements of genuine local autonomy. I think it was a pity that most of these were removed from the definitive version before it was subjected to the referendum.

We established contacts with the three universities in Grozny, which had miraculously survived as lively institutions throughout the conflict, struggling on in their temporary accommodation. They have a total of over 15,000 students. If these universities were – for whatever reason – to disappear, it would mean the end of the Chechen language and ultimately the Chechen people.

To demonstrate our support for Chechen culture, including the local, Noxchi, language, we also tried to assist the primary and secondary education systems as well as purely cultural activities. We also forged links with the Islamic community in Chechnya, something that was rendered difficult by the existence of so many prejudices on the part of the Westerners. These re-

sulted in, for example, the rejection of our request for teaching materials for the local madrasa (Koran school) in Znamenskoye. This was not only very short-sighted, but clearly demonstrated the prejudices of potential suppliers of funds.

We received and passed on the local population's complaints concerning serious crimes and other violations of law and order, and tried to help them make use of the local judiciary. This led to lamentably few results, basically due to the serious deficiency of the legal system (and the rule of law in general) in Chechnya.

We addressed the Federal Migration Service's (FMS) Chechnya branch about the international standards of voluntary return in dignity and safety of IDPs as early as April 2002. On this point, we were rather critical and built up a close relationship with UN representatives in Russia and the region. Thanks to our permanent presence on the spot, we were able to monitor the authorities' operations. We also undertook to follow up the fates of those lifted to the Grozny area and elsewhere. For example, we checked the situation of many families confirmed officially to have inhabitable housing left in the Grozny region – in most cases examined in our random survey, they did not. Even if we were in many ways the lead organization in following the fate of the IDPs, it did not help much in the face of the authorities' determination to send them back to where they had come from. In our view this took often place too early.

The two preceding points – the rule of law and IDPs – were very important to us and made up a permanent part of our ongoing reporting.

What Could We not Achieve?

Here I would now like to detail what we could *not* achieve:

We could not make contact with the armed militants (which would have meant violating both Russia's existing legislation and our mandate, and would have led to our immediate expulsion from the area). However, they did contact us occasionally via fax.

Neither could we mediate between the parties, as Russia was against this. Besides, it could hardly be said that there were parties to mediate between, as both the Russians and the Chechens are nowadays so splintered in their views. Instead, I had extremely interesting discussions about the political future of Chechnya with certain former politicians from the time of the Ichkerian Republic. Here I should mention that it was generally impossible to know for definite who one's interlocutors actually represented. This is a major problem with all personal contacts in Chechnya. One must always take care, as one can never know "who" one is talking to or what he or she is possibly being blackmailed to do.

We could not systematically follow up the numerous human-rights violations, which clearly do occur. Following up every allegation was not part of our mandate, and we did not have the personnel to do so. In certain cases, however, we did do a considerable amount, especially whenever we considered ourselves to be in possession of suspicions that were well-enough founded to entitle us to demand a follow-up investigation of a case. We frequently mentioned these cases in our reports. One of them even led to a non-public diplomatic démarche, although without a positive result.

We did not succeed in gaining access to the armed forces' inner circles. We were never able to visit the Khankala base near Grozny, for instance. The requests I made via intermediaries were fruitless.

We also Developed Our Own Projects

Given the acute need in Chechnya for humanitarian activities and the urgent requirement for democratic institution building, we launched a number of small and medium-sized projects of our own. These will now be passed over to other actors in the region. Some of these projects were already initiated before our Group's return from the exile in Moscow. Our locally employed workers – excellent people but now unemployed – have promised us they will try to locate new implementing organizations for some of our interrupted projects. If you should ever hear of a small new local NGO called “*Doverie*” (“Confidence”), it belongs to our former local employees, who have made the completion of their half-finished projects a matter of personal principle.

Who Were Our International Partners?

Following the closure of the office of the OSCE Assistance Group, there is no international organization left on Chechen soil that is officially represented by expatriate staff. Nevertheless, many international organizations still operate there from elsewhere. Here are some of our most important partners:

Until the start of 2003, two or three experts of the Council of Europe Secretariat used to live occasionally in the house next door to the building where we were based in Znamenskoye until our closure. They are not the Council of Europe's official representatives, but specialists in the office of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic. In the summer of 2002, this office was moved to Grozny, where the experts did not live. In the meantime, they have moved to Strasbourg for security reasons. If they return, they will either have to shuttle between Znamenskoye and Grozny, or move to Grozny, which is bound to be extremely difficult from a security point of view.

Because the Parliamentary Assembly of the Council of Europe includes members of the Russian State Duma, the Council of Europe also has a very important role as a location for official contacts. Because of this, its role in supporting the development of parliamentarism in Russia can hardly be overestimated.

The United Nations has a solid presence in Russia. Representatives of the UNHCR and the United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) are located in Moscow, Ingushetia (Nazran) and North Ossetia (Vladikavkaz). In close co-operation with the Danish Refugee Council in Nazran, and with the help of local employees, they organize large amounts of humanitarian aid, even inside Chechnya. The ICRC, with offices in Moscow and Nalchik (Kabardino-Balkaria), uses the same organizational model.

Who Were the Assistance Group's Local Partners and Associates?

Among local NGOs, Memorial, the Russian Human Rights Centre, is by far the most important in the North Caucasus. Its headquarters are in Moscow, but it also has a strong presence in Chechnya and Ingushetia, where its offices are run entirely by Chechens. I am one of those who hold the work of Memorial in great respect. It is the best primary source of critical human-rights information in the region. Many other human-rights organizations and the media frequently reuse Memorial's materials, often without adding very much value of their own, except perhaps in terms of reaching more people.

Even Memorial occasionally distributes information that is not entirely free of factual mistakes. It also reports relatively little on the activities of the armed separatists, compared to the attention it devotes to holding the federal government to account. But in a few cases where our Assistance Group happened to dispose of trustworthy independent sources of its own, Memorial's information has regularly proved to be reliable. Memorial's main message is that the rule of law and respect for human rights do not function normally in Chechnya. This fact is widely known in European capitals, and is not even denied by the Russian authorities in Moscow or Grozny. Unfortunately, this fact no longer seems to appear particularly significant to global public opinion – nor to the world's governments.

Our frequent visits to the Chechen Civilian Procurator's office in Grozny were absolutely necessary to show the judiciary that we were observing their activities on behalf of the population. But these contacts also aimed at supporting those individuals within the office who were unhappy with their limited room to act. I like to hope that our repeated visits might have motivated them to continue to pursue certain matters.

The first ever Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen

Republic, Vladimir A. Kalamonov, was appointed on 17 February 2000. His main Chechen office was located in Znamenskoye. Shortly before his successor as human-rights representative, Abdul-Khakhim Sultygov, took office on 12 July 2002, the main office was moved to Grozny.

Vladimir Kalamonov made an active start in 2000 to 2002. With the help of the experts from the Council of Europe, his office created a remarkable database of human-rights violations in the republic. In late 2001/early 2002, Kalamonov introduced a very useful institution of regular meetings between the authorities, including such enforcement agencies as the armed forces, the troops of the Ministry of the Interior and those of the FSB and local human-rights organizations including Memorial. With the active help of the Chechen administration, they tried to make the much-criticized "population screening operations" more transparent and less arbitrary. After a few months, however, in the spring of 2002, Memorial and the other local NGOs left these meetings, stating as their reason an allegedly passive and non-serious attitude on the part of the representatives of the enforcement agencies.

More recently, the activities of the Human Rights Representative seem to have focused less on addressing the federal government on behalf of the local population. Occasionally, he has even lent the impression of being President Putin's representative to the Chechens. Nevertheless, this institution clearly remains of the utmost importance to the population, as it is their only available direct channel to the Kremlin. It is also admittedly not an easy office to run. Many locals are inclined to consider it as merely an arm of the administration. In any case, the Human Rights Representative certainly deserves the support of the international community, if only to ensure that he can go on reminding the federal government about local human-rights matters. His office should be a natural partner of any renewed OSCE presence in the region.⁹

The Federal Migration Service (FMS), which is the federal entity charged with taking care of IDPs, was originally a department of the Federal Nationalities' Ministry. It was led by Vladimir Kalamonov from 1999 until his appointment on 17 February 2000 to the post of the Russian President's human-rights representative in Chechnya. In mid-October 2001, however, the Nationalities' Ministry was dismantled, and the FMS was moved to the Ministry of the Interior. This transfer was itself problematic, however, as the latter had neither the financial resources nor the experience necessary to provide aid to over 100,000 IDPs.

Colonel General Andrei Chernenko was appointed head of the FMS on 26 February 2002. He was also a Deputy Minister of the Interior. One is inclined to conclude that, now – and for the foreseeable future – the extremely complicated and costly task of dealing with the IDPs is being run with less humanitarian expertise than formerly. The FMS was virtually unable to operate effectively throughout 2002.

9 Mr Sultygov has since been relieved of his functions.

In practical terms, the FMS has been in charge of the administration and welfare of the IDPs, while their physical transport and lodging matters (especially the tent camps) have been dealt with by the Ministry of National Emergencies.

Was the Referendum a Solution to the Problems? What Now, OSCE?

The enforcement agencies (*“silovye struktury”* consisting of Ministry of Defence and Ministry of the Interior troops plus those of the FSB) still seem to be convinced that there is a military solution to the problems in Chechnya. I am personally convinced that this is not the case. Sooner or later, the soldiers will have to go home. The problem of Chechnya is also a huge problem for the whole of Russia. Not only is Grozny a city in ruins and an unsafe place to live. Eighty thousand armed servicemen are deployed in Chechnya. There are numerous IDPs all over Chechnya, as well as in Ingushetia and the rest of Russia. And the tent camps and temporary accommodation centres are just the tip of the iceberg. People do not wish to return to insecure surroundings. They and their families remain wherever they can find accommodation, in temporary and improvised living-places. In some tent camps (according to the *Kommersant* daily of 25 March 2003), participation in the referendum of 23 March 2003 was as high as 200 per cent. This was possible because voters from private accommodation had unexpectedly appeared in the camp, where many of them had not been registered.

The top Chechen administration and many decision makers in Moscow see that the situation is difficult. But all too often they seem to rest content with attempting to remove the symptoms rather than treating the underlying disease. They also have their own ambitions and interests that may completely distort the process in a short space of time. If the presence of an OSCE Assistance Group stigmatizes the country, in spite of its obviously constructive intentions, it has to leave. If IDPs are moved back to where they came from, they no longer provide evidence of anomalous circumstances. And if there is an evident lack of democracy, the rule of law and normal societal institutions, hold elections, and everything will be nice and democratic!

The referendum on 23 March 2003 was evidently not carried out in accordance with the norms and best practices of traditional European democracy. Even many Russian commentators did not deny this. The presidential elections of September 2003, which also took place under difficult security conditions, corresponded even less to Western democratic norms: Every candidate who could have posed a challenge to the eventual winner, Akhmad Kadyrov, had already been eliminated from the ballot before the vote took place.

Both the OSCE and the Council of Europe abstained from monitoring the referendum or the presidential election in an official capacity. Paradoxi-

cally, however, the referendum has had one major positive side effect: the reappearance of elected organs of power in the republic. There had been none since the fall of the Ichkerian Republic – and it would be wishful thinking to imagine that the Ichkerian regime could ever return. The elected organs that are now emerging may later turn into normal democratic institutions, if future circumstances allow. Such organs will certainly be a more effective and legitimate negotiating partner than the Moscow-appointed and so far locally unaccountable representatives of the Chechen administration they are to replace. This also applies to the President of the republic, who did at least have his position confirmed in a vote – however controversial it was. Prior to the election, he owed his position exclusively to a decree of the Russian President.

All in all, the Chechen administration proved to be quite a useful day-to-day partner for the Assistance Group. The emerging elected organs will probably be even better suited as partners for co-operation with the OSCE and the international community as a whole than the bodies they replaced, which were only answerable to Kadyrov as head of administration and, through him, to the Russian President. What is most important, however, is that these organs, being locally supported and locally accountable, could probably solve problems of internal security much more adequately than any federal bodies.

As long as the federal government in Moscow does not attempt to tackle the Chechen problem by showing a great deal more understanding and confidence, and providing a significantly higher level of material assistance to the population itself, the situation will remain critical. If more confidence is demonstrated towards the locals, on the other hand, it will improve their chances of taking care of their own matters. The Chechens are weary of the war. Nobody knows how popular the armed separatists are now – perhaps less than ever following the reckless terror strikes in late 2002 and early 2003. They are split into many small groups, with varying motives, ranging from “normal” nationalistically inspired separatism to fanatically motivated terrorism or just plain criminal greed.

The Russian side is extremely heterogeneous, too, and it also conceals criminal elements. In Russia there is evidently a strong demand for such old-time values as generosity, trust, magnanimity and respect towards one’s neighbours, the long-suffering Noxchi people.

Contrary to all Western and Russian prejudices, traditional Islam in the region plays a positive role in mitigating the conflict and enhancing internal social cohesion among the population. It is a source of moderation and moral values when combating extremism and criminality. I really think that the time has arrived for the OSCE to improve and strengthen its contacts with this faith, which has a long history in this part of Europe. All too many commentators try to draw a connection between Chechen terrorism and Islam, despite the fact that the centuries-old conflict in the region is not primarily religious.

The OSCE Assistance Group has ceased to exist. But both the OSCE and the rest of the international community should now leave no stones unturned in searching for new ways to go on helping the long-suffering Chechen people.

The Human Dimension and Democratic Development

Analysing Political Islam: The Need for a New Taxonomy

Introduction

One of the crucial tasks facing analysts of the Islamic world is to create a set of adequate analytical terms by means of which to categorize the world's many Islamic movements. The terminology currently used is frequently loaded; different terms are used interchangeably; and too little regard is often paid to how such terminology affects the way the movements are perceived. The social sciences can easily fall into the trap of ignoring the way that ostensibly "objective" analysis creates the reality that it seeks to describe. Furthermore, using terms that have become inherently pejorative such as "Islamic fundamentalism" to describe certain movements results in the marginalization and radicalization of the members of these movements. Great care is required both in academia and in the media to ensure that the terms used remain analytical tools rather than a mere "labelling" system.

"Islamic Fundamentalism"

The term "Islamic fundamentalism" has become the most common and perhaps the most loaded of these terms. Its use with regard to any Islamic movement is fraught with problems from the outset, as it is an attempt to borrow a term that describes a specific 20th century movement in Christianity to designate a broad range of ideological phenomena in the Islamic world. The defining tenet of fundamentalist Christianity is the literal interpretation and acceptance of the entire Biblical text, whereas a literal interpretation of the Koran is accepted by nearly all Muslims. Christian fundamentalist groups will view the Bible, or at least the New Testament, as the literal, revealed word of God rather than a work written by human hands and subject to human prejudices. In Islam, however, the Koran is by definition the revealed word of God, and it is explicit in the text itself that it is not written by the hand of the Prophet Muhammad. If the criteria for "fundamentalism" is a belief in the literal meaning of the Sacred Text and a doctrinal acceptance of the text as the revealed word of God, then all Muslims would fit the label of fundamentalist. This makes the term meaningless as an analytical tool.

However, if one by fundamentalism means a perceived return to the "roots" of the religion, then the term has more meaning. The main Islamic movement which can be described as fundamentalist in this regard would be the *Salafi* movement, which constitutes the official religion of Saudi Arabia.

The word “*Salafi*” comes from the Arabic root *s-l-f*, which designates something which is “below”, “low” or “previous”. The doctrinal core of all *Salafi* movements is the belief that Islam, as history develops, becomes increasingly corrupted by cultural and doctrinal innovations. Any such innovations (*bid’a*) are intrinsically impermissible and therefore the *Salafi* movement seeks a return to what it considers to be the “pristine” Islam of what is known as the *rashidun* (the “rightly guided”) period: the period of the Prophet Muhammad and the four caliphs who followed him: Abu Bakr, Umar, Uthman and ‘Ali. For the *Salafi* movement, the period of the *rashidun* holds the same sway that the Ancient world did for European thinkers in the Renaissance: The Islamic *umma* (community) of the *rashidun* period was a time of wholeness and unity, which was shattered by doctrinal innovations created by deviant Muslims. If one is to argue, as Slavoj Žižek does, that ideology is always premised upon a fantasy of wholeness and the attempt to overcome a terrible “loss” of the symbolic world, then the *Salafi* movement fits the bill perfectly. It is militantly opposed to Shiism, which rejects the first three caliphs and denies the existence of the so-called Golden Age. For the Shiites, the history of Islam has been one of Sunni oppression against the Shia minority and they believe there is no lost paradise to yearn for. For this reason Shiism tends to look ahead towards the appearance of the millennial figure of Imam al-Mahdi, who most Muslim sects believe will appear at the end of time to establish justice in the world. The *Salafi* movement, while believing in the Mahdi prophecies, show little practical interest in these teachings. Their concern is not so much millennial as it is about bringing something back that was lost: the alleged harmony and purity of the early Islamic period. In his “Towards a Muslim Theory of History”, Thomas Naff argues that the utopian ideal of the early period holds a powerful grip over the Muslim imagination and that the “Muslim” theory of history (to be more exact: the Sunni view of history, but even that is a very broad label) is a fundamentally cyclical one where Islam is continually brought back to its roots by religious revivers.¹ It is the attempt to revive the period that motivates the *Salafi* movement.

This desire for utopia naturally leads to political action on the part of many *Salafis*, but not all. The term “Islamic fundamentalism” may be technically accurate in describing such movements, but it is so loaded that it is probably best to simply refer to the *Salafi* movement by its own name. However, even though all strands of Salafism may be described as “fundamentalist”, not all may be described as “political”. There are two broad groups in the *Salafi* movement: One is the official Salafism of Saudi Arabia, epitomized by religious leaders such as Sheikh Abdul Aziz bin Abdullah bin Baz or Sheikh Muhammad Nasiruddin al-Albani. These groups are avidly apolitical. In spite of their obsession with reviving the lost utopia of the *rashidun* period, they have compromised firmly with the Saudi regime and have no

1 Cf. Thomas Naff, *Towards a Muslim Theory of History*, in: Cudsi and Hillal Dessouki (eds), *Islam and Power*, London 1981, pp. 21-25.

revolutionary ambitions. They are far more concerned with correcting what they feel are heretical practices among the Muslims. This includes a demand to return to so-called Islamic clothing (long shirts for men, the full-veil *niqab* for women) as well as an extremely close scrutiny of minor ritual practices and declarations of *takfir* (“pronouncing someone a non-believer”, anathema, excommunication) for those who deviate from the doctrines in the slightest. The so-called *jihadi* wing of the *Salafis* is epitomized by Osama bin Laden: The Saudi regime is considered to be one of the worst cases of *bid’a* and should be replaced by a pure Islamic state modelled on the *rashidun* period. The apolitical *Salafis* are basically a quiet religious sect; the Bin Laden movement believes in the full and free use of violence in pursuing their goals. A very important part of the *Salafi* movement is the use of *takfir*, as mentioned above. For the Bin Laden movement, declaring a person a non-believer makes the shedding of his blood permissible; it is therefore a tool employed frequently against leaders and individuals in the Islamic world.

Thus, the term “fundamentalism” may be correctly used with regard to the *Salafi* movement but it is probably best to dispense with it altogether because of the prejudice it evokes. Reference to the *Salafi* movement by that name and distinguishing between *political* Salafism (the Bin Laden variety) and *apolitical* Salafism would be a superior approach.

“Islamic Extremism”

The term “extremism” has become much more popular in recent years. The Iranian President Muhammad Khatami often uses it to criticize the authoritarian camp in the Iranian government. It is, without a doubt, one of the most loaded terms that can be used, as by definition, it implies one approach to Islam as “mainstream” thus marginalizing other groups as extremist.

Nonetheless, the word “extremism” may be meaningful when it is applied to groups whose ideological stances have led them to adopt violence as their main political weapon and have chosen the “propaganda of the deed” over that of the word. More often than not, the violence of certain groups (such as the Islamic Salvation Front, *Front Islamique du Salut*/FIS, in Algeria) leads them to become marginalized and treated as fringe groups by the majority of Muslims. However, this is not always the case; the majority of Muslims hardly regard *Hamas* in Palestine or *Hizbullah* in Lebanon as marginal even though both actively use violence in pursuit of their political goals. Thus, the use of violence is not an adequate criterion to define a group as “extremist”. Instead, one has to seek a proper definition of the word “mainstream” with regards to the Muslim world community, and perhaps the best way to define this term is to analyse what the large majority of Muslims consider acceptable and what they do not. Once “mainstream” has been de-

finer for analytical purposes, then one may describe a group as “extremist” to the degree with which they are viewed as a fringe group.

The Khilafah Movement

The *Khilafah* movement is similar to the political *Salafi* movement in many ways: Both hold a firm belief in a previous Golden Age to be revived at all costs. This Golden Age was that of the *Khilafah* (caliphate), which covers the entire historical period from the Prophet Muhammad until the destruction of the Ottoman Empire after World War I. Its two main groups are *Hizb ut-Tahrir* and *Al-Muhajiroun*, but the Muslim Parliament and the movement of Kalim Siddiqui also belong to this camp. Their political ideology is basically the same with the only difference being that *Hizb ut-Tahrir* believes in focusing its efforts on the Arab world while *Al-Muhajiroun* believes that Islam is a religion without borders and feels that there is an equal potential for establishing a caliphate in the West as there is in the East. The *Khilafah* movement deems that establishing the caliphate is the primary duty of all Muslims and that anybody who shirks this duty is committing a sin. They are vehement about not accepting any man-made laws, to the point where some members of *Al-Muhajiroun* have argued that it is impermissible to stop at red traffic lights because traffic laws are man-made.

There is often great sympathy with the Bin Laden movement among these groups, but they distance themselves from the ritualistic obsessions of the *Salafi* movement. They are not interested in “correcting” the behaviour of people or arguing about how long one’s shirt should be; they believe that this is a distraction from the primary task of establishing an Islamic state. Indeed, many in this camp have argued that apolitical Salafism with its focus on the minutiae of law is a conspiracy fomented by the Saudis in order to give Muslims “something else to worry about” rather than being concerned about the Saudi regime’s oppression, injustice and violation of Islamic laws.

The *Khilafah* movement is relatively new and seems to have been inspired by Imam Khomeini in Iran. There is sympathy for Imam Khomeini among many members of this camp, not the least of whom, Kalim Siddiqui, in spite of the fact that he was a Sunnite, believed that Imam Khomeini had successfully “corrected” a millennium of political confusion and error in the Muslim world. Unlike Khomeinism, however, the *Khilafah* movement has taken great pains to define the future constitution and political organization of the modern caliphate, something that the revolutionaries in Iran never really did. However, because of its close ideological connection with the *Khilafah* movement, we now turn to a brief discussion of Khomeinism.

While the term "fundamentalist" may be partially accurate in describing the previous movements, it is wholly incorrect with respect to Khomeinism in Iran. Imam Khomeini believed in the establishment of an Islamic state led by a legal scholar (*faqih*); he did not view this as in any way involving or requiring a return to a pristine Golden Age: As a Shiite, he did not in fact believe that a Golden Age had ever existed. He argued forcefully that the *faqih* has the right to dispense with any Islamic legislation if he feels that such laws threaten the integrity of the Islamic state. His *fatwa* (recognized authority's ruling on a point of Islamic law) of New Year's Day 1988 made this clear to any who had any doubts: The state was not so much the means of implementing Islamic laws as it *was* the law *in and of itself*.² The question of whether the state was violating Islamic law was therefore meaningless. Thus, he had no problem with *bid'a* or legal heresy in the way that the *Salafi* movement does. In fact, the two movements are diametrically opposed in outlook and activity. Hence, Imam Khomeini's movement was utterly unique in the Islamic world. The closest comparison one could make would be with fascism, not so much in terms of its authoritarianism but rather in view of the vision of the state as the supreme locus of true human praxis, as the body that provides meaning to the masses. Imam Khomeini's comprehensive scholarship on mysticism led him to a highly utopian vision of the state as enabling the suture that connects man and God and granting man spiritual liberation in this life and the next. Imam Khomeini's application of Shia mysticism (*'ilm al-'irfan*) also sets him well apart from any of the so-called fundamentalist movements, which view mysticism and Sufism as being the worst doctrinal innovations after Shiism itself.³

In spite of the obvious authoritarian tendencies of Imam Khomeini's thought, it opens the door to a very liberal interpretation of Islam. Notwithstanding the tense political dispute between the supporters of the Iranian theocratic system (epitomized by Supreme Leader Ali Khamenei) and Islamic "reformists" that seek to democratize the state (epitomized by Abdolkareem Soroush), it would be a mistake to view this debate as one between "hard-line conservatives" and "liberal reformists". Both sides agree entirely on the possibility and permissibility of abrogating certain Islamic laws if it is in the interest of society, something that is outright *kufr* (faithlessness) for "fundamentalist" movements like the *Salafi*. For this reason, some have argued that the Islamic state is primarily the rule of *maslihat*, usually translated by the Iranian government as "expediency" but generally meaning "best interest". The only difference between the "conservatives" and the "reformists" is their definition of which aspects of Islamic law are to be changed for the sake of

2 Quoted verbatim in: Abdulaziz Sachedina, *The Rule of the Religious Jurist in Iran*, in: J.L. Esposito/R.K. Ramazani (eds), *Iran at the Crossroads*, New York 2001, p. 136.

3 Cf. Hamid Algar, *Roots of the Islamic Revolution in Iran*, London 1983, pp. 43-45.

society. One should not assume that arguing for change in Islamic laws somehow automatically leads to a liberal society, for in most cases it has led to the opposite in Iran. This assumption would only fulfil stereotypes of a conservative and repressive “Islam” versus a liberal “West”. However, one of the main criticisms of the clerical opposition in Iran⁴ has been the argument that the government tramples on Islamic laws rather than enforcing them in a dictatorial matter. For example, Islamic law is explicit about the impermissibility of spying upon a fellow Muslim’s personal activities, but the security apparatus considers that this religious law may be temporarily lifted for the sake of preserving the Islamic state. To many in Iran, the recent attack on Ayatullah Muhammad Hussayn Shirazi’s funeral procession in the holy city of Qum was a particularly infuriating example of this kind of abrogation. Ayatullah Shirazi had willed that his dead body be buried in his house; the government, fearing that his house might turn into a kind of “shrine” for resistance movements, decided to act. Islamic law requires the utmost respect for a dead body as well as respect for the dictates of a last will and testament, especially that of an *‘alim* (learned scholar), but this did not prevent the government from attacking the Ayatullah’s funeral procession and literally kidnapping his dead body to bury it elsewhere. The government’s supporters do not argue the point that Islam forbids this, but rather that the injunction prohibiting it contradicts the more important ruling (a contradiction known as *tazahim* in Islamic law) of preserving the Islamic state from its “enemies.” Therefore, it becomes permissible to commit such acts in spite of any canonical evidence to the contrary.

Perhaps the best term to describe Khomeinism and the *Khilafah* movement would be “Islamic authoritarianism”. This is because, like fascism, it tends towards a view of Islamized authority as an end in and of itself. The state is not legitimated by its adherence to Islam, but is rather justified by the fact that it is led by a *faqih*. This distinguishes Khomeinism and the *Khilafah* movement from many movements that desire an Islamization of their states, for example, the Muslim Brotherhoods in Egypt and Jordan. These movements do not concern themselves very much with *who* runs a government as long as it is implementing Islamic laws. This has been the political philosophy of the Saudi *Salafi* movement, which accepts the rulership of the As-Saud family as long as they implement Islamic laws such as cutting off the hands of thieves or lashing adulterers. Imam Khomeini took the opposite tack: It does not really matter whether or not the government is cutting off thieves’ hands or not. What is truly important is *who* is running the government; if the leader is a just *faqih*, the state is automatically legitimated and has a *carte blanche* to enforce whatever laws it sees fit.

To describe such groups using the term “political Islam” is not appropriate. The term is far too broad and covers even liberal, secular reformers

4 For a discussion of the different clergy-led groups for reform in Iran, see Wilfried Buchta, *Who Rules Iran?*, Washington, D.C., 2000.

such as Abdulkareem Soroush. Soroush does not so much disagree with the idea of an Islamic state but rather with the attempt to run that state in accordance with Islamic canonical law; instead he believes that an Islamic polity should be guided by Islamic “values” (such as justice and equity) and should not be a tool for enforcing Islamic laws that, for him, may or may not be useful in the current age. In this, there is really no disagreement between him and the government camp in Iran; what differentiates them is the fact that the government believes in changing Islamic laws in order to buttress state *authority* (hence, the suggested appellations “authoritarian Islam” and/or “Islamic authoritarianism”) whereas the reformist camp believes in altering the implementation of such laws for the sake of individual freedom. In reality, it is nothing but a debate about *maslihat*, that is, what is in the interests of society, rather than a more canonical debate about what Islam “says” about certain laws.

The use of the term “Islamism” or “Islamist” generally refers to Islam as a political ideology. This makes it a very broad term that has to cover such diverse leaders as Imam Khomeini or Bin Laden, and would even include thinkers like Abdulkareem Soroush. Thus, it is not helpful when used with its current meaning. However, it may have some value when applied to groups like the Muslim Brotherhood in Jordan, which accept Islam as the guiding force of their ideological movement but, nonetheless, do not necessarily recognize the authoritarian ramifications of Khomeinism. Instead, they believe in an Islamization of politics that does not necessarily threaten the overall regime. Though originally the supreme ideological inspiration for the *Khilafah* movement during the time of Hassan al-Banna and Sayyid Qutb (1900-1960s), the Muslim Brotherhood in Egypt has since become a far more moderate political party that seeks to Islamize the Egyptian government through parliamentary participation and other means. Thus, one may use the term “Islamist” to refer to those movements which seek to reform societies and laws according to Islamic principles (for example, convincing the government to ban alcohol), rather than being dedicated to the radical overthrow of regimes and the establishment of an authoritarian state, as is hoped for by the *Khilafah* movement and revolutionary groups such as the FIS in Algeria.

“Political Islam”

It is common to assume that Islam is a fundamentally political religion, and that when one refers to “political Islam” one means the establishment of a theocracy based on principles of the Dark Ages. However, the term “political Islam” applies as much to the reformists in Iran as it does to the supporters of the authoritarian regime, and many of the most active reformists in Iran are high-ranking clergymen: Ayatullah Montazari, Sheikh Kadivar and the late Ayatullah Shirazi. Ayatullah Shirazi believed in the implementation of an

Islamic state based on *shura* (public consultation) and denied the right of the *faqih* to either implement the laws as he saw fit or to rule in a fashion that transgressed the individual rights of the citizenry. Montazari has advocated direct election of the *faqih* (in place of indirect election through the *majlis-e khubrigān*, the Council of Experts), while Kadivar has denied there is a need for a clergy-run state at all. Lay intellectuals like Soroush have advocated the separation of Islamic canonical law (*fiqh*) from the state while arguing that the state must always be run in accordance with Islamic values.

All of these groups have undoubtedly been classified as political Islam but they have no authoritarian tendencies; some argue for more liberties and freedoms than can be found in many Western countries. Someone like Soroush, for example, would be the first person to advocate disestablishing the Church of England, arguing that politics inevitably corrupt religious leaders.⁵ Many have opted for the term “Islamic liberalism” to describe such groups. This term is also rather broad and may suffer from the same problems that arise when the term “fundamentalism” is imported from Christianity to Islam. Many of those who advocated reform of the clerical establishment and a more free Islamic state in the days before the Iranian Revolution were influenced by Marxism or were avowed socialists, and these thinkers would probably cringe at being described as “liberals”. Nonetheless, they all share a similar ideological foundation: the belief in *individual* human liberty as a core Islamic value. The emphasis on personal freedom – one of the core doctrines of Western liberalism – may make the use of the word “liberal” acceptable in describing these thinkers in spite of their differing ideas about how to protect such liberties in an Islamic polity.

Conclusions

This discussion proposes a more nuanced approach to defining politically motivated Islamic groups, one that is more sensitive to the ideological gaps between them. There is no analytical value in using terms that include too many disparate groups under one umbrella, for example, by using the term “Islamic fundamentalists” to refer both to Bin Laden and the Iranian regime. This creates confusion in the minds of those who are not aware of the different movements in the Islamic world; it is also an example of labelling groups with inherently marginalizing terms. In contemporary Iran, there is a strong impetus towards a more libertarian understanding of Islam, even among high-ranking members of the government like President Khatami. Labelling the Iranian regime “fundamentalist” automatically precludes a dialogue with these individuals – it would be an enormous error to lump Iran together with regimes like Saudi Arabia or the former Taliban regime in Afghanistan. Creating a more appropriate and adequate taxonomy is an important task facing

5 Cf. Daniel Brumberg, *Reinventing Khomeini*, Chicago 2001, p. 206.

academics in Islamic studies and area studies of the Muslim world, and it is of crucial importance to pursue further research efforts in this regard.

The Politics of Expulsion: Europe and Efforts to Regulate the Roma

In mid-April 2003, as I write these words, Germany is planning the expulsion of tens of thousands of persons who came to that country from the former Yugoslavia, a very high percentage of them Romani. And Germany is not alone. Jelena Markovic, Deputy Minister on Human and Minority Rights in Serbia and Montenegro, told an OSCE Human Dimension Meeting on Roma and Sinti in April 2003:

Germany will send back more than 50,000 of our citizens. More than 80 per cent of the persons to be sent back from Germany are Roma. We have signed readmission agreements with 13 European Union countries.

Many of the Roma to be returned from Germany – some of whom are already being returned – have been there for more than a decade, sheltered under a temporary protection mechanism called a “toleration order” (*Duldung*). A *Duldung* is not a residence permit; it merely puts a stop to expulsion proceedings, and it must be renewed at frequent intervals, in some instances after only several weeks. The presence of the bearer of a *Duldung* in the country remains illegal. In many cases, people slated for expulsion have children who were born in Germany, who attend German schools, and who may speak only very limited Serbian, if any. These people (and their children) must now all leave.

The German project is not – as is often claimed – primarily about the discretion of states to control their own borders. In any case, the people in question are not attempting to enter the country. They have frequently been in Germany for long periods of time and may have become quite Germanized. The project is rather a deliberate effort to expel an ethnic group – one considered undesirable by the German public. Falling within the highly discretionary range of immigration politics, Roma have been targeted to receive the *Duldung* and thus to be regulated under a system in which no rights accrue in practice. Non-Romani Yugoslavs in Germany, who similarly fled ethnic conflict and the dictatorship in Yugoslavia, have long since moved on, gone home, or – as has happened in most cases – have managed to secure legal residence in Germany.

Not so the Roma, who have been held in a state of artificial bureaucratic suspension from German society for over a decade. During the Milosevic era, it was not possible to expel them, but the *Duldung* system has ensured that, ultimately, they will not stay. What began in late 2002 and is slated to pro-

ceed over the coming months is the single-largest expulsion of one *de facto* long-term resident ethnic group from a country at peace in post-war Europe. The state is using all the means at its disposal to carry out this collective expulsion, and German authorities contend that it is being performed “legally”, significantly degrading that concept.¹

The case of Germany is merely an extreme example of a phenomenon currently haunting most, if not all, European countries, and which is certainly an issue for Europe as a whole. Anti-migrant sentiment is at an extreme high, even by European standards, and has corrupted even the refugee protection system, a legal regime established as an exception to the rule that migration is impermissible to provide shelter to persons in dire need due to the threat of persecution in their home country. Under pressure from xenophobic populations, governments have sought to undertake high-profile measures, such as media-driven and exhaustively publicized expulsions, that will allow them to be seen as “tough on illegal migrants”. Roma make the ideal targets for such measures, since they are frequently viewed as a strange and exotic “other”, inherently alien to the nation states of Western Europe. As somehow less than fully human, Roma are frequently viewed by the bureaucracy as eminently “expellable”.

At present, expulsion is the core of European policy on Roma. In designing positive policy measures, this core needs first to be removed – and to

1 It is not immediately apparent that German authorities are correct. The expulsion of individuals who are *de facto* settled long-term in a given country gives rise to concern under Article 3 (prohibition on cruel and inhuman or degrading treatment or punishment) and Article 8 (right to privacy and family life) of the European Convention on Human Rights (ECHR). The collective expulsion of aliens is further banned under Article 4 of Protocol 4 to the ECHR. Insofar as four out of every five Yugoslav citizens slated for expulsion from Germany are Romani, despite the fact that Roma comprise not more than 30 per cent of asylum seekers from the Federal Republic of Yugoslavia (Serbia and Montenegro) (cf. <http://www.asylforschung.de/aktuelles01.htm>; <http://www.asylforschung.de/aktuelles02.htm>), the German expulsions give rise to the concern that racial discrimination has significantly affected expulsion and other relevant procedures, in violation of a number of treaties under international law to which Germany is a party, including but not limited to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the ECHR. Such expulsions are also inconsistent with Germany’s OSCE commitments. At the 1999 Istanbul Summit, the OSCE Heads of State or Government declared: “We deplore violence and other manifestations of racism and discrimination against minorities, including Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect.” (OSCE, 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. 421). In addition, in the Charter for European Security adopted at the same Istanbul Summit, the OSCE participating States declared: “We recognize the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensure that Roma and Sinti are able to play a full and equal part in our societies, and to eradicate discrimination against them.” (OSCE, Charter for European Security, Istanbul, November 1999, in: *ibid.* pp. 425-443, here: p. 432).

be seen to be removed – before less harmful measures can seriously be expected to have a positive impact.

Roma and Migration

European electorates have increasingly offered their votes to parties offering coded or explicit anti-migrant platforms, and such parties have recently entered government in Austria, France, Denmark, Italy and the Netherlands. Centrist governments have frequently adopted maximally restrictive anti-immigrant rules in an effort to dissuade citizens from voting for the extreme right. Austria, for example, repeatedly amended legislation on individual establishment rights for foreigners throughout the 1990s in a failed effort to keep Jörg Haider's Freedom Party out of office. The result was a legal regime that left little room for greater restriction when the Freedom Party finally did enter government. Even very mild attempts to provide a basis for some legal immigration have often come to nothing. Germany's recent attempt to provide a legal basis for the immigration of highly skilled workers to supplement an aging and shrinking general population has recently been overturned by that country's Federal Constitutional Court. Some observers have posited that the failure to provide an adequate legal framework for immigration is due primarily to the interest of business in preserving a black market for migrant labour, particularly in such industries as agriculture.²

The corpus of restrictive Western European laws and policies has in recent years been exported to Central and Eastern Europe – regions where no adequate legal basis for migration was established in the post-war era, and where migration was kept to a trickle during the Communist period.³ On a number of occasions, it has appeared that Western European governments hope that Central and Eastern Europe will be a new *cordon sanitaire* against what they perceive as a threatened deluge of migrants from the East.

At the same time, Roma are an inherently suspect class of migrants, particularly as a result of deep-seated European myths about "Gypsies". Roma are widely perceived to be "nomads", a mysterious wandering folk with no links or loyalties other than to kin and clan, and a propensity for crime and fraud. A number of current European policy initiatives are based on these kinds of preconceptions. Most notable is Italy, where policies on Roma are literally called "policies on nomads" and are predominantly aimed at racial segregation through the construction of a network of walled-in com-

2 See presentation by Nicholas Bell of the European Civic Forum at joint session of the European Parliament and the Parliamentary Assembly of the Council of Europe on "clandestine migration", 10 March 2002.

3 See Sandra Lavenex, *Safe Third Countries: Extending the EU Asylum and Immigration Policies to Central and Eastern Europe*, Budapest 1999.

pounds isolating Roma from the mainstream of Italian society.⁴ It is hard to imagine a less-well-conceived policy, since for the most part the “nomads” in question are Roma from Romania, Bosnia, Macedonia or other parts of South-eastern Europe who have only recently left settlements their people have generally lived in for centuries (and were forced to do so by the twin pressures of ethnic hatred and increasing destitution). These individuals are denied the chance to integrate into Italian society and are instead placed in government-run ghettos, under more-or-less constant surveillance. The police raid such camps on a regular basis with the aim of expelling their inhabitants from the country or at least forcing them to move on. The racist core of the policy is evident in the fact that one occasionally finds *Italian* Roma relegated to “camps for nomads”, as well as ethnic Albanians, Bosnians and other non-Roma. The “Gypsy” is in the eye of the beholder, in this case the state policy created by those who have an interest in perpetuating the Gypsy myth. Italian policies on “nomads” are an extreme case, but are by no means unique.

With all migrants now inherently suspect, only those migrants who conform to “our way of life” are likely to achieve a secure legal status and integration. Roma, giving rise to suspicion from their first contact with officialdom, are extremely unlikely to make the grade.

Policies on Itinerants – Local Expulsion – Racial Segregation

Some policies linking Roma and migration have been born out of a sincere effort to address the issue of itinerant communities in cases where a real overlap may exist between itinerancy and ethnicity.⁵ For example, since the early 1980s, the British government has supported programmes for Traveller education via government agencies such as the Office for Standards in Education (OFSTED) and the Advisory Council for Education of Romany and other Travellers (ACERT). Such policies have focused on outreach to children of itinerants through the provision of supplementary teachers, training and retraining efforts for educators, the introduction of travelling school records and other measures aimed at providing greater flexibility than state-provided educational systems have traditionally shown towards itinerants.⁶ The core of such policies has concerned the provision of halting sites – or rather the obligation on municipalities to provide places for itinerants legally to halt. To date, however, these have not been able to successfully counteract

4 See European Roma Rights Center, *Campland: Racial Segregation of Roma in Italy*, Country Reports Series No. 9, October 2000.

5 In some Western countries, such as France, Netherlands and the UK, Roma comprise a significant portion of all itinerants, although not all Roma are itinerant in practice.

6 For a useful summary of “Traveller policy” in the UK, see Rachel Morris/Luke Clements, *At What Cost: The Economics of Gypsy and Traveller Encampments*, Bristol 2002, pp. 11-28.

the pressure towards expulsion. In recent years, and in particular since legal amendments in 1994, the obligation on municipalities to provide halting sites for itinerants has been eviscerated, and local expulsions are now frequently reported.

The UK is by no means alone in pursuing policies of local expulsion. The European Roma Rights Center (ERRC) and the Greek Helsinki Monitor have recently published a report focusing primarily on policies by local authorities in Greece aimed at expelling Roma from municipalities.⁷ Further, following a general weakening of tenants' rights through legal amendments in a number of countries of Central and Eastern Europe, Roma have, in recent years, often been forcibly evicted from their homes in countries such as the Czech Republic, Hungary, Romania and Slovakia. In some instances, whole Romani communities have been violently expelled. For example, the United Nations Committee Against Torture has recently found Yugoslavia in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in connection with the 1995 expulsion by pogrom of an entire Romani community in Danilovgrad, Montenegro.⁸

In the mildest – but no less egregious – case the authorities refrain from expulsion, but pursue policies of racial segregation to achieve a similar effect: the forcible separation of Roma from non-Roma. Racial segregation is particularly visible in the field of education, and segregation is reported in most if not all of the school systems of Central and Eastern Europe as well as in some countries in Western Europe. The ERRC is currently engaged in litigation with respect to racial segregation in the school systems of Croatia and the Czech Republic.⁹

The Asylum Debate – Roma and Expulsion

When Roma from Central and Eastern Europe have left their homes and gone to Western Europe, they have often been acting exactly like their non-Romani compatriots: responding to the prolonged economic difficulties of the post-Communist transition in Central and Eastern Europe by emigrating in search of better opportunities. Roma and non-Roma have been faced with the difficulties that await all immigrants in foreign countries. However, some Roma have, in addition, been compelled to leave their homes by racially motivated violence and ethnic cleansing: Roma were ethnically cleansed from Kosovo by ethnic Albanians beginning in June 1999, and Roma all over

7 See European Roma Rights Center/Greek Helsinki Monitor, *Cleaning Operations: Excluding Roma in Greece*, Country Reports Series No. 12, April 2003.

8 For details of the ruling, see: http://www.errc.org/publications/letters/2003/montenegro_jan_22_2003.shtml.

9 For details of the legal action in connection with Croatian schools, see Branimir Pleše, *Racial Segregation in Croatian Primary Schools: Romani Students Take Legal Action*, in: *Roma Rights* 3 and 4/2002, at: http://www.errc.org/rr_nr3-4_2002/legal_defence.shtml. On the Czech case, see: http://www.errc.org/publications/letters/2000/cz_april_18_2000.shtml.

Central and Eastern Europe have been the targets of racially motivated attacks. Moreover, a number of Roma who have left their homes in Central and Eastern Europe as a result of economic hardship may also be refugees, insofar as their poverty or extreme poverty is the result of racism and the denial of rights in the East. Against this background, there can be no doubt that some Roma have left their countries of origin as refugees. Frequently, however, policies on the expulsion of Roma are couched in the language of “abuse of the asylum system”.

The right to asylum has been under assault in a number of EU member states since the early 1980s. In Germany, for example, the Kohl governments (1982-1998) expended extensive efforts at both repeatedly reminding the German and non-German public that “Germany is not a country of immigration” and at removing asylum as a right – no easy feat given that asylum was anchored in Germany’s post-war Constitution (*Grundgesetz*) and was widely seen as a key element of German atonement following the Holocaust. Nevertheless, successive generations of Germans have felt less-and-less responsible for the sins of the Nazis and, in 1993, the *Grundgesetz* was amended to tone down the right to asylum. The assault on asylum is currently being played out in the United Kingdom, where, in November 2002, an amended Nationality, Immigration and Asylum Law actually made it a punishable offence to bring a person into the UK (albeit for material gain) if that person is seeking refugee status. This has been able to occur even though in the UK, as in Germany and in fact in nearly all European countries, asylum remains a legal right guaranteed by the 1951 Convention Relating to the Status of Refugees (1951 Geneva Convention). More recently, high-ranking British officials have suggested that the UK may withdraw from the 1951 Geneva Convention and the European Convention on Human Rights, since those laws prevent the UK from swiftly and expediently expelling foreigners.

The attack on the right to asylum has been waged primarily by attempting to whittle it down to the point of meaninglessness. This has been most noticeable in debates concerning who constitutes a refugee, for example in the form of legally dubious efforts to draw distinctions between “genuine refugees” on the one hand, and “(mere) economic migrants” on the other. This distinction has no basis in international law: Under the 1951 Geneva Convention, the term “refugee” applies to any person who is outside the country of his nationality “owing to well-founded fear of being persecuted” for one of the five Convention reasons – race, religion, nationality, political conviction or membership of a social group. The United Nations High Commissioner for Refugees – the guardian of the 1951 Convention – in attempting to elucidate the link between racial discrimination on the one hand and persecution on the other, has observed that “[...] in certain circumstances [...] discrimination will amount to persecution. This would be so if measures of discrimination lead to consequences of a substantially prejudicial nature for the person concerned, e.g. serious restrictions on his right to earn his liveli-

hood, his right to practice his religion, or his access to normally available educational facilities.”¹⁰

It would be difficult today to find a person in Europe who had been recently recognized as a refugee on such grounds. European asylum authorities currently seem loath to recognize as a refugee anyone who will not assuredly die upon arrival in his or her home country. In many cases, asylum adjudicators devote extensive and single-minded efforts to trying to prove that persons requesting refugee status are lying.¹¹ As asylum lawyer Deborah Winterbourne has described, at present, “Western European states strive to achieve a fine balance between demonstrating that they abide by the Convention, while at the same time granting refugee status to an extremely limited number of persons. This is because these governments do not want to anger the resident white population, who often fear that dark-skinned foreigners will absorb scant welfare resources.”¹² Some people working on refugee protection issues have concluded that it may be wise to capitulate on the Romani refugee issue in an effort to preserve the system itself: It is easier to convince the public of the need to protect one or two prominent individual politicians or labour leaders than to protect persons threatened on an ethnic basis, whose refugee claims threaten to be basically identical to thousands of others.

Insofar as Roma are more likely to make use of the asylum regime in Western Europe than non-Roma (because they are more likely to be refugees), and because new Romani arrivals attract attention due to old suspicions about “Gypsies”, migration from Eastern Europe has itself sometimes been stigmatized in Western Europe as “Gypsy migration”, with concomitant panic about threats to the welfare state often driven by the tabloid press. Authorities in Western Europe then typically respond with draconian measures against Roma. A number of European countries, such as Belgium, Denmark, Finland, Italy, Sweden and the United Kingdom, have in recent years seen outbreaks of media-driven anti-Romani sentiment following the arrival of groups of Roma from Central and Eastern Europe. These have frequently been collectively expelled amid panic about “Gypsies out to rip off the sys-

10 Office of the United Nations High Commissioner for Refugees (ed.), *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, reedited, Geneva 1992, para. 54, also at: <http://www1.umn.edu/humanrts/instrree/refugeehandbook.pdf>.

11 In a recent case, a Romani man from Poland was refused asylum in Britain on grounds that his testimony had been inconsistent and was therefore implausible. The inconsistency lay in the fact that during an initial interview, he told asylum authorities in Britain that racist skinheads in Poland had threatened to “kill him slowly, like Hitler”, whereas during a subsequent interview, he stated that they had threatened to “kill him, like Hitler.” His failure on the second occasion to qualify the killing with the adverb “slowly” was deemed to render his testimony as a whole implausible and therefore his claim to refugee status was ruled “unfounded”.

12 Deborah Winterbourne, *Love Thy Neighbour*, in: *Roma Rights* 1/1999, p. 69.

tem”.¹³ Increasingly, the best many Roma can hope is an enforced stay in Eastern Europe, while it is unfortunately becoming more and more common for them to find themselves in exclusionary limbo, with ever more bizarre stories of degradation being reported.¹⁴

Expelling Roma provides governments with the opportunity to illustrate a new ideal: that of appearing to be simultaneously humanitarian and strict on abuse. They argue that, in order to affirm the commitment to providing asylum to refugees, governments must expel persons who would corrode and corrupt the asylum system by bringing bogus claims of needing surrogate international protection. By expelling the “bogus asylum-seeking” Roma, governments would therefore be contributing to the defence of a humane system. This logic is unassailable, taken on its own. However, in order to defend such a position, governments must assert that, in certain countries, there are no human rights issues that might give grounds to flee persecution, disregarding any and all facts that might challenge this claim.¹⁵

13 For details of the Belgian case, see Claude Cahn/Peter Vermeersch, *The Group Expulsion of Slovak Roma by the Belgian Government: A Case Study of the Treatment of Romani Refugees in Western Countries*, in: *Cambridge Review of International Affairs*, Volume XIII/2, pp. 71-82.

14 To cite only one example, throughout 2002 and up to the time of writing, a group of Roma has lived at the Otopeni airport in Bucharest after Germany expelled them prior to the completion of appeals for asylum on the basis of the fact that they were stateless. Upon arrival at the airport in Bucharest, they refused to accept Romanian citizenship, as was their right, or to enter Romania, nor could they manage to get to Germany to hearings in their appeals for asylum. They have therefore lived for months in the “international zone” of the airport.

15 A particularly clear version of this is provided in a letter sent by Prime Minister Tony Blair in July 2002 to Prime Minister Vladimir Spidla of the Czech Republic, the text of which follows: “Dear Vladimir, As you know I attach great importance to our relations with the Czech Republic, I enjoyed our meeting in Prague in April. It was a pleasure to be able to congratulate you on your election victory. I now have to seek your urgent help over the recent surge in asylum claims by Czech citizens. There were 332 claims in May and 878 so far in June. This puts the Czech Republic among the biggest sources of asylum claims in the UK. Abuse on the current scale damages both our countries and undermines the integrity of the asylum system. The UK is proud of its record in providing asylum to those who need it. But the Czech Republic is a valued member of the democratic family, a NATO ally and on the threshold of joining the EU. There are no grounds for Czech citizens to seek protection abroad. Since I wrote to Milos Zeman in September 1999, we have worked closely together to this shared problem. I am very grateful for the help we have had over pre-clearance at Prague airport. While the scheme has undoubtedly helped, claimants have started to get round it by travelling overland to Dover and other UK ports. The number of claims is now higher than it was before pre-clearance. We need to take action. At our end, we are introducing legislation that will give us further powers to combat asylum abuse. This includes to remove claimants before their appeals are heard, when their claims are manifestly unfounded. But this will take until November and we need to bring the problem under control straight away. At present the bulk of the claimants from the Roma community, are arriving in the UK on long-haul coach services. They are clearly well organised and being assisted in taking advantage of our immigration laws. That is unacceptable. So I hope that you will take whatever action is necessary against the coach drivers, to stop this abuse now. In addition the Roma community need to know that unfounded asylum seekers will be returned immediately. We will of course be happy to work with you to ensure that this message is communicated rapidly and clearly. It has always been our policy to work with your government to tackle this shared problem. I hope this approach can be successful again. But I cannot rule out any option for dealing with

Racially Discriminatory Border Policy

The effects of expulsion – the *de facto* exclusion of a person from a country – are reinforced with respect to Roma by racially discriminatory border policies in Europe. Due to the very discretionary nature of procedures such as visa allocation and the decision to allow a person to enter the territory of a state, public written record of such policies is not available, for the most part. However, in some cases, policies are explicit and public. For example, since April 2001, the United Kingdom has pursued a border policy based explicitly on racial discrimination, singling out persons belonging to seven named groups – Kurds, Roma, Albanians, Tamils, Pontic Greeks, Somalis and Afghans – for special measures.¹⁶

Concern by Intergovernmental Organizations

The expulsion of Roma from Western European countries has not escaped the scrutiny of some intergovernmental institutions, most notably the European Court of Human Rights (ECHR). The “collective expulsion of aliens” is banned under Article 4 of Protocol 4 of the European Convention on Human Rights. However, until 2002, the ECHR had never found any state in violation of the provision. In February 2002, ruling very swiftly by its current standards, the Court fined Belgium close to 20,000 euros for collectively expelling a group of Slovak Roma in autumn 1999.¹⁷ Later the same year, the Italian government settled out of court for close to 150,000 euros with a group of Bosnian Roma after the Court ruled in favour of their complaint that they had been expelled collectively in 2000.¹⁸ The Court’s concern has been such that, in *Čonka v. Belgium*, it may have created new evidentiary standards for collective expulsion cases.¹⁹

this unacceptable situation. I wanted to share my concerns with you frankly. I believe that we should be able to end unfounded claims by rapid action. We can then focus on the wider agenda of European reform and renewal, which we share.” (Reprinted in Eva Sobotka, *Romani Migration in the 1990s: Perspectives on the Dynamic, Interpretation and Policy*, in: *Romani Studies*, forthcoming).

16 Race Relations Act 1976, Section 19D Ministerial Authorization, Discrimination on Ground of National or Ethnic Origin, 23 April 2001.

17 Cf. Judgment in the Case of *Čonka v. Belgium*, Press release issued by the Registrar, No. 069, 5 February 2002, at: <http://www.echr.coe.int/Eng/PRESS/2002/feb/Conkajudepress.htm>.

18 Cf. *Sulejmanovic & others and Sejdovic & Sulejmanovic v. Italy* (application numbers 57574/00 & 57575/00), in: *Chamber Judgments Concerning Italy and Croatia*, Press release issued by the Registrar, No. 561, 8 November 2002, at: <http://www.echr.coe.int/eng/press/2002/nov/8november2002judsepress.htm>.

19 See Gloria Jean Garland, *Case Note: Čonka v. Belgium – Inroads into Fortress Europe?*, in: *Roma Rights* 2/2002, pp.30-31.

The post-1989 era has been characterized by ambitious policy efforts aimed at encouraging European integration, predicated upon the free movement of goods, services and people inside the European Union, and the provision of “European citizenship” to all citizens of EU member states. Many have noted that the EU has increasingly taken on the competencies of a nascent state. Since 1999, policies on migration and refugee affairs have been within the EU’s “First Pillar”; in other words, they have been matters for direct European Union governance. The dismantling of internal borders inside the EU has been linked to policies aiming to secure the Union’s external borders.²⁰ At the same time, the EU has led efforts to combat racism and xenophobia in Europe, in particular by the adoption in June 2000 of Directive 2000/43/EC “implementing the principle of equal treatment between persons irrespective of racial or ethnic origin”. The Directive sets out a framework for laws banning racial discrimination, and sets a deadline of 19 June 2003 for existing EU member states to transpose the requirements of the Directive into domestic law, and a deadline of the date of accession for transposition by candidate countries. In early 2002, the EU made explicit that it regarded the Directive as among its primary instruments for addressing issues related to the human rights of Roma in EU candidate states.²¹ Although the EU has not yet made similar pronouncements with respect to the situation of Roma in current member states, a number of international monitoring bodies, including the Council of Europe’s European Commission against Racism and Intolerance (ECRI), the Framework Convention for the Protection of National Minorities and the United Nations Committee on the Elimination of Racial Discrimination (UNCERD) have repeatedly stated that issues facing Roma need to be addressed with anti-racism and anti-discrimination policies and legal measures.

Worryingly, however, the EU has been seen to be erecting a high wall between its efforts to guarantee the right to free movement to persons, and its efforts to combat racial discrimination. Thus, Article 3(2) of Directive 2000/43/EC states: “This Directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons con-

20 The project of integration inside the EU as it currently exists has been deemed fragile enough that candidate countries for European Union membership have been told that their citizens may have to forego the full benefits of free movement for a number of years after accession, scheduled for a number of candidate states for 2004. This has on a number of occasions heightened anti-Romani tensions in Central and Eastern Europe as, for example, the imposition of visas or other stringent policies on candidate countries such as Slovakia and Romania have been blamed on Romani migrants from those countries organizing “ethno-tourism” in the EU.

21 See http://www.europa.eu.int/comm/enlargement/docs/pdf/brochure_roma_may2002.pdf.

cerned.” By allowing states a free hand to racially discriminate in “any treatment which arises from the legal status” of aliens, the EU has dramatically missed an opportunity to halt the policies of expulsion currently reshaping the demography of Europe’s Roma population. Indeed, the provision hints at a future Europe in which desirable whites move and settle in economically viable and physically safe areas, while the dark-skinned and suspect may be shifted legally and with ease to the margins.

These troubling issues notwithstanding, there are legal instruments at hand that, if endorsed and strengthened, could provide a framework for expanding the rights of migrants and avoiding the debasement of European polities through race-based settlement policies. Both the United Nations and the Council of Europe have developed legal instruments relating to the rights of migrant workers and their families. The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force on 1 July 2003. Thus far, only three OSCE States (Azerbaijan, Bosnia and Herzegovina, Tajikistan) have ratified it. The Council of Europe’s European Convention on the Legal Status of Migrant Workers is in effect but remains similarly under-ratified. Ratification and implementation of both treaties by all European states would provide an important foundation for the rights of migrants.

A potentially more far-reaching legal instrument for the purposes of securing the rights of citizens of one European state factually residing in another is the Revised European Social Charter. The rights guaranteed in the Social Charter, which include access to housing, health care and social services on a non-discriminatory basis, apply to an individual if both country of origin and country of residence have ratified the relevant article of the Charter. Moreover, such rights are in principle actionable in court, and mechanisms exist within the Council of Europe to consider complaints. At present, however, the articles of the Charter are under-ratified, and unlike in the UN system, the social and economic rights protected under the Charter are regarded as second-order and not as fundamental as those protected by the European Convention on Human Rights. The Revised Social Charter review mechanisms are similarly not empowered to reach binding decisions in the same way as the European Court of Human Rights may do in cases of violations of the European Convention. This will need to change if Romani and other migrants are to secure real *de facto* rights in countries of exile.

In addition, recent legal instruments to combat racial discrimination do not explicitly exclude migration issues and migrants (they are excluded from the EU Directive). They may therefore be of use in combating racial discrimination against aliens. For example, in November 2000, the Council of Europe opened for signature Protocol No. 12 to the European Convention on

Human Rights. Once in effect, Protocol No. 12 will expand the ban on discrimination under the European Convention to any right secured by law.²²

Conclusion: Roma and Expulsion

The search for European policies on the Roma currently begins and ends with expulsion. If two questions have haunted European post-war efforts at regulating human behaviour, these have been how to address the lingering issues of race in post-genocidal, post-colonial Europe on the one hand, and how to respond to the movement of people, on the other. The latter has on many occasions been seen as a direct threat to the establishment and maintenance of the comprehensive welfare state – one of post-war Europe’s proudest achievements – as well as other ambitious European policy efforts, notably European integration. Roma have found themselves at the heart of both of those debates, and frequently not for reasons with a harmless or innocent pedigree. Frequently, policy measures on Roma have begun by linking Roma with (domestic or international) migration or itinerancy. In some instances, where goodwill is present (by no means always the case), subsequent policy efforts have grown more nuanced. Nevertheless, under conditions of crisis (something that is ever more frequent in Europe following the end of Communism and the growth of large-scale migration to Europe), policy on Roma is often reduced to its lowest common denominator, namely policy on expulsion. This is usually due to racism or xenophobia and frequently both.

Expulsions of Roma are regularly accompanied by sentiments such as: “Of course, they will have a difficult time in their own countries, but they must go back and fight for their rights at home.” Such views can be heard among the most Roma-friendly quarters of the European public – from the mouths of politicians, journalists, members of intergovernmental organizations and from the lay public. The sentiment wraps the justification for expulsion in civil-rights-friendly packaging: “If we do not expel these Roma, who will go and fight the good civil-rights fight on behalf of all Roma in Eastern Europe?” On the border where paternalism spills over into sheer coercion, such justifications attempt to sell expulsion to Roma in patriotic terms: “You should want to go back to your country of origin, for the sake of your people.”

Efforts to combat the expulsion of Roma are currently very weak. In response to the threatened expulsion of Roma from Germany, in March 2003, the Council of Europe sent a field mission to Serbia and Montenegro. The report of that mission was not yet public as of the date of this writing, but several members of the Parliamentary Assembly of the Council of Europe –

22 European Convention on Human Rights Article 14 – the existing provision banning discrimination under the European Convention – extends only to rights secured under the Convention.

including one member of the delegation that visited Serbia and Montenegro for the Council of Europe – had tabled a motion on the issue.²³

In the past, however, efforts by the international community were significantly stronger. The OSCE was previously a leader in the area of combating the expulsion of Roma. For example, it was especially within the OSCE framework that international efforts were mobilized to amend the 1992 Czech Citizenship Law, a piece of legislation widely viewed as aiming to expel Roma from the Czech Republic.²⁴ The 1999 amendment of the Czech Citizenship Law – amendments that remedied most of the legally problematic areas of the law – was strongly urged in OSCE forums. OSCE efforts are now needed to combat the expulsion of Roma in general, and from Western Europe in particular.

First and foremost, some sanity needs to be introduced to European discourse on refugees and migrants. Most importantly, migration needs to be recognized as a fact, not as a “problem”, and a fact that calls for human rights-based policy-making for the benefit of all. Secondly, refugees need to be provided with the surrogate protection that is their legal right. Finally, anti-Romani animus needs to be extirpated from European discourses on migration and asylum, so that appropriate policies can be applied in a humane fashion.

23 See <http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FWorkingDocs%2FDoc03%2FEDOC9727.htm>.

24 For details of issues related to the expulsion of Roma from the Czech Republic following the adoption of the Czech Citizenship Law, see Beata Struharova, *Disparate Impact: Removing Roma from the Czech Republic*, Roma Rights 1/1999, pp. 47-51.

Building Co-operative Security

A New Focus on Borders

Introduction

The rapid evolution of the European security environment over the last decade, combined with the changing nature of the threats and challenges to security and stability in the region, has led to a new emphasis being placed on issues related to borders and their functions. The sheer increase in the number of borders resulting from the emergence of new states after the end of the Cold War necessitates a new focus on their management and security. It is important to ensure they do not become a factor encouraging divisions, creating obstacles to co-operation and preventing the development of good neighbourly relations. On the other hand, the new threats we face – especially in the aftermath of 11 September 2001 – inevitably increased the need to ensure that properly managed borders remain an effective barrier against terrorism, trafficking, proliferation, organized crime and other transnational threats.

Border management is thus an issue of increasing international concern. The challenge is to find ways to enhance border management and security to a level that is commensurate with the threats posed by illegal cross-border activities while facilitating legitimate cross-border travel and commerce and protecting human rights.

While it is clear that some states are better equipped than others to respond adequately to these threats, it is becoming increasingly difficult, especially for countries in transition, to obtain concrete results in addressing them. For instance, police and border forces in these countries often need stronger political support and better training to develop the necessary professional competence to combat what they may see as a problem that does not affect them directly. After all in many cases illegal traffic flows through porous borders without necessarily posing a local threat. Low public-sector salaries and weak judicial systems, where successful prosecution is unlikely, provide little incentive to the forces of law and order to tackle such problems, especially when they face the danger of armed gangs prepared to use force to protect their “investments”. It would be unfair to expect more of undermanned and poorly paid border and police authorities, and until these emerging states are in a position to accelerate their democratic growth, either by themselves or with the help of the international community, there is little likelihood of improvement in the foreseeable future. Hence, there is a real need for the international community to increase the assistance it provides in border management and security.

Most international, regional and subregional organizations deal with border issues somewhere within their mandates, and they are generally paying increasing attention to these issues. This creates a need for enhanced co-operation between them on border-related issues, whether these concern legislation, economic or environmental matters, terrorism, police co-operation or a combination of all the above.

To combat these growing threats, most EU member states – together with Iceland and Norway – have adopted increasingly restrictive external-frontier controls, visa requirements and asylum policies under the Schengen system. The key points relate to measures designed to create a common area of security and justice following the abolition of checks at common borders. They include the harmonization of provisions relating to entry into the Schengen area and short stays therein by non-EU citizens (the uniform Schengen visa); asylum matters (determining in which member state an application for asylum may be submitted); measures to combat cross-border drugs-related crime; police co-operation (hot pursuit); and co-operation among Schengen states on judicial matters. Yet neither can this very complex regime address the root causes of the problems, nor can it require countries of origin – nations from which illegal goods or migrants originate – to take steps to tackle the problem. The Schengen regime must, therefore, be complemented by a wider effort on the part of the international community to involve all relevant countries and institutions in addressing border-related issues in all their many guises.

Definitions

When dealing specifically with border issues, since there is no legal or general definition of national “border management”, “border security” or “border policing”, it may be useful for the purposes of this paper to use working definitions along the following lines:

Border management embraces both security and policing issues, including all state-border-related legal, judicial, administrative, strategic and operational matters as well as decisions, instructions, arrangements and measures by all governmental bodies and agencies involved in any kind of border-related issues. As state borders define the size and extent of the national territory and by doing so clearly outline the domain of the respective national constitution, the management of national borders falls primarily under the jurisdiction of the respective national border police forces or border guards, who are then generally responsible for the execution of border-related governmental decisions.

Border security is the responsibility of civilian border police forces, which are considered to be the key border-management agency. In order to provide this security, border police forces will, perform tasks including sur-

veillance and patrolling on land (“green borders”), on water (national coastal territory on land and in harbours) and from the air. They will also control all cross-border traffic, for example by checking documents and verifying the rights of travellers to cross the border at all points of entry – whether by road, rail, air or sea. Searches carried out at checkpoints and along the “green borders” also form a part of this work.

Border policing includes the practical execution of border control measures both at recognized checkpoints and at the “green border” (migration), border surveillance using checkpoints and border patrols as well as in the border zone (e.g. through “border community policing”) and border search activities at checkpoints and in the border zone. It also includes all other preventive and reactive measures necessary for maintaining “border security” in general as well as in special cases and situations, including the prevention and investigation of crimes. Many of these aspects of border policing can be enhanced by improving risk-assessment and profiling techniques.

The OSCE’s Role in Border Security, Border Management and Border Policing

In view of its comprehensive approach to security, the OSCE has the potential to assist participating States in all three aspects defined above. This role is firmly anchored in a number of official Documents, such as the Bucharest and Porto Ministerial Declarations.¹ In Bucharest (2001), Ministers identified a number of risks and challenges to security, and reaffirmed the importance of the OSCE’s strengthened role in setting up effective mechanisms of co-operation to address them. They also agreed to broaden dialogue within the OSCE and to strengthen co-operation with other international, regional and subregional organizations and institutions all on the basis of the Platform for Co-operative Security. Additionally, they pledged to define the role of OSCE bodies, institutions and field operations in addressing these threats to security and stability, thus furthering the concept of common, comprehensive and indivisible security based on the sovereign equality and solidarity of states.

These principles were reaffirmed and further operationalized at the Porto Ministerial Council in December 2002, with the adoption of a Charter on Preventing and Combating Terrorism and a Declaration on Trafficking in Human Beings (in line with the then Chairmanship’s focus on trafficking). These documents brought increased attention to border issues in general.

¹ The Bucharest and Porto Ministerial Council Documents are reprinted in: Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2002, Baden-Baden 2003, pp. 391-417; Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, reprinted in the current volume, pp. 421-455.

Moreover, several decisions were adopted in Porto, including those tasking the Permanent Council with developing a strategy to address threats to security and stability (Decision No. 2) and organizing an Annual Security Review Conference (Decision No. 3). Border-related issues will receive specific attention within these processes.

Most recently, at the Maastricht Ministerial Council in 2003, the participating States agreed on an OSCE Strategy to Address Threats to Security and Stability in the 21st Century. In particular, paragraph 35 states that: "Threats of terrorism and organized crime are often interlinked, and synergistic approaches to deal with them will be further explored. Cross-border movement of persons, resources and weapons as well as trafficking for the purpose of financing and providing logistic support play an increasing role for terrorist activities. The OSCE is committed to addressing these problems and to strengthening its capacities to promote open and secure borders, *inter alia*, through the elaboration of an OSCE Border Security and Management Concept in order to enhance capacity building and mutually beneficial inter-State co-operation."² To this end, a working group has been established to enable the participating States to develop this concept during 2004.

At the level of field activities, the OSCE has a number of obvious advantages when compared to many organizations. OSCE field offices, the "eyes and ears" of the Organization, are ideally placed to play an early-warning role, for example in identifying problems and raising awareness of the activities of other organizations on the ground. Regular information-sharing meetings are a routine feature of the work of missions in the field, and these can serve to help avoid duplication and to identify gaps in programmes. There is room to expand this kind of activity. In many cases, field offices can supply a "framework" within which national and international actors may interact in a country. Such a framework also enables other national, and international partners, especially those with no permanent representation in a country, to operate more effectively. It can cover anything from providing in-country briefings, making available facilities for meetings at field or Secretariat level, rendering assistance in forming closer relations with government representatives, right through to acting as partners for implementation in specific projects. Given these assets, the OSCE's potential to play its part in combating the new threats of the 21st century is significant.

Equally important at the more strategic – headquarters – level is the need to ensure that border-related work is shared effectively among those responsible. This ensures that the twin risks of overlap and loss of focus are minimized when defining responsibilities and drafting projects. The OSCE has recognized this and has established the post of Border Issues Co-ordination

2 Organization for Security and Co-operation in Europe, Eleventh Meeting of the Ministerial Council, Maastricht, 1 and 2 December 2003, MC.DOC/1/03, 2 December 2003, herein: OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century, pp. 1-10, here: p. 6.

Officer as a focal point within the Conflict Prevention Centre (CPC). This officer's main role will be to ensure that specific activities are handled by the appropriate department or unit. At the same time, he or she will be responsible for building the widest possible knowledge base of all border-related issues, enabling an accurate overview of all border-related matters being dealt with by internal departments, OSCE institutions, regional initiatives and international partners.

Responses to border issues within the OSCE include activities undertaken by various OSCE bodies, institutions and field operations and focus on a variety of aspects of border security, including police, customs and immigration. In view of this, the CPC has launched an internal co-ordination process for sharing information within the Secretariat and developing specific border projects.

Field Operations and Regional Issues

Ever since its first field missions were launched, the OSCE has been involved in a variety of ways with border issues in South-eastern Europe, the Caucasus and Central Asia. Until recently, this mainly took the form of border-monitoring activities. The *OSCE Spillover Monitor Mission to Skopje* was established with the basic remit to observe the former Yugoslav Republic of Macedonia's borders with Kosovo/Serbia and Montenegro and Albania and to give early warning of – foreseeable – problems as a result of the conflict to the north. In a similar vein, and following Decision 218 of the Permanent Council of 11 March 1998, the *OSCE Presence in Albania* was tasked with setting up a border-monitoring mission in the north of the country and was charged specifically with reporting on developments as they occurred across the border with Kosovo/Serbia and Montenegro. This operation meant that the OSCE was uniquely placed to give first-hand reports on a very volatile situation from an area that at the time suffered from a degree of lawlessness that prevented many other agencies, including most of the media, from gaining access to it. In Kosovo/Serbia and Montenegro, border control remains at the heart of many challenges facing the UN Mission in Kosovo (UNMIK). Well-resourced, multi-ethnic institutions of law and order are needed. Measures to build trust and confidence in these institutions are also vital. The establishment of functional police and border networks along with the development of networks embracing regional, European and global agencies will be instrumental in this.

The OSCE already has expertise in these areas, and this can be further developed. For example, the *OSCE Mission to Croatia* assists in organizing cross-border meetings of local police commanders, which has improved the operational ability of neighbouring local police forces. The overall goal is to harmonize operational and investigative efforts in order to eliminate gaps in

both awareness and enforcement. In 2002, the *OSCE Centre in Tashkent*, in close co-operation with the local regional office of the UN Office on Drugs and Crime (UNODC), organized an interagency cross-border training programme for border-control and customs agencies in Termez. In late 2003, the OSCE organized a follow-up programme that also involved Uzbek and Afghan border command and control organizations. The OSCE's contribution to this "Hayraton-Termez" project takes the form of training that focuses on combating cross-border trafficking in weapons by examining weapons-transfer documents, recognizing weapon markings, search-and-seizure procedures and accounting for illegal weapons. This is discussed more fully below. The *OSCE Mission to Moldova* increasingly finds that border issues play a role in resolving crucial areas of its mandate. Settling the Transnistria dispute will involve, among other things, finding a resolution to the question of a unified customs space for Moldova. With this in mind, the OSCE Mission assisted a team of experts from OSCE delegations and a representative of the European Commission in carrying out an assessment mission along the border between Ukraine and Moldova with the aim of making recommendations on resolving this question.

The OSCE Mission to Georgia is closely involved in monitoring the situation along the border between Georgia and the Chechen, Ingush and Dagestan Republics of the Russian Federation. On 15 December 1999 – following a request by the Georgian Government – the OSCE Permanent Council resolved to expand the mandate of the OSCE Mission to Georgia to "observe and report on movement across the border between Georgia and the Chechen Republic of the Russian Federation, both by vehicle and on foot".³ The Mission's Border Monitoring Operation (BMO) commenced its activities shortly thereafter. The geographical scope of the BMO's activities was expanded in 2002 and 2003 following decisions of the Permanent Council to extend the monitoring activities to the Ingush and the Dagestan segments of the Georgian-Russian border.⁴ In December 2002, the OSCE Permanent Council decided to enhance the operational efficiency of the Border Monitoring Operation on the Ingush and Chechen segments of the border.⁵

In carrying out their mandate, the OSCE border monitors are deployed along the 280 kilometre long stretch of the border. At present there are eight patrol bases (in Sno, Shatili, Girevi, Omalo, Napareuli, Kvareli, Akhalsopeli and Kabali) and a forward supply point at the airport in Telavi. The authorized strength of the operation is 144 international border monitors during the summer period (16 April to 15 November) and 111 border monitors during the winter period.

3 OSCE, Permanent Council, Decision No. 334 PC.DEC/334, 15 December 1999, p. 1.

4 Cf. 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; OSCE, Permanent Council, Decision No. 523, Border Monitoring Operation of the OSCE Mission to Georgia, PC.DEC/523, 19 December 2002.

5 Cf. Decision No. 523, cited above (Note 4).

BMO personnel are unarmed and have no enforcement responsibilities. They fully respect the sovereignty of the Georgian authorities on Georgia's borders and in no way seek to assume any of their responsibilities. Security for the operation is provided by a special Security Detachment of the Georgian Border Guard, and the Georgian authorities guarantee the freedom of movement of OSCE personnel.

Monitoring is performed on foot, by car, by helicopter and, in winter conditions, on skis. The border monitors perform their activities during the day and at night. Their job in this very rough terrain is extremely demanding, even during the summer months, since they operate at altitudes reaching 3,500 metres above sea level.

Although the BMO faces a highly complex geo-political environment and has experienced a number of difficult periods during its activities, there is no doubt that the operation has contributed substantially to the reduction of tensions along the border. The presence of the OSCE monitors represents an important confidence-building instrument between the two OSCE participating States involved. This was recognized by the OSCE participating States during the last two OSCE Ministerial Council meetings (in Bucharest and Porto, respectively), when foreign ministers acknowledged the BMO to be a "significant contribution to stability and confidence in the region".⁶ Furthermore, the deployment and subsequent geographical expansions of this operation illustrate the ability of the Organization to react in a timely and comprehensive manner to requests for conflict-prevention activities in situations where participating States view security developments with concern.

Missions can generally also play a role in helping host governments obtain political support for improved border security, management policies and legislation. They can also assist with building institutional support at both the political and operational levels. The harmonization of legislation is another area where both a regional and a global approach needs to be adopted. Obtaining donor support for a number of border-related projects is another. But it is true to say that of the entire OSCE region, it is only in South-eastern Europe that there is a focus on border-related issues. However, even this is not yet as well developed as it might be: So far, all that exists is the broad agreement that such efforts are crucial to peace, security and stability in the region. There is a real need to agree on a joint policy. Certain levers can be applied to influence decision making, but the best situation would involve a co-ordinated, multilateral, regional approach, perhaps with the option of linking assistance to certain conditions. The Stability Pact for South Eastern Europe, within the scope of its Working Table III (Security Issues), has gone some way in its task of co-ordinating specific initiatives, but it has limitations

6 Ninth Meeting of the Ministerial Council, cited above (Note 1), p. 406; cf. also Tenth Meeting of the Ministerial Council, cited above (Note 1), therein: Statements by the Ministerial Council, pp. 431-442, here: p. 438.

and is not the instrument to realize the co-ordinated approach mentioned above.

A promising example of co-operation and interaction among international organizations in addressing border issues at a regional or subregional level was the May 2003 Ohrid Conference on border security and management. The overall purpose of this conference was to promote enhanced co-operation and co-ordination on border security and border management in the western Balkans. Instigated by NATO, the Conference was organized jointly by the EU, the Stability Pact, the OSCE and NATO itself. Consulting closely with all the countries concerned, it developed a common platform setting out political goals, objectives, principles and instruments as guidelines for the future work of partner organizations and the countries of the region. The OSCE's involvement stems from the fact that its comprehensive concept of security and its expertise in the field provide it with both the conceptual basis and the practical experience to contribute to the Conference aims.

The OSCE's practical contribution in this area mainly focused on civilian aspects of

- Training and advising police and border police (an OSCE representative chaired a panel on "Lessons learned and the way forward for bilateral and multilateral assistance for training and equipment of border service units")
- Assisting with and facilitating institution building, in particular regarding national and regional co-ordinating bodies
- Promoting regional co-operation, especially cross-border bilateral co-operation.

As an immediate follow up to the Ohrid Conference, the OSCE Chairmanship has proposed that a "Regional Border Police Joint Training Programme" be implemented by the Organization in 2004. To this end, a fact-finding mission visited most South-eastern European states in October 2003 to determine where the OSCE could most effectively provide assistance and where its efforts would likely find support.

It should also be noted that the "Ohrid process" is very much a "living" one with review meetings planned to take place at least annually. They will take stock of what has been achieved and of what remains to be done; they will also identify difficulties and gaps in the implementation of the commitments made in Ohrid.

Any additional OSCE role in support of border management will need to have a practical orientation and must complement other existing policies (for instance, the Integrated Border Management Concept of the EU Commission and NATO's role in border control and smuggling interdiction at the subregional level). Yet since this is likely to require additional resources, it will remain subject to the decision of participating States.

Anti-Terrorism

In the aftermath of the events of 11 September 2001, it has become clear that more needs to be done to meet emerging threats in the area of terrorism. As far as combating terrorism is concerned, the issue of border security and control is mainly relevant to the prevention of cross-border activity, including drug smuggling, trafficking in arms and human beings and bulk cash smuggling – all of which can be used to finance terrorist acts – and to the use by terrorists of fraudulent, stolen or counterfeit documents and transnational bribery to facilitate the illicit movement of goods and persons across borders. Viewed from the perspective of preventing and combating terrorism, it is probably advisable for the OSCE to focus mainly on the less contentious aspects of border management, rather than the politically sensitive matter of border monitoring with a view to interdiction. Border management activities where the OSCE could make a difference include the promotion of OSCE and other internationally accepted standards on combating illicit-trafficking activities; the drafting of model legislation on transnational bribery; encouraging the linking of migration databases; capacity building in the area of detecting stolen, counterfeit, and invalid travel documents; the promotion of measures for detecting inadequate export/import documents; encouraging cross-border co-operation; and the co-ordination of border officials' activities.

Anti-Trafficking

The OSCE's attempts to prevent and combat trafficking have focused primarily on trafficking in small arms and light weapons (SALW) and, increasingly, on preventing trafficking in human beings. The OSCE has adopted a significant set of commitments designed to prevent the former type of illegal activity. These are enshrined in the OSCE Document on SALW, a wide-ranging agreement that takes a comprehensive approach to the issue. Rather than focusing on border security and law enforcement, the Document aims to prevent the diversion of small arms and light weapons at source by implementing strict export, import and transit legislation. Furthermore, the Document emphasizes the removal of military-style weapons from society, especially in post-conflict settings.

The OSCE could provide additional assistance to participating States to translate these commitments into legislation. Indeed, some OSCE missions have already been working in this direction. In adopting the Document on SALW, OSCE participating States also recognized that effective enforcement of these commitments is critical and is dependent both on the capacity of the border-management and law-enforcement services and on their willingness and ability to co-operate and share information – even intelligence – across

borders. Section III of the Document sets out some measures for “Improving co-operation in law enforcement” and encourages participating States to facilitate and provide “regional, subregional and national training programmes and joint training exercises for law enforcement, customs and other appropriate officials”.⁷ The OSCE recognizes that trafficking in human beings is a growing problem and is committed to enhancing anti-trafficking efforts in defence of human rights and the fight against transnational organized crime. Criminals continue to regard trafficking in human beings as a low risk and highly profitable operation, while the existence of this trade has serious repercussions for the security of states by making borders porous for crime. Links have also been observed between trafficking in human beings and other trans-national criminal activities, such as arms trafficking.

Border Policing

Some 25 per cent of the OSCE’s international staff is now committed to police-related activities. The Strategic Police Matters Unit (SPMU) plays a central role in enhancing border-policing capacity. Its work begins with a critical assessment of needs by international experts. This is followed by the formulation of a support programme that takes into account both the requirements of the host state and, whenever possible, relevant activities undertaken by international partner organizations. The promotion of a long-term vision aimed at separating border policing from the guarding of borders – something that would entail amending state border legislation – is one area. Providing training on recognizing false documents is another.

Preliminary soundings are underway in South-eastern Europe with a view to restoring and equipping a regional academy for border-guards that would serve as a centre of excellence for the training of new personnel. The SPMU would then have the task of reviewing the curricula of courses run at all levels.

As OSCE participating States, field activities and institutions pursue a coherent and co-operative approach to combating trafficking in human beings, especially women and children, it is apparent that victims of trafficking are increasingly transferred from place to place, even across borders, in an attempt to make it harder to identify the traffickers involved.

The fact that a group of individuals is involved in trafficking in one “commodity” by no means precludes their trafficking in any other. Criminals will pursue whichever activities are lucrative and pose an acceptable level of risk. From the standpoint of law enforcement, the focus must be on the crimi-

7 Organization for Security and Co-operation in Europe, Forum for Security Co-operation, Vienna, 24 November 2000, OSCE Document on Small Arms and Light Weapons, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2001, Baden-Baden, 2002, pp. 503-519, here: p. 511.

nals and not on the crime – hence the need for intelligence-led investigations. These require the skills, equipment and systems to manage and analyse data on crimes and criminals, and the systems need to be linked to and accessible to border police forces. While the OSCE and its partners in the field of anti-trafficking activities are not authorized to access and make use of intelligence on such criminal groups, it is understood that fighting trafficking in human beings does ultimately affect the activities of larger criminal operations. As with similar crime-related activities, mission members must not become involved in specific cases but should rather use the lessons learned in order to influence the direction of change. The Organization is currently considering the formulation of a strategy on how it, and in particular field missions, should tackle this problem.

Conclusion

The increasing awareness that appropriate border management and security policies are necessary to address a wide range of security concerns leaves little doubt that the OSCE will increase its involvement and commitment over time. While most missions and operations are already addressing border issues as an integral part of their mandates, others will only come to do so in the course of addressing cross-dimensional threats and challenges. Comprehensive border management must take into account the need for security and law and order and the economic benefits of trade across open borders, while, at the same time, ensuring respect for human rights and fundamental freedoms. These aspects broadly reflect the OSCE's three dimensions of security. The challenge for the OSCE will be to pull together its expertise and experience in the three dimensions into one coherent border-management strategy. If it succeeds, there is no doubt that it will have a significant role to play alongside other organizations and institutions.

The OSCE and Security-Sector Reform

Since the mid-1990s, “human security” has become an increasingly popular campaign slogan in development co-operation.¹ According to the Human Development Report 1994 published by the United Nations Development Programme (UNDP), human security ought to guarantee economic, food, health, environmental and personal security, the security of ethnic and traditional communities and political freedoms.² Since the end of the 1990s, there has also been much talk of “security-sector reform” as a political instrument that can guarantee human security. In this context, some organizations have concentrated on security-relevant actors and institutions in the narrow sense while others have established a connection with the socio-economic causes of insecurity. This broadening of the concept of security reflects a change in security thinking – away from the traditional focus on the military defence of state interests and territory towards questions of the social foundations of security, threats posed by non-state actors and the interests of those affected by insecurity.

The OSCE and some of its individual missions have taken an enormous number of specific measures that, in the broadest sense, can be classified as matters of security-sector reform. Whether this re-orientation will offer the OSCE a new *raison d'être* depends on whether the causes of “human insecurity” are understood, addressees and priorities determined clearly and sustainable capacities built up.³ The present contribution examines whether the OSCE – alongside its traditional functions as the guardian of democracy, human and minority rights and freedom of the media and as a forum for confidence building – makes an effective contribution to security-sector reform. I will argue that, in this area, the OSCE, lacking an explicit mandate, has taken ambitious but insufficiently co-ordinated measures, which are only partially guided by needs-assessment analysis and often driven instead by institutional ambitions. Moreover, there have up to now been no mechanisms for evaluating their effectiveness.

1 I would like to thank Lena Andersson, Shay Duffy, Jörn Grävingholt, Christian Haupt, Kate Joseph, Hans Odenthal and Heinz Vetschera for providing information on individual aspects of OSCE work in the area of security-sector reform. I assume full responsibility for all opinions expressed in this article.

2 Cf. United Nations Development Programme, Human Development Report 1994, pp. 24-25, at: http://hdr.undp.org/reports/global/1994/en/pdf/hdr_1994_ch2.pdf.

3 Cf. Roland Paris, Human Security. Paradigm Shift or Hot Air?, in: International Security 3/2001, pp. 87-102.

The debate around security-sector reform is based on ideal conceptions of legitimate, fair, effective, efficient, sustainable, transparent, democratically controlled and human-rights-oriented security-sector institutions. The intention is to make these a reality by offering consulting services, supporting capacity building and, occasionally, via direct implementation. Security-sector reform tends to include any and all efforts to promote the physical, social, material and environmental security and integrity of human beings in instable and/or developing societies by providing governmental and non-governmental security agencies with a legal basis, professionalizing and democratizing them and changing the prevailing “culture of security” within a society. The concept of security-sector reform is based on the assumption that the domestic security of a society, that is, the capability of the state to create internal order, is a central prerequisite for democratization and sustainable economic development and that an inadequately regulated security sector reinforces the deeper causes of conflict. Typical manifestations of insecurity within a society include organized crime and illegal paramilitary organizations, trafficking in drugs and weapons, the unregulated possession of firearms, terrorism and violent extremism and the abuse of power by state security apparatuses. Indeed, for those affected, state institutions, including the military and the police, are often one of the main sources of insecurity. Concrete plans for security-sector reform apply primarily to the military, police, intelligence services, judiciary, criminal-prosecution and parliaments or other public bodies with a supervisory function.⁴ In the course of co-operation on development issues between international organizations such as the OECD, the World Bank, the United Nations, the EU and the OSCE and national development agencies – in particular those of the UK and Germany – the claim is often implicitly made that security-sector reform is intended to and is capable of making a contribution to conflict prevention and conflict management and especially to state building.

Possible measures range from (a) strengthening civilian and democratic participation and control (“the primacy of the civil”) through (b) redeploying military (material, economic and human) resources for civilian ends (“conversion”, “demilitarization” and control of military spending) to (c) reforming military and police institutions to perform specific tasks (“professionalization”, “capacity building”), (d) developing an independent judiciary and a humane penal system (“rule of law”) and (e) undertaking security analyses and creating policy models. In fact, external contributions to security-sector reform have been made where international agreements adopted following the cessation of armed conflict have provided a corresponding mandate (Bos-

4 Cf. Dylan Hendrickson, *A Review of the Security-sector reform, The Conflict, Security and Development Group of the Department for International Development (DfID), Working Paper*, Centre for Defence Studies at King’s College London, London 1999, p. 29.

nia and Herzegovina, Kosovo, Macedonia), where a ceasefire has put an end to collectively organized and/or large-scale armed conflict (for example, in Tajikistan, Nagorno-Karabakh and Northern Ireland) or where support has been provided to local initiatives and donor countries have devoted themselves exclusively to administrative reforms.⁵ In “failed states”, in the conflict-escalation phase and during actual combat, international organizations and/or national agencies have, by contrast, made no contributions to security-sector reform worth mentioning.

Publications on security-sector reform read like a compilation of normative concepts on the tasks of the three branches of government in providing internal security.⁶ However, debates on security-sector reform are lacking an adequate understanding of the types of conflict, country-specific conditions and exigencies and the conflict phases in which external reform impulses could become effective. The concept furthermore fails to take into account the external security environment and the relationship of external assistance to local responsibility. In a critical review of the situation undertaken in 1999, the British Department for International Development (DFID) came to the conclusion that the impulse for reform in the security sector must come from the recipient countries themselves and that assistance should only be granted if a legitimate government is in control of the security forces.⁷ The diversity of international organizations and/or national agencies active in the area of security-sector reform often leads to competition, mistrust and the withholding of information. This is especially true of relations between civilian organizations and military actors such as NATO and individual NATO states in areas relating to military matters. The discrepancy between wide-ranging aspirations and actual capabilities leads most often to demands for better co-ordination, coherence and priority setting, the adequate provision of resources and the clear allocation of competencies and responsibilities.⁸

The experiences of international aid organizations have been used on several occasions to develop minimum criteria for security-sector reform. The key aspects of reform have in this way been identified as, *first*, to analyse the priority needs of the recipient countries, *second*, to identify local capacities and influential actors, *third*, to define the necessary skills, goals, scope and duration of international engagements and, *fourth*, to agree on the division of tasks with other organizations. International projects need to be based

5 Cf. Saferworld/International Alert/Netherlands Institute of International Relations “Clingendael”, Towards a Better Practice Framework in Security-sector reform. Broadening the Debate, Occasional SSR Paper No. 1, The Hague 2002.

6 Cf. Hans-Georg Ehrhart/Albrecht Schnabel/Monica Blagescu, Towards More Effective Assistance in Security-sector reform, Policy Brief, Hamburger Informationen zur Friedensforschung und Sicherheitspolitik 34/2002, Hamburg 2002.

7 Cf. Hendrickson, cited above (Note 4), p. 9.

8 Cf. Hans-Joachim Gießmann, Reform des Sicherheitssektors [Security-sector reform], Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung [Federal Ministry for Economic Co-operation and Development] (unpublished manuscript), at: http://www.bmz.de/infotehk/fachinformationen/spezial/spezial056/spezial056_13a.html.

on clearly defined criteria for success that can serve to ensure accountability. Criteria that could be applied include a reduction in serious crime, an improvement in the human-rights situation, a decrease in corruption among the judiciary and police and the creation and/or maintenance of local capacities.⁹ If needs, capacity and success assessments are not carried out, security-sector reform projects will serve only the institutional interests of donor organizations, will waste resources, and – in the worst case – will create the appearance of reform where no actual reform has taken place.

A Mandate for the OSCE?

Searching the OSCE Website for “security-sector reform” did not yield a single hit. While the Organization’s missions have very precise mandates in the areas of democratization, human rights and conflict prevention (with corresponding leadership and monitoring functions being performed by the OSCE’S Vienna-based bodies), this is only partly true in the area of security-sector reform. An OSCE mandate for security reform can be indirectly derived from the Organization’s “human dimension”, in particular from the commitment of the participating States to guarantee legislative transparency, the independence of the judiciary and fair legal proceedings¹⁰ and from the Code of Conduct on Politico-Military Aspects of Security, which was adopted at the 1994 OSCE Summit Meeting in Budapest and calls for effective and constitutional control over the military, paramilitaries and other security forces.¹¹ The Forum for Security Co-operation and the Conflict Prevention Centre are responsible for compliance with the Code of Conduct.¹² Since 1999, a series of additional documents that legitimate OSCE measures have been adopted. The Charter for European Security, adopted in November 1999 at the OSCE Istanbul Summit, contains the “Platform for Co-operative Security”, assigning the OSCE a co-ordinating role for regional initiatives.¹³ In addition, in November 2000, the OSCE Forum for Security Co-operation

9 Cf. Saferworld/International Alert/Netherlands Institute of International Relations “Clingendael”, cited above (Note 5).

10 Cf. among others, The 1998 OSCE Implementation Meeting on Human Dimension Issues, Warsaw, 26 October–November 1998, report prepared by the staff of the Commission on Security and Co-operation in Europe, at: <http://www.csce.gov/pdf/FEb1999Warsaw.pdf>.

11 CSCE, 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.

12 Cf. e.g. OSCE Features: The role of security forces in democratic societies, at: http://www.osce.org/features/show_feature.php?id=92#featbm1.

13 Organization for Security and Co-operation in Europe, *Charter for European Security*, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425–443, Operational Document – the Platform for Co-operative Security, pp. 441–443.

adopted the OSCE Document on Small Arms and Light Weapons.¹⁴ The OSCE Charter on Combating and Preventing Terrorism was adopted in December 2002.¹⁵ The Bishkek Programme of Action, adopted in December 2001, foresees close co-operation among the Central Asian states in combating terrorism.¹⁶ Finally, mention must also be made of the Comprehensive Programme for Training, Exchange and Co-operation to Address Trafficking in Human Beings in South Eastern Europe¹⁷, which is being pursued in conjunction with the EU Stability Pact for South Eastern Europe.

Concrete OSCE Activities

The OSCE's work on security-sector reform is performed, above all, by the Rule of Law Unit within the Office for Democratic Institutions and Human Rights (ODIHR). In 2003, ODIHR pursued a programme to curb trafficking in human beings in the OSCE area, which focused on strengthening the field missions. Further ODIHR activities include support for the reform of penal systems in Albania, Croatia, Macedonia and Serbia and Montenegro and the establishment of independent ombudsman institutions for human rights in these countries. Support is also being provided for police reform in Macedonia and Serbia and Montenegro. Prison reforms, ombudspersons and co-operation between the police and non-governmental organizations are also being promoted in Armenia, Azerbaijan and Georgia in the Caucasus. The training of prison personnel and the employees of law-enforcement agencies is being supported in Kazakhstan, Kyrgyzstan, Turkmenistan and Tajikistan. Since December 2002, the OSCE has also assumed responsibility for the start-up financing of the office of the ombudsman for human rights in Kyrgyzstan. In Uzbekistan, although an ombudsman institution has been established, it remains without power. In the case of Kazakhstan, a corresponding draft law has been blocked.

Seminars on environmental security conducted by the OSCE in Central Asia can also be counted as security-sector reform in the broadest sense. At

14 Organization for Security and Co-operation in Europe, Forum for Security Co-operation, OSCE Document on Small Arms and Light Weapons, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2001, Baden-Baden 2002, pp. 503-519.

15 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, printed in this volume, pp. 421-455, therein: OSCE Charter on Preventing and Combating Terrorism, pp. 425-428.

16 UNODCCP/OSCE, Summary Report, Bishkek International Conference on Enhancing Security and Stability in Central Asia. Strengthening Comprehensive Efforts to Counter Terrorism, Bishkek, 13-14 December 2001, at: <http://www.osce.org/events/bishkek2001/documents/Bishkekreport.pdf>

17 Comprehensive Programme for Training, Exchange and Co-operation to Address Trafficking in Human Beings in South Eastern Europe, in: Stability Pact for South Eastern Europe, Task Force on Trafficking on Human Beings, Multiyear Anti-trafficking Action Plan for South Eastern Europe, 16 March 2001, pp. 49-54, at: <http://www.stabilitypact.org/trafficking/atap-2001.doc>.

the end of 2002 and in the spring of 2003, the OSCE Project Co-ordinator in Ukraine organized training seminars with a human-rights focus for judges, public prosecutors and criminal investigation department (CID) officers as well as a conference on the “Conversion of Former Military Sites in Ukraine”. In addition, the OSCE has launched an awareness-raising and monitoring programme against torture for all OSCE participating States and a training programme for lawyers and parliamentarians in Chechnya. Finally, the Forum for Security Co-operation – alongside its traditional involvement in confidence-building measures and military aspects of security – is increasingly concerned with small-arms proliferation and (mostly by holding seminars) the democratic control of the armed forces.

The OSCE Mission in Kosovo (since July 1999) is the Organization’s largest field mission with 450 international members (and 1,100 local staff). As an integral part of the UNMIK administration, it is responsible for police training, judicial and civil administration, the organization of elections, the protection of human rights and the promotion of freedom of the media. The Kosovo Police Service School, which is run by the OSCE, must, in particular, be adjudged a success – not least in comparison to the KFOR-controlled Kosovo Protection Corps. The activities of the OSCE Mission to Bosnia and Herzegovina in the security sector are related to the implementation of Articles II and IV of Annex I-B of the Dayton Peace Accords (1995), the Vienna Agreement on Confidence- and Security-Building Measures (1996) and the Florence Agreement on Sub-Regional Arms Control (1996). Following completion of most of these initial tasks, the OSCE Mission to Bosnia and Herzegovina’s Department for Security Co-operation has concentrated on the planning and financial oversight of the defence budget, regulations for weapons exports, support for demining projects and developing institutional capacities in formulating a pan-Bosnian security policy. Problems in the case of Bosnia and Herzegovina include the lack of political leadership from Vienna, the duplication (until 2002) of security-policy capacities with the High Representative for the implementation of the Dayton Peace Accords and frequently inadequate co-ordination between the Department of Security Co-operation of the OSCE Mission and the SFOR Mission.

Beyond the OSCE’s broad-scope Missions to Bosnia and Herzegovina and in Kosovo, several of the Organization’s offices in CIS countries have started to function as conference organizers and “agents” for legal advisors, both of which may be considered aspects of “human security”. In 2002, the OSCE Conflict Prevention Centre organized expert meetings in Azerbaijan, Georgia and Armenia on the implementation of OSCE principles in the armed forces, the police and the intelligence services. The OSCE Centre in Bishkek, for its part, arranged seminars on “human security” for students in Central Asia. In 2001, OSCE experts also advised Central Asian governments and militaries on democratic control of the armed forces.

Following 11 September 2001, combating terrorism became a priority for the OSCE in Central Asia in particular. In December 2001, the OSCE and the United Nations Office for Drug Control and Crime Prevention (UNODCCP)¹⁸ organized a joint conference on this topic in Bishkek. In early June 2003, the OSCE Parliamentary Assembly and the UNDP also organized a meeting of parliamentarians in Almaty on the topic of “The Trans-Asian Dimension of the OSCE: A Vital Security Link”, which was devoted to the topics of combating terrorism, environmental security and establishing democratic institutions. Since early 2003, the OSCE has been involved in training experts at the Defence Ministry and the Ministry of Emergencies in Tajikistan in the removal of the approximately 16,000 mines laid during the civil war.

The OSCE’s concentration on police and law enforcement in the Central Asian states and the countries of the Caucasus is highly justified: The area has been largely untouched by reform, and political instrumentalization, abuse of authority, corruption and involvement with organized crime are widespread.¹⁹ The OSCE’s influence on security-sector reform in Central Asia can, however, only be assessed as moderate. This is largely because the OSCE’s aim of promoting democracy and the rule of law in the security sector contradicts the emphasis that Central Asian regimes have placed on policies to promote stability. Institutional reforms initiated by the OSCE in Central Asia have proved unsuccessful when they have involved exposing the methods of authoritarian rule.²⁰ For their part, the governments of Central Asia are primarily interested in the OSCE’s operational support in strengthening border controls and combating terrorism, organized crime and drug trafficking.²¹ However, where technical assistance of this kind is not linked to a reform agenda, it can contribute to the reinforcement of undemocratic standards of behaviour. The OSCE is faced with the problem that governments in Central Asia may use the “war against terrorism” as a pretext to curtail human rights and fundamental freedoms. Observers of UNDP projects have also expressed their fear that the reform agenda could be subordinated to the “war against terrorism”.²²

18 Since 1 October 2002, United Nations Office on Drugs and Crime, UNODC.

19 Cf. International Crisis Group, Central Asia: The Politics of Police Reform, Asia Report No. 42, Osh/Brussels, 10 December 2002.

20 Cf. Marie-Carin von Gumpenberg, *Die Organisation für Sicherheit und Zusammenarbeit in Europa. Stabilisierendes Moment in Zentralasien?* [The Organization for Security and Co-operation in Europe. A Stabilizing Factor in Central Asia?], SWP-Studie S 33, Berlin, October 2002, p. 11.

21 Cf. *Ibid.*, p. 16.

22 Cf. Dylan Hendrickson/Andrzej Karkoszka, *The Challenges of Security-sector reform*, SIPRI Yearbook 2002, Oxford et al. 2002, Chapter 4.

The UNDP has the highest profile of all international organizations active in the security sector. In national action plans signed with governments, non-governmental organizations and increasingly also with private enterprises, the UNDP has supported demining, demobilization and reintegration programmes and police reform – the latter in El Salvador, Guatemala, Haiti, Mozambique and Somalia, in particular. However, according to one observer, the UNDP's debates on strengthening state capacities have failed to systematically assess success and failure.²³ Since the autumn of 2002, however, criteria catalogues have been developed within the UNDP to which project funding will in future be aligned.²⁴ In the programmes of the World Bank and the International Monetary Fund, budgetary discipline has always played a fundamental role and there is therefore considerable interest in the reduction of military expenditures. As well as projects in Africa, the World Bank finances demobilization programmes in Bosnia and Herzegovina and in Romania. Recently, the Development Assistance Committee of the OECD has also been addressing the control of the military sector by parliaments, the judiciary and civil society as a matter for development co-operation. Finally, the EU Stability Pact for South Eastern Europe declared security-sector reform as one of its tasks in the autumn of 2001. Concrete results brought forth by this have, up to now, primarily consisted of a regional plan to limit small-arms proliferation and an initiative to fight organized crime. In areas relevant to security, the OSCE co-operates, above all, with the UNODC, the Council of Europe, NATO (mainly in the Balkans) and – in the area of small arms proliferation and combating terrorism – increasingly also with partners outside the OSCE, among them the OSCE's Mediterranean partners for co-operation (Algeria, Egypt, Israel, Jordan, Morocco, Tunisia), the Organization of African Unity, the Arab League and the Organization of the Islamic Conference.

Conclusions

The expectations that flourished at the start of the 1990s that the OSCE could become the dominant pan-European co-operative security organization collided with diverging national interests, the importance attributed to military resources, NATO's new lease of life and the OSCE's own internal power asymmetries. However, the OSCE still has a number of fundamental "comparative advantages". It is the only international organization with an unbroke-

²³ Cf. Hendrickson, cited above (Note 4), p. 36.

²⁴ Cf. UNDP, Bureau for Crisis Prevention and Recovery (BCPR), Justice and Security-sector reform. BCPR's Programmatic Approach, November 2002; Nicole Ball, Enhancing Security Sector Governance: A Conceptual Framework for UNDP, 9 October 2002.

ken history of dealing with security-sector reform in the Caucasus, Central Asia and the Balkans. In contrast to NATO, the OSCE does not concentrate on modernizing military capacities in formerly socialist countries, but on the domestic preconditions necessary for human security. Furthermore, the commitments undertaken by recipient countries have more force if they – unlike the activities of non-governmental organizations – are adopted by high-ranking government representatives within the OSCE. The activities of the OSCE are not limited to intergovernmental co-operation; it also engages with non-governmental organizations. Where a UN mandated territory has been established following the end of armed conflict, the OSCE – alongside other organizations – has enjoyed quasi-governmental authority. Of course, conditions are particularly favourable for this in Bosnia and Herzegovina and in Kosovo. Finally, the OSCE has a good reputation and a motivated, young and multinational staff that does not suffer from ministerial bureaucracies or military hierarchies and can take action comparatively independently of party- or power-political influences.

However, potential advantages are jeopardized by the OSCE's internal institutional mechanisms. In many respects, the OSCE imitates EU incrementalism. In failing to clearly delineate which fields it is active in, the OSCE may lose its comparative advantage. By expanding its activities, the OSCE runs the risk of duplicating the work of other international organizations. The OSCE is in danger of drowning in a sea of hastily initiated projects based on no easily discernible long-term strategy. The credibility of OSCE missions, particularly in the CIS area, suffers from the high turnover of field-office staff, wasteful "info tourism", gaps in long-term project financing together with floods of unconnected subprojects and short-term contracts that systematically devalue accumulated knowledge. Apparently OSCE field missions feel under chronic pressure to take action before they have had a chance to gain an adequate understanding of the problems they face or to clarify which long-term commitments the OSCE is prepared to fulfil.

Projects are too often generated internally, "from above" and then "sold" to the recipient country without needs assessment by independent experts or the recipient government. In 2002, the Portuguese Chair of the OSCE therefore explicitly undertook the task of overcoming paternalism towards recipients, specifically in Central Asia.²⁵ Analytical and operations-driven needs-assessment studies are rarely performed before measures are decided on – although note should be taken of the exemplary preliminary study carried out on police reform in the Federal Republic of Yugoslavia.²⁶ Although a considerable proportion of OSCE projects in the CIS countries are financed

25 Cf. OSCE, The Secretary General, OSCE Partnerships for Security and Co-operation. Annual Report on Interaction between Organizations and Institutions in the OSCE Area, Vienna 2003, p. 60.

26 Richard Monk, Study on Policing in the Federal Republic of Yugoslavia, OSCE Mission to the FRY, Belgrade 2001.

by the EU, there is no way of the public to observe how tenders for project proposals are granted nor are there transparent criteria for project approval.

Within the OSCE, there is a lack of co-ordination between departments that deal with security-sector reform. The Strategic Police Matters Unit works for the most part alone. According to insiders, co-ordination between it and the Forum for Security Co-operation is almost nonexistent. ODIHR, which offers security-relevant advice from a human-rights angle to groups such as border troops, comes closest to remaining focused on operations-oriented project assistance. Nevertheless, it is still in danger of spreading itself too thin. The OSCE treats its databases on national practices in implementing OSCE principles as if it were top secret. The Organization thus fails to adequately fulfil its own requirements for transparency and accountability. Moreover, the mandates of some missions and field offices are so general that virtually anything held up as a good deed can be justified. This deficit in coherency is, of course, not unique to the OSCE – German development co-operation has, for example, been given a similar assessment.²⁷

Because of the woolliness of the OSCE's mandate on security-sector reform, the difficulty in influencing governments that are not interested in reform and a shortage of expertise and financial incentives, the role of the OSCE will in most cases remain restricted to the dissemination of normative concepts, the provision of expert knowledge, the exchange of information among participating States, long-term monitoring and the provision of support and co-ordination assistance for national initiatives. The biggest influence the OSCE is likely to have on domestic security policies is its contribution to building trust in a country and increasing its attractiveness for inward investment.

Eliminating these deficits in the Organization's functioning will most likely entail fulfilling several conditions. These include the need for the Chairman-in-Office and his Personal Representatives to set clear priorities (combined with longer periods in office); public transparency and accountability on the costs and benefits of OSCE projects; the introduction of a requirement for open competitive bidding for larger project proposals; specifically defined mandates rather than self-mandating by national OSCE offices; clearer differentiation between short-term and long-term projects; the co-ordination of OSCE, UNDP and OECD guidelines for funding security-related projects; a personnel policy based on attracting and maintaining quality staff;

27 Cf. Reform des Sicherheitssektors in Entwicklungsländern. Eine Dokumentation der Fachtagung des BMZ und der GTZ [Security-sector reform in Developing Countries. A Report on the Expert Meeting of the Federal Ministry for Economic Co-operation and Development (BMZ) and the GTZ (a German corporation active in international development)], 2 May 2001, Gustav-Stresemann-Institut, Bonn; Tobias Debiel/Volker Matthies, Krisenprävention: Was wurde erreicht? [Crisis Prevention: What Has Been Achieved?], in: AFB-Texte 2/2000; Tobias Debiel/Martina Fischer, Krisenprävention in einer gewaltträchtigen Welt. Was kann europäische und deutsche Entwicklungspolitik leisten? [Crisis Prevention in a Violent World. What Can European and German Development Policy Achieve?], in: Aus Politik und Zeitgeschichte B 12/2001, pp. 14-23.

and, finally, providing the Parliamentary Assembly with supervisory powers. The first positive steps in this direction have already been taken. They include the annual “high-level Tripartite meetings” between the OSCE, the United Nations and the Council of Europe; the strengthening of operational units within the OSCE Secretariat; the formal exchange of information between the OSCE and the UNDP which has taken place since the end of 2001; the improvements in project co-ordination with the EU that have been made since 2002; and the creation of contact points for subregional organizations.

Finalizing the Dayton Peace Accords: The Concluding Document of the Negotiations under Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina

On 18 July 2001, the 20 nations participating in the negotiations on Article V of the Dayton Peace Accords¹ reached consensus on a Concluding Document. This achievement ended a three-year effort to finalize the last of three instruments mandated by the Dayton Peace Accords. The Article V negotiations had been conducted under the auspices of the OSCE with the aim of establishing a “regional balance in and around the former Yugoslavia”. The Concluding Document contains a list of voluntary confidence- and security-building measures (CSBMs) that build upon similar measures found in the Vienna Document 1999. These CSBMs were tailored to regional requirements and are basically a catalogue of guidelines to be employed by the participating States according to their own security requirements.

The actual contents of the Document reflect the changed security situation in the region since the signing of the Dayton Peace Accords. At that time, there was a great deal of concern regarding security among the countries in the region. While the Dayton Peace Accords had ended the conflict in Bosnia in 1995, there was still lingering apprehension among countries in the region. In the ensuing years, conditions worsened and armed conflict broke out in Kosovo in 1999. However, after the Kosovo conflict ended, the security situation stabilized, and confidence gradually increased among the countries in the region. By 2001, the changed perceptions of the states in and around the former Yugoslavia were reflected by the contents of the Concluding Document.

Background

Article V must be viewed as but one part of the General Framework Agreement for Peace in Bosnia and Herzegovina. That agreement ended the war in Bosnia and consists of eleven articles and eleven annexes. One of the annexes, Annex 1-B, the “Agreement on Regional Stabilization”, mandated that

1 Hereafter referred to as “the participating States”. These are: Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, France, Germany, Greece, Hungary, Italy, the former Yugoslav Republic of Macedonia, the Netherlands, Romania, the Russian Federation, Slovenia, Spain, the United Kingdom, the United States of America, Turkey and the Federal Republic of Yugoslavia.

the Organization for Security and Co-operation in Europe (OSCE) develop and implement three separate instruments:²

- Article II, entitled “Confidence- and Security-Building Measures in Bosnia and Herzegovina”, provided the framework for holding negotiations on an agreement on CSBMs in Bosnia and Herzegovina. The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska were explicitly named as participants. Article II negotiations were concluded in Vienna on 26 January 1996 and entered into effect immediately. The result of negotiations, the “Agreement on CSBMs in Bosnia and Herzegovina”, consisted of a comprehensive set of measures to enhance mutual confidence and reduce the risk of conflict.
- Article IV, entitled “Measures for Sub-Regional Arms Control”, provided the framework for negotiations for a sub-regional arms-control agreement. Explicitly named as participants were the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, Croatia and the Federal Republic of Yugoslavia (FRY)³. It was concluded in Florence on 14 June 1996 and entered into force on 1 November 1997. The result of Article IV negotiations, the “Agreement on Sub-Regional Arms Control”, established ceilings in five categories of conventional armaments (battle tanks, artillery, armoured combat vehicles, combat aircraft and attack helicopters) together with specific reduction methods, mechanisms for extensive information exchange and an intrusive inspection regime. It is based on the Treaty on Conventional Armed Forces in Europe (CFE Treaty) in terms of introducing limits on five categories of conventional armaments and an intrusive inspection regime.
- Article V, entitled the “Regional Arms Control Agreement”, provided the framework for negotiations for a regional arms-control agreement applicable to the area “in and around the former Yugoslavia”.⁴

2 Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Accords), initialled in Dayton, Ohio, USA. on 21 November 1995, and later signed in Paris, France, on 14 December 1995.

3 In February 2003, the Federal Republic of Yugoslavia became Serbia and Montenegro. For the purposes of this article, the former name or the acronym “FRY” will be employed as these were the designations under which the country conducted the Article V negotiations.

4 Article V, the “Regional Arms Control Agreement”, states: “The OSCE will assist the Parties by designating a special representative to help organize and conduct negotiations under the auspices of the OSCE Forum on [sic!] Security Co-operation (‘FSC’) with the goal of establishing a regional balance in and around the former Yugoslavia. The Parties undertake to co-operate fully with the OSCE to that end and to facilitate regular inspections by other parties. Further, the Parties agree to establish a commission together with representatives of the OSCE for the purpose of facilitating the resolution of any disputes that might arise.” At: <http://www.nato.int/for/gfa/gfa-an1b.htm>.

Other than the “Parties” to the Dayton Peace Accords, no other participants are specified. Unlike Articles II and IV, no time frame for negotiations is defined, nor are there any guidelines for the contents of the prospective agreement. These three Articles can be viewed as three concentric circles in terms of their respective geographic areas. Article II includes only parties to the conflict in Bosnia and Herzegovina. Article IV expands the area of application beyond Bosnia and Herzegovina to include the FRY and Croatia. Article V further expands the area of application to the area “in and around the former Yugoslavia”. Thus, in contrast to Articles II and IV, which applied to clearly delineated geographic areas, Article V is deliberately vague.

While Articles II and IV had been the subjects of extended negotiations at Dayton, Article V was very much a last-minute addition. Its origins are hidden in the fog of the eleventh-hour negotiations of the Dayton Peace Accords. While there is no official record of the fact, there is an understanding that Article V was the result of a demand by the FRY for a regional arms-control regime. It purportedly was the *quid pro quo* for an agreement at Dayton. Since there is no negotiating record of Article V, there is no meaningful guidance as to what the drafters actually wanted to achieve through a regional arms-control agreement. This rather unusual situation led to a very wide range of proposals for the prospective agreement.

High Expectations

At the time of the signing of the Dayton Peace Accords, Article V was the source of much optimism, and many of the OSCE States entertained high expectations of an arms-control agreement for the Balkans region. In addition, Article V was the first attempt at a regional arms-control regime within the OSCE; this fact alone caused great interest in the Article V negotiations, even among OSCE States not taking part. But while the goal of Article V was to establish a regional balance “in and around the former Yugoslavia”, there was no specific guidance on how this was to be accomplished. The very term “arms control” was the cause of no small misunderstanding. Several participating States interpreted this as referring to “hard” arms-control measures with arms-control limits like those found in Article IV or the CFE Treaty. According to this view, the new Article V agreement would include legally binding limits on conventional arms and an intrusive inspection regime to verify compliance. Other participating States understood the term to mean “arms control” in the general sense and favoured a politically binding agreement limited to CSBMs. The tension between the “hard” arms-control advocates and those wanting only CSBMs persisted for a greater portion of the negotiations and was exacerbated by the composition of the participating States. Of the 20 Article V participating States, 13 were States Parties to the

CFE Treaty⁵ and hence already subject to legally binding limits on conventional arms and intrusive inspections. A similar situation applied in the case of the three signatories of the Article IV agreement.⁶ Understandably, a number of these countries were wary of the prospect of accruing further arms-control obligations over and above those already in place. On the other hand, some of the most avid proponents of “hard” arms-control measures were States Parties to the CFE Treaty. The four Article V participating States who were neither members of the CFE Treaty nor of the Article IV agreement,⁷ had their own specific qualms about taking on arms-control obligations. Each exhibited wariness, based on national interests, towards the prospect of becoming subject to arms-control limits and intrusive inspections. Since the military forces of each of the four presented no threat to its neighbours, they saw little urgency or value in taking on these obligations.

The anticipated goals for Article V were reflected in its mandate for negotiations, wherein four objectives were detailed:

- Establishing a broad security dialogue among the participating States
- Enhancing transparency, openness and predictability in the field of military security in order to ensure consistently high levels of these qualities throughout the region
- Complementing the existing and mutually enforcing measures for arms control and confidence and security building in the region
- Promoting co-operation and good neighbourly relations in the region.

The stated aim of the negotiations was to “devise measures to reduce localized instability in order to enhance stability as a whole within the region and to strengthen the concept of its indivisibility.”⁸

Negotiating History of Article V

Negotiations on Article V did not begin until after the Article IV agreement had been implemented in November 1997. The Special Representative of the OSCE Chairman-in-Office for Article V Negotiations, Ambassador Henry Jacolin of France, was appointed at the Copenhagen OSCE Ministerial Council in December 1997. Ambassador Jacolin started consultations for a mandate with the goal of attaining initial results by the summer of 1998. In addition to the three signatories of the Dayton Peace Accords, a number of other

5 Bulgaria, France, Germany, Greece, Hungary, Italy, the Netherlands, Romania, the Russian Federation, Spain, Turkey, the United Kingdom and the United States of America.

6 Bosnia and Herzegovina, Croatia, and the Federal Republic of Yugoslavia.

7 Albania, Austria, the former Yugoslav Republic of Macedonia and Slovenia.

8 Regional Stability – Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina, Mandate for the Negotiations of an Article V Agreement, “Aim and Objectives”, pp. 1-2 (unpublished).

countries voiced their interest in participating in the negotiations. The nations located in the geographic vicinity of the FRY – Croatia and Bosnia and Herzegovina – were required by the Dayton Accords to be included. The six nations of the Contact Group (France, Germany, Italy, the Russian Federation, the United Kingdom and the United States) became participating States. Turkey and Greece joined the group due to their geographic proximity and interest in the region. Spain and the Netherlands, nations with previous experience and interest in the region, also joined. The number of participating States was finally limited to 20. After several attempts, consensus on a mandate for the negotiations was finally reached in November 1998. This agreement was officially welcomed at the OSCE Oslo Ministerial Council, and negotiations were scheduled to begin in full in January 1999.

However, in December 1998, the massacre in Racak (Kosovo) occurred and with the ensuing Kosovo crisis, the start of negotiations was delayed for three months. An opening plenary meeting was finally held on 8 March, but subsequent meetings were postponed due to the outbreak of hostilities later that month. After the cessation of hostilities, the negotiations resumed in September 1999, but little was accomplished on Article V during the remainder of the year, as OSCE States placed more emphasis on the upcoming Istanbul Summit and the adaptation of the CFE Treaty.

Negotiations finally began in earnest in January 2000. The participating States initially negotiated until the beginning of the summer recess in July, and talks were resumed at the beginning of the OSCE autumn session in September 2000. The negotiations continued with some difficulty, but the participating States finally reached consensus on an agreement just prior to the recess break in July 2001. At the OSCE Ministerial Council meeting in Bucharest in December 2001, the Special Representative submitted the Concluding Document to the Ministers, thus completing his task.

Contents of the Concluding Document

The Concluding Document is a politically binding instrument that does not contain any restraints or limits on arms and does not require participating States to carry out any specific measures. It is exhortatory in nature, calling upon participating States to voluntarily go beyond CSBM measures being implemented through the Vienna Document 1999. The Concluding Document consists of nine sections.

The “General” section consists of nine paragraphs that include avowals of adherence to a number of international agreements, including the Charter of the United Nations, the Helsinki Final Act, the Charter of Paris for a New Europe, the Charter for European Security, the Vienna Document 1999 and the OSCE Code of Conduct on Politico-Military Aspects of Security. The participating States also underlined their support for the full implementation

of the General Framework Agreement for Peace in Bosnia and Herzegovina and recalled the achievements reached through the Florence and Vienna agreements. The participating States reaffirmed the significance of the Open Skies Treaty and noted that an adapted CFE Treaty, upon entry into force, will be open to voluntary accession by other OSCE participating States. Perhaps most important, in view of the present circumstances, is the reaffirmation of the commitment to take appropriate measures for the prevention of the participating States' respective territories being used for the preparation, organization or commitment of extremist violence including terrorist activities directed against other participating States and their citizens.

The section on "Defence-related information" provides voluntary extensions of the provisions of the Vienna Document for annual submissions regarding defence-budget transparency. It recommends the exchange of information on actual yearly expenditures denominated in the local currency. It also encourages the provision of information about financial or other forms of contribution received from any other State and applied to its defence budget. The section on "Expanded military contacts and co-operation" calls for participating States, on a voluntary basis and as appropriate, to promote and facilitate two types of measures: "Military contacts" and "Military co-operation and risk reduction." A number of suggestions for further military contacts and co-operation and risk-reduction measures are enumerated.

The "Military activities" section calls for participating States to consider, on a voluntary basis and as appropriate, the reduction of thresholds for military activities of their respective armed forces subject to prior notification and observation to lower levels than those set out in the Vienna Document 1999.⁹ Many viewed this as a potentially very useful measure, since the levels of military personnel actually employed in exercises have gradually decreased in the past decade. In like manner, the section on "Inspections and evaluation visits" calls for participating States, on a voluntary basis, to offer supplementary Vienna Document inspections and evaluation visits of their forces, particularly those in border areas.

The section on "Antipersonnel mines" proposes that participating States voluntarily provide financial and technical support to other participating States on request for the de-mining of areas on their territory where antipersonnel mines are emplaced and for the destruction of such mines. The section on "Small arms and light weapons" calls for participating States to reaffirm their commitment to the OSCE Document on Small Arms and Light Weapons and to co-operate in combating illicit trafficking, safe and effective management of weapons stockpiles, the reduction and destruction of surpluses and other related issues.

The penultimate section establishes a Commission to review the implementation of the Concluding Document. The establishment of a "commission

9 On this see: Organization for Security and Co-operation in Europe, Vienna Document 1999, Vienna, 16 November 1999, FSC.JOUR/275, Chapters V and VI.

[...] for the purpose of facilitating the resolution of any disputes that might arise” was the one requirement that Article V mandated. This Commission is to meet once per year, unless otherwise agreed; extraordinary meetings may be convened at the request of any participating State following appropriate consultations with all participating States by the Chairman. Decisions are to be taken by consensus and the rules and procedures are to be left to the Commission to determine. The Commission is to convene under the auspices of the OSCE and to liaise with the sub-table on Defence and Security Issues of Table III of the Stability Pact for South Eastern Europe.

The section entitled “Final” states that all the measures included in the Concluding Document are voluntary in nature. The Document was deemed politically binding and became effective on 1 January 2002.

Factors Affecting the Article V Negotiations

Three factors strongly influenced the Article V negotiations. The first was the 1999 Kosovo conflict that resulted in a suspension of negotiations and essentially caused a year’s delay. As noted above, the actual Article V negotiations were to have begun in January 1999 but were postponed until September and did not really begin in earnest until January 2000. In retrospect, the fact that negotiations were even resumed so soon after the end of hostilities was viewed as a positive sign. The FRY delegation re-entered the negotiations with a businesslike manner and showed little rancour when the negotiations resumed. That the FRY was able to participate in negotiations with participating States with which it had been engaging in hostilities (and vice-versa), underscored the importance of continuing the negotiations and reaching a conclusion.

The second factor influencing the Article V negotiations was agreement on the adaptation of the CFE Treaty at the OSCE Istanbul Summit in November 1999.¹⁰ The CFE Treaty was an agreement between two groups of states, NATO and the Warsaw Pact, and not between individual states. There were no provisions in the original CFE Treaty for the accession of new members. The adapted CFE Treaty, which was altered to reflect Europe’s changed political structure, will allow for the accession of new members. Of the 20 Article V participating States, 13 are CFE States Parties. The seven exceptions (Albania, Austria, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Slovenia and the FRY) will be eligible to join the adapted CFE Treaty upon its entry into force. The seven non-CFE States have, to varying degrees, indicated interest in joining the CFE Treaty. The desire on the part of the non-CFE States to eventually join the Treaty complicated the Article V negotiations. Prospective new CFE members were natu-

10 On the adaptation of the CFE Treaty see the contribution by Pál Dunay in this volume, pp. 259-288.

rally cautious in taking on new obligations and requirements in addition to those they would incur upon joining the CFE Treaty. There was also concern about assuming obligations that might complicate the accession process to the CFE Treaty.

The third factor affecting the negotiations was the FRY's accession (or reaccession, to some) to the OSCE. In 1992, the Federal Republic of Yugoslavia had been suspended from the Organization. After the country's break-up, all its successor states except the FRY (i.e. Croatia, Slovenia, the former Yugoslav Republic of Macedonia and Bosnia and Herzegovina) joined the OSCE and became parties to the Vienna Document. The early stages of the Article V negotiations were dominated by attempts to involve the FRY in Vienna Document CSBMs without its actually being a party to the Vienna Document. The intention of a number of proposed CSBMs was to obtain some degree of transparency into the military affairs of the FRY. Numerous inventive measures were proposed and discussed that were variations on this theme. However, for various reasons, most of these measures were not translated into CSBMs. In addition, some participating States began to view the negotiations as an attempt to create a *cordon sanitaire* around the regime of Slobodan Milosevic. In their view, the FRY had become the main reason for pursuing the Article V negotiations. Paradoxically, however, this was also the main hindrance to the negotiations, since many participating States harboured reservations about concluding an agreement with Belgrade as long as Milosevic was in charge. In the autumn of 2000, the Milosevic government fell, and soon thereafter, the FRY became a member of the OSCE. With the removal of Milosevic from the scene, a major impediment to the conclusion of the negotiations was removed. And with the inclusion of the FRY among the circle of participating States of the Vienna Document, the measures that had been designed to "connect" the FRY to the Vienna Document were rendered moot. With a new government in Belgrade, the atmosphere in the region improved to the point where the FRY began to be no longer viewed as a threat by its neighbours and vice versa.

Another factor that influenced the negotiations – albeit to a lesser degree – were restrictions within the CFE Treaty itself. As noted above, a number of participating States desired to have the Article V agreement include "hard" arms-control measures similar to those in the CFE Treaty. Some even proposed that the new Article V agreement be linked to the CFE Treaty and Dayton Article IV, whereby inspectors from all participating States could participate in inspections under those treaties. However, this suggestion proved untenable as the CFE Treaty limits inspectors to nationals from States Parties to the CFE Treaty.¹¹ While they could be invited to participate on an *ad hoc* basis as observers, there was no way that personnel from non-CFE

11 Treaty on Conventional Armed Forces in Europe, Protocol on Inspection, Section III.2. "Inspectors shall be nationals of the inspecting State Party or other States Parties", at: <http://www.osce.org/docs/english/1990-1999/cfe/cfetreate.htm>.

States could participate as full-fledged inspectors in a CFE Treaty inspection regime.

A further development affecting the negotiations was the relatively recent adaptation of the Vienna Document regime. The Vienna Document 1999 was the culmination of a major undertaking by the OSCE to update and modify the CSBM regime. To many OSCE participating States, it represented the limit of what could be achieved in the area of CSBMs for the foreseeable future. In the wake of the finalization of the Vienna Document 1999, the adaptation of additional CSBMs in the ensuing two years would prove to be an extremely challenging task.

Finally, the potential costs of arms-control measures were also a factor. Even when not overly expensive, arms-control measures – even “modest” CSBMs – can still be costly in terms of resources, personnel and time. While not a decisive factor, this was a consideration in the negotiations.

Evaluating the Results of the Article V Negotiations

The Concluding Document contained less than many participating States had anticipated at the beginning of the negotiations. This fact reflected both the changed political and security circumstances in the region and the difficulty in finding common positions among twenty participating States that often held very divergent views. While there were no “hard” arms-control measures, such as limits on categories of conventional arms or an inspection regime, the Concluding Document does contain a number of voluntary CSBMs that will build upon those found in the Vienna Document 1999. It “pushed the envelope” of CSBMs in Europe as far as it could go at this juncture.

Ambassador Jacolin later summarized the situation as follows: “The negotiations were long and sometimes very difficult, but with the political will and flexibility of all participating States they were able to be brought to a successful conclusion.” Ultimately, the Article V negotiations can be viewed as a success, since, through their conclusion, the Dayton Peace Accords finally reached fulfilment. Further, the stated aims of the mandate for negotiations have essentially been met. A broad security dialogue among the participating States has been established. Co-operation and good neighbourly relations have been promoted. The existing and mutually reinforcing measures for arms control have been complemented. And transparency, openness and predictability in the field of military security have been enhanced.

That the negotiations did not achieve all that many participating States had initially hoped for can be attributed to the changed circumstances in and around the former Yugoslavia. The need and desire for more ambitious arms-control measures has been reduced by the emergence of a more stable security environment. The improved situation in the region was reflected in the contents of the Concluding Document. The participating States no longer

considered it necessary to adopt more stringent measures. The measures that were ultimately included in the Concluding Document reflect the common denominator of the perceived needs of the participating States at the time of their being adopted.

In addition to successfully concluding the Dayton Peace Accords, the Article V negotiations underscore an important aspect of international arms-control agreements: Nations will mutually accept the arms-control obligations that they feel will enhance their security. However, they will be loath to gratuitously accept obligations that they do not consider to be helpful or beneficial to their security. While many participating States were willing to consider certain arms-control measures at the beginning of the Article V negotiations, the improved political and security situation rendered those measures less palatable, and they were ultimately not adopted.

Either Bring the Adapted CFE Treaty into Force or Do Not – But Face the Consequences¹

Introduction

The CFE Treaty is a document of peace – and not only in the sense that peace and stability, as well as high-level readiness to co-operate among the states participating in the process, were essential preconditions to launching negotiations on conventional arms limitations in Europe in the late 1980s. The Treaty can also be called a document of peace because its rules cannot cope with the challenge posed by *violent* conflict. It will suffice to mention that Treaty-related reductions cannot be carried out under conditions of war. Hence, it is violent conflict, inter-state and intra-state alike, which have posed a grave challenge to the Treaty both in the past and at present. The implementation of the Treaty also requires peaceful conditions. It was simply not created for the challenges of military conflict, as its rules can be enforced only when there is peace. Reductions are not carried out when Treaty-limited armaments and equipment are found to provide a strategic advantage. If reductions have been carried out, they have not been able to be verified when violence has continued to prevail.

The CFE Treaty has often been described as a cornerstone of European security. This is a speculative statement that may be just as right as it is wrong. It is impossible to know how military security would have evolved in Europe without the Treaty. If one examines the European armed forces, however, it can be concluded with certainty that the number of armaments and pieces of equipment limited by the Treaty would have remained significantly higher without it. Consider for example the countries that continually complained they would not be able to carry out reductions, like Belarus, Russia and the Ukraine. Had they kept thousands (in some cases tens of thousands) of weapons without any strategic rationale, it would have been catastrophic. It would have effectively made defence transformation impossible due to the prohibitive costs of maintaining the old military structure, facilities and weaponry. Furthermore, the development of conventional armaments in Europe would have remained unpredictable without the Treaty. Although the overall number of armaments in Europe may be significant to some, it is more realistic, as will be demonstrated below, to focus on the regional and local concentration of armed forces and weapons. In sum, the CFE Treaty has

¹ An earlier version of this paper was prepared for the Institute for Applied International Research in Moscow and was presented at its conference “Russia and NATO: Prospects for Co-operation after the Prague Summit” held on 6 and 7 December 2002.

lost some of its importance due to the general decline in European arms control. However, even though the CFE Treaty is no longer a cornerstone of European security, it has some residual significance due to the symbolism attached to it, for one thing.

After an overview of the most important innovations of the adapted Treaty, this paper offers an analysis of the reasons that prevent its entry into force. It aims to present a balance sheet of the pros and cons of an early versus a belated ratification of the adapted Treaty.

*Is the Never-Ending Adaptation Process Coming to a Close?*²

Since the signing of the CFE Treaty on 19 November 1990, by which time it was already outdated, there has been a constant necessity to adapt it. There were various reasons for this. If one were to present these in sequence it would be hard to decide which should be placed first: The *de facto* and later *de jure* dissolution of the Warsaw Treaty or the changed importance of the southern flank due to the disintegration of the Soviet Union. These upheavals of historical proportions and their long-term repercussions have resulted in two waves of revisions to the Treaty.

The *collapse of the Soviet Union* prompted the first wave of adaptation. Two successor states, Russia and the Ukraine, were of the view that they would be placed at a disadvantage by the change as regards certain provisions of the CFE Treaty. And, in fact, they were. For its part, Russia based its complaint on the fact that areas which were formerly of less strategic importance, particularly the North Caucasus, had now gained prime importance due to fact that the areas further to the south had achieved independence (Georgia, Armenia and Azerbaijan). The Ukraine, in turn, argued that an unacceptably large portion of its territory was subject to stringent limitations, that is, in both the southern and western parts of the country. The overwhelming majority of States Parties showed understanding towards Russia's and Ukraine's objections, even if they did not agree to the solutions recommended by these two countries. The idea of eliminating the flank limit was clearly unacceptable to those countries who would have been directly affected by a potential increase in Russian holdings in the flank areas. States like Norway and Turkey did not want to be exposed to the negative consequences of such a decision. Moreover, the elimination of the flank rule would have given a strange signal to the newly independent states adjacent to those areas of Russia: namely, that Moscow would have a freer hand to use coercion than hitherto. To make a long story short, rather than accepting the Ukrainian and Russian proposal to eliminate the flank rule, the States Parties opted for a less radical

2 For further details on the innovations brought about by the adaptation of the CFE Treaty see: Zdzisław Lachowski, *The Adapted CFE Treaty and the Admission of the Baltic States to NATO*, Stockholm 2002, pp. 6-15.

position.³ Accordingly, the limitations became less stringent on the flank. Certain areas were taken out of the flank area and “reassigned” to a zone (dubbed “Zone IV.2” after the appropriate paragraph of the CFE Treaty of 1990) where less stringent limitations applied. The flank agreement revised at the First Review Conference of the Treaty was ratified by each Party to the CFE Treaty and entered into force in 1997. This was not the last word on the flank issue, however. During the adaptation talks, there were further requests for modification, which were aimed at the elimination of the flank rule. In the end, the flank rule was eliminated from the adapted Treaty and was retained only as part of Russian and Ukrainian national and territorial ceilings. In spite of this, the adapted Treaty has not yet come into force, although, the parties have accepted the newly agreed upon rules *de facto*.

The other wave of adaptation was kick-started by the fundamental rearrangement of the European security situation due to the *dissolution of the Warsaw Treaty Organization*. Strategically and politically, this meant the end of one of the two constituent elements of the Treaty.⁴ Due to the readiness of the States Parties that drafted the Treaty to distinguish between alliances and “groups of States Parties”, however, this did not challenge its legal foundations. It was only a matter of time before the Treaty would contradict common sense. Some were of the view that the “moment of truth” came when some former members of the Warsaw Treaty were accepted as members of NATO. This meant that the *desire* of some former members of the Warsaw Treaty to join the Atlantic Alliance was not enough to make it apparent that the Treaty no longer reflected strategic reality. The legal fiction of the CFE Treaty of 1990, according to which groups of States Parties are not identical with alliances, was influential in postponing its adaptation. This had to happen, however, when NATO made clear it was ready to admit new members and named some former members of the Warsaw Treaty as candidates. This was the long-predicted moment when – as a high-ranking diplomat once put it – the “CFE Treaty was to become political science fiction”.

At an early stage of the adaptation process, the option of preserving one of the two groups of States Parties – namely the only alliance that was still in existence – and putting an overall cap on its arsenal was briefly considered. This would have meant that the arsenal in the five Treaty-limited categories of armaments and equipment would have been capped and redivided among the member states upon each NATO enlargement. One is tempted to say that this appeared as an obvious “cunning plan” that could eventually divide “old” NATO members from aspirants. It was clearly an unacceptable idea and died

3 For more details on this see Wolfgang Zellner/Pál Dunay, When the Past Meets the Future – Adapting the CFE Treaty, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 281-298.

4 One should remember that the CFE Treaty of 1990 limited the armaments and equipment of two groups of States Parties, which were comprised of exactly the same states as NATO and the Warsaw Treaty, respectively. The countries within each group divided their block’s overall Treaty allocations among themselves by setting national limits.

a sudden death. Although the Russians had reservations about NATO enlargement, this did not overshadow the CFE adaptation process. The most important achievement of the adapted Treaty has certainly been the move away from a structure based on the axiom of a fictitious conventional military balance in Europe towards allowing other priorities to determine security relations. The adapted CFE Treaty puts forward a set of national and territorial ceilings for each State Party as well as certain mechanisms that make it possible for these limits to be exceeded to a limited degree when necessary. This is only possible for either clearly defined political purposes, such as UN or OSCE-approved peace operations, or for limited time periods, such as during exercises. Exceeding these limits in the long term is possible within the framework of certain quantitative constraints (up to 153 battle tanks, 241 armoured combat vehicles and 140 artillery pieces) or, under exceptional circumstances for armaments in the three categories above, to an extent equivalent to two NATO divisions. The final option may not be used to increase strengths in the flank area, however. This may have been contrary to the interests of Russia, but was an acceptable compromise.

Another important element of the Agreement on Adaptation of the CFE Treaty is that it confirms the consent of the host state as a precondition. It does so by declaring that the Treaty Limited Equipment (TLE) of a State Party “shall only be present on the territory of another State Party in conformity with international law, the explicit consent of the host State Party, or a relevant resolution of the United Nations Security Council”.⁵ One can ask whether this is the agreement’s historical achievement. However, the right answer to this would have to be: “partly yes and partly no”. It is particularly important that the adapted CFE Treaty unambiguously and specifically addressed this matter with reference to Treaty-limited armaments and equipment. This may alleviate the concerns of countries who have “residual fears” due to asymmetrical security relationships with their neighbours. The fact that foreign troops can only be stationed with the consent of the territorial state stems from the basic principle of state sovereignty, which is part of universal international law. It is not surprising that a Russian expert comes to similar conclusion: “[...] an adapted CFE provides that a Russian military presence abroad is also subject to the consent of the host state with due respect for its sovereignty. It seems, however, that even without the treaty it would be difficult to disagree with this principle.”⁶ Furthermore, the 1992 Helsinki Document of the OSCE already contained a similar requirement, although it was only politically and not legally binding and was confined to the Baltic states: “We express support for efforts by CSCE participating States to remove, in a peaceful manner and through negotiations, the prob-

5 Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, Art. 2, CFE.DOC/1/99, 19 November 1999, at: <http://www.osce.org/docs/english/1990-1999/cfe/cfeagree.pdf>.

6 Vladislav Chernov, Notes on the CFE Treaty, in: *International Affairs* (Moscow), 4/2002, pp. 46-52, here: p. 48.

lems that remain from the past, like the stationing of foreign armed forces on the territories of the Baltic States *without the required consent of those countries*. Therefore, *in line with basic principles of international law* and in order to prevent any possible conflict, we call on the participating States concerned to conclude, without delay, appropriate bilateral agreements, including time-tables, for the early, orderly and complete withdrawal of such foreign troops from the territories of the Baltic States.”⁷ It is also obvious that the consent of the host state is to be acquired in advance and not retroactively. Suffice it to mention the danger of retroactive consent and to recall the cases when countries were occupied and new governments “helped” to power, who then legitimized the presence of the occupation forces. In sum, the appearance of this rule in the adapted Treaty is an important but not a revolutionary step.

In the political declarations attached to the adapted Treaty, the issue of stability in Central Europe following the (first Eastern) enlargement of NATO is addressed. Throughout the adaptation talks, Russia demanded concessions in return for its consent to NATO enlargement. Even though demands were regarded as absurd by many, it was the understanding of NATO members – and less the aspirant countries – that some self-imposed limitation in Central Europe would be acceptable. Due primarily to Polish opposition to including a unilateral concession in the Treaty, five countries (Belarus, the Czech Republic, Hungary, Poland and Slovakia) in separate, politically binding declarations, stated that their national and territorial ceilings would equal their maximum national holdings. These five countries plus Germany and the Ukraine froze their territorial ceilings. There is no area of the Russian Federation included in the zone of stability. The importance of these measures was to reassure Russia that these countries would not host foreign Treaty-limited armaments on their territories without first reducing their national holdings. Since the same countries have retained the right to host exceptional temporary deployments, the significance of this political commitment should not be exaggerated.

It would be a mistake to assume that the adapted CFE Treaty does not contain any matters of strategic importance. Particularly in light of the difficulties in co-operation between the USA and Germany, primarily on the political-declaratory level in the second half of 2002 and during the first months of 2003, there were rumours that the US might be willing to redeploy some of its bases from Germany to Poland. Although Polish press reports on this were rebutted shortly thereafter, the Russian Federation reacted resolutely, if in a business-like manner. It invoked numerous political commitments, among others, the statement of the NATO Council of 8 December 1998, to which Poland had also acceded. A spokesperson of the Russian Foreign

7 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 701-777, here: p. 705 [author's emphasis].

Ministry stated: “It [the statement of the NATO Council, P.D.] says plainly that ‘we will carry out our collective defense and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial ground or air combat forces.’ [...] [A] bases and heavy weapons redeployment scheme – and this involves combat tanks, armored vehicles, artillery, warplanes and attack helicopters – is to be ruled out as being contrary to a whole series of major agreements in the sphere of military security and stability.”⁸ It was furthermore stressed “that the complex of these obligations is an integral part of the adapted CFE Treaty [...]”.⁹

Alongside the move from “groups of States Parties” to a set of national commitments, the other fundamental difference is that the 1999 agreement breaks away from the closed nature of the Treaty of 1990. It makes accession possible for “[a]ny participating State of the Organization for Security and Co-operation in Europe whose land territory lies in Europe within the geographic area between the Atlantic Ocean and the Ural Mountains [...]”.¹⁰ The request for accession must include information about the designation of a state’s existing types of conventional armaments and equipment, the proposed national and territorial ceilings, the related subceilings for each category of armaments and equipment limited by the Treaty of the country and any other relevant information.¹¹ After its entry into force, the adapted Treaty will be accessible to those 25 OSCE participating States that are not members of NATO or the Warsaw Treaty (or to their successor states) and who were therefore not parties to the CFE Treaty of 1990. However, the door has been fully opened only in a theoretical sense. First and foremost, the adapted Treaty will have to come into force before accession will be possible. Furthermore, the States Parties to the Treaty will decide on accession by consensus in the Joint Consultative Group (JCG). This makes it possible for a single State Party to veto the accession of any applicant, as occurred when Turkey blocked the accession of the Republic of Cyprus to the Open Skies Treaty. One may raise the question whether there is a danger that a similar non-cooperative approach would prevail in the case of the adapted CFE Treaty, too. One cannot fully exclude this, although there is a fundamental difference between the Open Skies and CFE Treaties. Whereas in the case of the former, blocking accession carries no particular risk, this is not true of the latter. If accession is not granted to a country, it follows that it is not subject to the rules of the Treaty. This means that the development of its armed forces remains unlimited. It can freely increase the size of its conventional armed

8 Alexander Yakovenko, the Official Spokesman of Russia’s Ministry of Foreign Affairs, Answers a Russian Media Question Regarding Reports Alleging Plans to Redeploy US Military Bases from Germany to Poland, 14 February 2003, at: <http://groups.yahoo.com/group/RMSMC/message/1989>.

9 Ibid.

10 Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, cited above (Note 5), Art. 18, para. 1.

11 Cf. *ibid.*, para. 2.

forces in Treaty-limited categories. Hence, the more concerned a State Party is about the military capabilities of a country, the more it should advocate its accession to the adapted Treaty. It is highly likely that discussions in the JCG will centre more around the conditions of the accession of potential applicants (their proposed national and territorial ceilings) than on the mere fact their jointing.

The adapted Treaty enters into force only after it has been ratified by every signatory and the instruments of ratification deposited at the depositary (the government of the Netherlands). Three years after the signing of the Treaty in Istanbul, only two countries had ratified it (Belarus and the Ukraine); of these two, only one has completed the entire process, whereas the other has yet to deposit its instrument of ratification. At the Second Review Conference of the Treaty in 2001, Belarus stated that it had “completed internal procedures for ratification [...] on 18 July 2000. The ratified documents were deposited on 6 October 2000 with the Depositary of the Treaty [...]”¹² The President of the Federal Assembly of Russia submitted the draft law on ratification of the agreement on 11 February 2002. Committees have already finished their debates; the completion of the ratification process by the Duma is a matter of political will. It seems at least part of the Russian establishment is of the view that it is now the NATO member states’ turn to drive forward the ratification process. However, there are experts, who have rightly observed that Russia would be in a far better position to argue for the ratification of other states if it had already completed the process itself.¹³

It is unlikely, however, that the adapted Treaty will enter into force before 2005. The reason for this can be gleaned from the Final Communiqué of the Atlantic Alliance at its Florence Council meeting in May 2000 which stated the following: “We remain concerned about the continued high levels of Russian Treaty Limited Equipment in the North Caucasus in relation to the Treaty’s Article V (‘flank’) limits. These levels must be brought into line with Treaty limits, in a manner consistent with agreed counting rules and procedures, if entry into force is to be possible. We have noted Russia’s assurances that this breach of CFE limits will be of temporary nature and expect Russia to honour its pledge to reduce to CFE limits as soon as possible and, in the meantime, to provide maximum transparency regarding its forces and equipment in the North Caucasus. It is on this basis that Allies will continue to work towards bringing the Adapted Treaty into force. Pending the completion of this process, the continued implementation of the existing

12 Statement by the Head of the Delegation of the Republic of Belarus, Ambassador V.A. Gaisenak, at the Opening Session of the Second CFE Treaty Review Conference, RC. DEL/2/01, Vienna, 28 May 2001, p. 2.

13 Cf. Yuri Fedorov, *Adaptirovannyi Dogovor ob obychnykh vooruzhennykh silakh v Evrope i interesy bezopasnosti Rossii*, in: Institute for Applied International Research (Moscow), *Analiticheskie Zapiski* 2/2002, p. 13.

Treaty and its associated documents remains crucial.”¹⁴ This position has been taken not only by the 19 members of the Alliance but also by like-minded countries, many of them aspirants to NATO membership. At the Review Conference of the Treaty, it was the Head of the Netherlands delegation who expressed the view on behalf of a large group of countries that “they would like to see entry into force of the adapted Treaty as soon as possible. We therefore call upon all States Parties to rapidly fulfil the conditions that make ratification by all States Parties possible.”¹⁵ The USA left no doubt about its resolve on ratification: “The United States and other NATO members stated that ratification of the Adapted Treaty will be possible only in the context of full and verifiable compliance with agreed limits, consistent with the agreements contained in the Istanbul Final Act and Summit Declaration.”¹⁶ The position of the US has not changed since then: “Ratification by NATO Allies of the Adapted Treaty is awaiting Russia’s compliance with adapted CFE flank provisions and continued fulfilment of its Istanbul summit commitments regarding withdrawals of Russian forces from Georgia and Moldova.”¹⁷ At the Maastricht OSCE Ministerial Council meeting, the Secretary of State restated the US position virtually unchanged: “The United States stands by the Conventional Forces in Europe Treaty. Russia’s fulfilment of the Istanbul commitments is a prerequisite for us to move forward on ratification of the Adapted CFE Treaty, which all of us want to see enter into force.”¹⁸ Russia has disagreed with this and emphasized the importance of keeping compliance with the Treaty separate from the political commitments undertaken in Istanbul. “We do not consider it right that these Istanbul obligations are linked to questions concerning the Conventional Forces in Europe Treaty and that there is foot-dragging because of this on ratification of an agreement on adapting the CFE.”¹⁹ The Netherlands Foreign Minister Jaap de Hoop Scheffer, in his capacity as OSCE Chairman-in-Office, was fairly lukewarm about the ratification of the adapted CFE Treaty. He stated before the Permanent Council of the OSCE that “[...] it might be useful to mention

14 NATO, Final Communiqué, Ministerial Meeting of the North Atlantic Council held in Florence on 24 May 2000, Press Release M-NAC-1(2000)52, 24 May 2000, para. 51, at: <http://www.nato.int/docu/pr/2000/p00-052e.htm>.

15 Second CFE Review Conference, Statement by Ambassador Johannes C. Landman, Vienna, 1 June 2001, p. 1.

16 Press Statement of Richard Boucher, State Department Spokesman, on Conventional Armed Forces in Europe (CFE) Review Conference, Washington D.C., 5 June 2001, at: <http://www.state.gov/r/pa/prs/ps/2001/3278.htm>.

17 US on NATO Issues: Conventional Forces in Europe (CFE) Treaty. <http://www.nato.int/usa/info/cfe.html>.

18 Remarks of the Secretary of State Colin L. Powell delivered at the 11th Ministerial Council of the Organization for Security and Co-operation in Europe, Maastricht, The Netherlands, 2 December 2003, p. 3 (distributed print version).

19 Ministry of Foreign Affairs of the Russian Federation, Information and Press Department, RIA Novosti Interview with Official Russian Foreign Ministry Spokesman Alexander Yakovenko about February 4 Visit to Moscow by OSCE Chairman-In-Office Jaap de Hoop Scheffer, 31 January 2003, at: http://www.in.mid.ru/brp_4.nsf/0/c733ca5f467dd0fb43256cbf005ef5d8?OpenDocument.

the Conventional Armed Forces in Europe (CFE) Treaty. The revised version remains a cornerstone of European security. Ratification continues to be an active concern.”²⁰ Countries directly affected by alleged Russian non-compliance have made their position clear: “Without full implementation of Russian commitments taken in Istanbul the possible outcome of the ratification process in Georgian Parliament could easily be envisaged – the adapted Treaty will not be ratified.”²¹ Moldova emphasized that “[t]he unconditional implementation of the Istanbul Decisions has a paramount importance for the earliest ratification and entering into force of the adapted CFE Treaty”.²² It is interesting to note how rarely the point is raised that not only the political commitments undertaken in Istanbul have been violated but also those contained in the adapted Treaty. Russia continues to station forces – if not necessarily armaments limited by the treaty – on the territory of Moldova in violation of Article 2 of the adapted Treaty.

Thus, the bringing into force of the adapted Treaty and its subsequent implementation may well be the last step of the CFE process. Currently, the States Parties seem overwhelmingly satisfied with the result of adaptation; no consensus could be formed around fixing the minor shortcomings which disturb this view. Recently, Russian experts expressed the view that “the insufficiently tough limitations” on aviation are the main weakness of the CFE adaptation regime²³ – for technical reasons (the high velocities reached by aircraft), aviation is not subject to regional limitations. Russia has correctly recognized that aviation gained increasing importance in the wars of the 1990s while its own involvement in fighting those wars declined. Although Russia’s dissatisfaction is evident, it will not be satisfied by means of conventional arms control. Hence, neither the States Parties nor the experts are considering another round of talks.

“Hot” and “Frozen” Intra-State Conflicts and the Future of the Adapted CFE Treaty

The CFE Treaty of 1990 focused upon one central conflict: that between East and West. Others were considered in the framework of the Treaty only when they were linked with the central conflict. This is also how the structure of limitations is to be understood: The limitations were aimed at influencing the military means available in the central zone of potential conflict. The limitations on the flank were a corollary to the central conflict as these were areas

20 Jaap de Hoop Scheffer, Address of the Dutch Chairman-in-Office to the OSCE Permanent Council, in: Helsinki Monitor 1/2003, pp. 7-10, here: p. 9.

21 Statement by the Delegation of Georgia at the Second Review Conference of the CFE Treaty, RC.DEL/24/01, p. 2.

22 Statement by the Delegation of the Republic of Moldova to the Second CFE Review Conference, RC.DEL/7/01/Corr.1, Vienna, 28 May 2001, p. 2.

23 Cf. Chernov, cited above (Note 6), p. 51.

where the two alliances were also in direct contact with each other. The importance of the flank gained a new lease of life when, after the end of the Cold War, its southern part became one of the least stable areas in Europe. Since then, events on the southern flank have had significant impact on the CFE process. This has not only been reflected in the adaptation of the flank rule mentioned above; conflicts in this area have also continued to impinge upon the future prospects of the adapted CFE Treaty. Since the signing of the Istanbul agreement and the adoption of the associated political commitments, there have been three conflicts²⁴ which have influenced the CFE perspective in a decisive manner: 1. the second Chechnya war, 2. Transdniestria, and 3. Georgia.

The Second Chechnya War

The war in Chechnya had a direct bearing and the same effect on the CFE Treaty both in 1995/6 as well as since 1999. First, in both cases Russia exceeded its flank ceilings in the three land categories of Treaty-limited armaments. Second, during the hostilities no reliable information exchange was possible – partly due to the fluidity of the situation, and partly (mainly in 1995/6), because Russia was reluctant to provide relevant information. Third, security and personal safety concerns made it impossible to carry out inspections in the area where military activities took place, which meant that single-source information could not be confirmed by on-site inspections. It therefore remained difficult to get reliable information about compliance.

During the second war in Chechnya, the Russian Federation regularly provided information to the JCG about its excess armaments on the flank.²⁵ Three requests were directed towards Russia: It was to 1. in future, finally comply with the agreed force levels on the flank, 2. provide, or rather continue to provide information on the number of TLE items on the flank generally and in the zone of military activity specifically and 3. make the area accessible to on-site inspections in order to enable the gathering of first hand information on compliance.

There was no change in these requirements even after 11 September 2001 when the Russian President, in an insightful move, identified his country's position with that of the West. At the same time, it was emphasized that it had been the Russian Federation who had called the attention of the West to the dangers of terrorism and that Chechnya was an example of this. Since then, the Chechnya conflict and Russia's fight against terrorism have always

24 This paper does not address the problem of uncontrolled Treaty-limited armaments, which was given so much emphasis by Azerbaijan in the dispute between Azerbaijan and Armenia, as the entry into force of the adaptation agreement does not depend upon this factor.

25 On Russia's approach to compliance with armaments levels on the flank between 1999 and the summer of 2001, cf. Pál Dunay, *The CFE Process after the Second Review Conference of the Treaty*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 2001, Baden-Baden 2002*, pp. 297-314, especially pp. 301-303.

been referred to in the same context. Although this has resulted in a situation in which the foundations of the Chechnya conflict can no longer be challenged, it has not had any influence upon the assessment of the situation under the CFE Treaty. Russia continued to approach full compliance with the ceilings of its holdings and declared at the end of 2001: "In line with the parameters of the adapted CFE Treaty, Russia is keeping in the flank zone: 1,294 tanks with 1,300 allowed under the Treaty, 2,044 armoured combat vehicles (ACV) with 2,140 allowed, and 1,557 artillery systems, with 1,680 allowed. Moreover, Russia has the right to temporarily deploy 153 tanks and 140 artillery systems [...] NATO member states, in particular, the US, no longer have any reasons to refuse to ratify the agreement on adapting the CFE Treaty."²⁶

In spite of this, we are not an inch closer to the entry into force of the adapted Treaty. Other States Parties have requested that Russia make the area available for a number of on-site inspections in order to verify reliably whether it really is fully complying with the adapted Treaty. No such inspections have yet been granted. In light of public knowledge about the situation on the ground, it is in the best interest of the countries that have expressed their willingness to inspect Chechnya not to carry out inspections. This arrangement serves the personal interests of would-be inspectors best, too, as their personal safety there can apparently not be guaranteed.

One may ask whether the non-fulfilment of this requirement is a sufficiently important reason or only a pretext for not ratifying the adapted Treaty. Two factors are worthy of consideration in this context: 1. Since 11 September 2001, it is no longer *à la mode* to challenge the legitimacy of the operation in Chechnya even though the conduct of the war regarding the disproportionate use of force has been criticized. 2. It is obvious that the fluidity of the situation in Chechnya means that it may be felt necessary to increase force strength again. When, for instance after the hostage-taking in Moscow by Chechen terrorists in the autumn of 2002, the Russian Minister of Defence Sergei Ivanov found it advisable to announce the launch of a larger operation in Chechnya, this again threatened a further increase in the number of armed forces in the region. As the President immediately denied there would be an escalation of military activity, it is not clear whether such an operation would have required violation of the flank CFE limits. However, this does indicate that the compliance level achieved may not be guaranteed forever.

In sum, the Chechnya war does not seem to be a good enough reason for not ratifying the adapted CFE Treaty – at least for the time being. Irrespective of the duration of the conflict and the indiscriminate use of force, the Russian Federation does not seem to be violating the rules of the adapted CFE Treaty in connection with the conflict. This was indirectly recognized by NATO at its Prague summit when the member states called upon Russia to fulfil its commitments with respect to other countries but no longer mentioned Chech-

26 Russia Expects NATO to Ratify Adapted CFE Treaty, in: Interfax, 11 January 2002.

nya.²⁷ Hence, the fact that no on-site inspections could be carried out for the time being should not hold the States Parties back from ratifying the adapted CFE Treaty.

Russia has ascertained that some of its NATO partners, having exhausted the Chechnya argument, have begun to invoke other reasons: “[W]hen this pretext also did not work, they did their best to forget about the flank levels altogether, and now as a condition for ratification the question is being put forward of the observance of the Istanbul bilateral agreements of 1999 with Georgia and Moldova, which have no bearing on the CFE Treaty.”²⁸ It is not entirely clear why Russia has argued for keeping the Chechnya matter and the two political commitments separate from one another. Is it a formal separation of legally binding commitments, on the one hand, and politically binding ones, on the other? Or is it a pretext in order that the ratification of the adapted CFE Treaty and its extension to further States Parties may continue in spite of the unsolved political conflicts on the territory of Georgia and Moldova? It is probable that both play a role in the Russian thinking.

Transdnistria

In contrast to the Chechnya war – which is obviously a Russian domestic affair, although it is subject to certain limitations under international law, primarily those of international humanitarian law – there is one conflict that has effectively continued since the dissolution of the Soviet Union. The frozen conflict in Transdnistria, an area controlled by separatists from the Republic of Moldova, is affected by both the Final Act of the Conference of the States Parties to the CFE Treaty and by the Istanbul Summit Declaration. In the former, the “commitment of the Russian Federation to withdraw and/or destroy Russian conventional armaments and equipment limited by the Treaty by the end of 2001”²⁹ was welcomed. In the Istanbul Summit Declaration, the OSCE States welcomed “the commitment by the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002”.³⁰ However, Russia made the withdrawal of its

27 Cf. Prague Summit Declaration. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague on 21 November 2002, para. 15, in: NATO Press Release 2002(127), 21 November 2002, at: <http://www.nato.int/docu/pr/2002/p02-127e.htm>.

28 Alexander Yakovenko, the Official Spokesman of Russia’s Ministry of Foreign Affairs, Answers Russian Media Questions Regarding the Situation Around the Treaty on Conventional Armed Forces, 8 January 2003, at: <http://www.ln.mid.ru/BI.nsf/arh/4117137D69998C7543256CA90035CC17?OpenDocument>.

29 Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, 19 November 1999, CFE.DOC/2/99, at: <http://www.osce.org/docs/english/1990-1999/cfe/cfeinact99e.pdf>.

30 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,

approximately 2,500 troops conditional on the political resolution of Transdniestria's status.³¹ Russia has often put forward the argument that the withdrawal of its troops from the territory would undermine stability and has pointed out the logistical problems of transporting huge amounts of ammunition through the Ukraine.³² Furthermore, part of this ammunition has been stored there for a very long time and is rightly regarded as "unsafe", which means that not only the withdrawal but also the local disposal of ammunition must be dealt with. In reaction to this, Moldova asked for financial assistance from OSCE participating States to help solve the problem. The USA indicated at the beginning of 2000 that it would make 30 million US dollars available for a withdrawal if the local leadership in Tiraspol (Transdniestria) were co-operative. However, it took several months to get out of the stalemate caused by the inability of OSCE participating States to finalize the financial arrangement.³³ Russia used this stalemate as a pretext and did not begin any substantial withdrawals of Russian TLE until late 2000. Despite the Russian promise to complete the withdrawal of TLE by the end of 2001, and to withdraw its troops by the end of 2002, there was little progress on this issue.³⁴ Russia was still giving priority to meeting its obligations under the CFE regime. That is how it ensured that "the first deadline of the Istanbul commitments – withdrawal/reduction of the CFE Treaty-limited conventional armaments and equipment held by the Operative Group of Russian Forces stationed in Moldova – was completed ahead of

here: p. 418. In the final phase of talks in Istanbul right before the Summit Meeting, Russia insisted upon a longer phase of withdrawal. It started with the assumption that the year 2005 would be the deadline for the completion of withdrawal. This idea was gradually "pared down" with the help of high-ranking foreign diplomats.

- 31 In spite of this, Moldova interpreted the Russian commitment made in Istanbul to withdraw its TLE as "unconditional". Cf. Statement of the Delegation of the Republic of Moldova to the Second CFE Review Conference, RC.DEL/7/01/Corr.1, Vienna, 28 May 2001, p. 1. To give support to this position, the Republic of Moldova at the Istanbul Summit Conference in 1999 had already made a unilateral statement renouncing "the right to receive a temporary deployment on its territory due to its Constitutional provisions which control and prohibit any presence of foreign military forces on the territory of Moldova". Statement on behalf of the Republic of Moldova, Annex 13 of the Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, cited above (Note 29).
- 32 Russia has made a formal statement that the reason for its troop presence in Transdniestria is to protect two major ammunition depots. It is known that the two depots together stock approximately 42,000 tons (!) of ammunition.
- 33 As it was pointed out by the US Ambassador to the OSCE at a meeting of the Permanent Council: "The United States has long been willing to help with the costs associated with the Russian military withdrawal process through the OSCE voluntary fund. But conclusion of an exchange of letters on the procedures for use of the fund remains a vital prerequisite for reimbursement of expenses associated with these withdrawals. It seems to us that completion of this exchange of letters would be both a practical first step towards completion of the withdrawal process and an action which would be in Russia's own best interest." Ambassador David T. Johnson, Statement on Moldova to the Permanent Council, Vienna, 3 May 2001, p. 1, at: <http://www.osce.usia.co.at/mold3may01.html>.
- 34 On this see Zdzislaw Lachowski, *Conventional Arms Control Agreements: Issue of Compliance*, in: Ian Anthony/Adam Daniel Rotfeld (Eds.), *A Future Arms Control Agenda: Proceedings of Nobel Symposium 118, 1999*, Oxford 2001, p. 234.

schedule in November 2001.”³⁵ Russia was commended for this achievement. With regard to the commitment for full withdrawal, it has not been fully implemented as, according to my knowledge, only six trains of ammunition had left Transnistria by December 2002. If this pace is maintained, it may take *decades* to complete the withdrawal. Understandably, Russia has held others responsible for the slow pace of withdrawal and has regularly cited complicating factors in an apparent attempt to shift the blame to the Transnistrian authorities. Nevertheless, Foreign Minister Igor Ivanov used fairly mild language when referring to the delaying tactics of the Transnistrian authorities: “You know that the delays in withdrawal were not connected with the reluctance of the Russian side. They were connected with problems which arose locally.”³⁶ Moldova used the same language pointing to the fact that “the issue is still to get the weapons withdrawn, but you know with what problems the Russian side is faced here”.³⁷

The completion of the withdrawal of Treaty-limited armaments took place before the deadline and thus before the Bucharest OSCE Ministerial Council. A year later, before the Porto OSCE Ministerial Council meeting, activity increased again – although it did not have any particular effect on the completion of the withdrawal of ammunition and military personnel from Transnistria. Negotiations intensified between the parties, although it has become obvious that Tiraspol – irrespective of the concessions made by sovereign states – is not particularly interested in giving up its “stateless” status. The US warned Tiraspol when it expressed in clear terms that it finds “entirely unacceptable the Transnistrian demand that further progress on ammunition withdrawal be conditioned on the Russian Federation’s acknowledgment of some sort of Transnistrian ‘economic sovereignty’”. There is and there can be only one sovereign entity within the internationally recognised boundaries of the Republic of Moldova.”³⁸ The advantages of this kind of ambivalent situation under international law have been all too familiar to the international community for a long time, including its potential for enabling pursuit of activities closely linked with organized crime. In its draft resolution, the Porto Ministerial Council, in this context, pointed to “the risk of proliferation and illicit trafficking of arms, particularly small arms and light

35 Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, Chairman-In-Office’s Activity Report for 2001, at: <http://www.osce.org/docs/english/1990-1999/mcs/9buch01e.htm>.

36 Transcript of Russian Foreign Minister Igor Ivanov’s Remarks at Press Conference on Outcome of CIS Foreign Ministers Council Meeting, Chişinău, 6 October 2002, at: <http://www.mid.ru/Bl.nsf/arh/F23291F0EE61CD5B43256C4C00333077?OpenDocument>.

37 Transcript of Joint Press Conference of Moldovan President Vladimir Voronin and Russian First Deputy Foreign Minister Vyacheslav Trubnikov, Chişinău, November 26, 2002, p. 1, at: <http://www.ln.mid.ru>.

38 Statement on the Report of Ambassador Swartz, Head of Mission in Moldova, Delivered by Political Counsellor Bruce Connuck to the Permanent Council, Vienna, 10 October 2002, at: <http://www.usosce.rpo.at/archive/2002/10/10moldova.htm>.

weapons”.³⁹ This was not repeated in the statement passed by the Council, however. It is obvious that many states, and not only those directly involved in the conflict are becoming increasingly less patient with those non-state actors who control a certain territory and are in danger of contributing to organized crime in its various forms. Recently, it seems priority has been given to re-establishing state sovereignty in order to reduce the chance of such risks spreading. If this remains a major concern and all the state actors of the process respect it, there is fair chance that the core of the conflict could be settled.

It is interesting to note that there has been a direct link between high profile OSCE events addressing withdrawal and demonstrative action taken by Russia to signal progress on the matter. If one assumes that such events have become the main channel to exert pressure on Russia, the link is clearly established. On the eve of the Istanbul Summit, three trainloads of equipment were withdrawn and a further train-load of dual-use military equipment followed in time for the November 2000 OSCE Ministerial Council meeting.⁴⁰ The Second Review Conference of the CFE Treaty was not preceded by similar symbolic steps, though intensive diplomatic activity had characterized the previous few months. Before the opening of the Conference, the Head of the OSCE Mission to Moldova signed a document in Moscow on the use of the so-called voluntary fund. Several countries had joined the US effort and, because the fund started to increase the potential of resolving the conflict, many of them found it appropriate to mention their contribution at the Review Conference.⁴¹ A little over a week before the opening of the Review Conference, high level consultations were held between Russia and Moldova on the concrete modalities regarding the withdrawal of Russian TLE with a view to meeting the established deadlines.⁴² A few weeks after the Conference, ten battle tanks belonging to the Russian forces in Moldova were destroyed.⁴³ Interestingly enough, in light of the new, post-September 11 environment, Russia was no longer pursuing the same pattern. Instead, it expressed its view that “to subject Russia to harsh criticism for not observing its voluntary commitments which we physically and through no fault of our own are unable to meet would be unjust”.⁴⁴ All the above facts have indicated that Russia does not want to appear as a country that openly violates its commitments and that it is trying to harmonize their fulfilment with its perceived national interests.

It is difficult to determine what has brought about the change in the Russian attitude. Certainly, major and energetic steps were taken to settle the

39 Draft Statement by the Ministerial Council (3) CIO.GAL/100/02 of 29 November 2002, p. 1.

40 Cf. Statement on Moldova Delivered by Ambassador David T. Johnson to the Permanent Council, Vienna, 7 December 2000, at: <http://www.osce.usia.co.at/moldova7dec00.html>.

41 Cf. for example statements of the Czech Republic and the United Kingdom.

42 Cf. Statement of the Delegation of the Republic of Moldova, 28 May 2001, p. 2.

43 Cf. Statement by Ambassador David T. Johnson to the Permanent Council, Vienna, 4 July 2001, at: <http://www.usosce.rpo.at/archive/2001/07/4moldova.htm>.

44 Transcript of Joint Press Conference, cited above (Note 37), p. 3.

dispute in 2000 and 2001. The change from Boris Yeltsin to Vladimir Putin as well as the change of the political course in Chişinău may have also played a role in leading Moscow to be more co-operative. The process seems to have been held up for a period due to the perceived interest of Russia in achieving a comprehensive political settlement, including the restoration of Moldovan sovereignty on its entire territory. While this will unquestionably be the outcome in the end, Russia is not indifferent to the timescale and conditions under which it will happen. For some time, there have also been indications that Chişinău may allow Russia to keep a military base in Moldova and station its troops legally on Moldovan territory.⁴⁵ It remains to be seen whether, in the long run, Russia will be able to legitimize its presence on the territory of Moldova.

In sum, whereas in the case of Chechnya, Russia has largely succeeded in eliminating the “CFE relevance” of the conflict, in the case of Transdnistria, it has effectively “de-CFE-ized” it. The only remaining relevance of the conflict for the adapted CFE Treaty concerns the rule that stationing troops can occur only with the consent of the host state. Without a doubt, Russia has complex reasons for stationing forces on the territory of Moldova. One of these is the unsolved conflict in Transdnistria, which, in turn, is attributable to the fact that the country that should legitimately control the area is suffering from weak statehood, to say the least. Unless one intends to lay the entire blame for the Transdnistria conflict on Moscow, however – a proposition that would be difficult to support – there is not enough reason to make the entry into force of the adapted CFE Treaty dependent on the long-term final resolution of the conflict.

Russia is in a peculiar situation, however. It has expressed its readiness to withdraw its forces from the territory of Moldova, though not unconditionally. Bearing in mind the non-co-operative attitude of the Transdnistrian authorities and their lack of interest in – if not outright opposition – to a resolution, it can be taken for granted that the conditions for withdrawal will not be met. Hence, it will be entirely up to the Russian Federation to decide on withdrawal. What should Moscow consider when taking a decision on this matter? I do not think the future of Transdnistria and the people there would play significant role in this. However, there are a number of other factors which really do matter. In particular, there is the question of whether those forces would prevail in Moscow that regard the Russian military presence in Moldova as a strategic advantage for two reasons: 1. The greater strategic significance such “forward deployment” gains in light of Romanian NATO accession. 2. The uncertain political course of Moldova proper, which is now pro-Russian, though this may change in light of steady and steep economic

45 For a detailed account up until 2001 see Claus Neukirch, *Moldovan Headaches: The Republic of Moldova 120 Days after the 2001 Parliamentary Elections* (CORE Working Paper 3), Hamburg 2001, especially pp. 24-25; on the present situation, see Claus Neukirch, *The OSCE Mission in Moldova*, printed in this volume, pp. 149-161.

decline. For those forces that think in this manner, these factors have to be weighed against the damage such a policy causes to the country's relations with the West. Moscow has been faced with Western – first and foremost US – pressure to withdraw its forces and contribute to solving the matter once and for all. The amount of pressure has remained in proportion to the strategic importance of the conflict.

It is clear that Russia has not made up its mind about its long-term attitude towards the conflict. Documents speak of “a comprehensive settlement of the Transnistrian problem based on the observance of the principle of the territorial integrity of Moldova with maximum consideration for the interests of the whole population of the country and the ensuring for Transnistria of an agreed and reliably guaranteed status.”⁴⁶ This equivocating policy also continued at the OSCE's Porto Ministerial Council in December 2002. There, Russia seemed to have three objectives: 1. to achieve recognition of its efforts to withdraw its forces from Moldova, 2. to make the continuation of the process conditional on a comprehensive political settlement including the regulation of the constitutional status of Transdniestria and 3. to prevent setting a deadline for the completion of the withdrawal process.

If one takes a closer look at these objectives, it is clear that Russia is attempting to play a hegemonic role and coerce Moldova into a settlement which would reflect this. The Russian effort has remained only partly successful, however. This is due, among other factors, to the role of the United States as an “indispensable power”, which is understandable given the highly asymmetrical power relationship between Russia and Moldova. Russia has received *ambiguous recognition for its withdrawal*, which has been most clear cut with respect to armaments limited by the CFE Treaty: “We welcome timely completion of withdrawal of the Russian CFE Treaty limited equipment from [the] Transnistrian region of the Republic of Moldova”.⁴⁷ NATO member states made the same assessment, but only with respect to the so-called flank territory of the Russian Federation: “We welcome the significant results of Russia's effort to reduce forces in the Treaty's Article V area to agreed levels.”⁴⁸ Regarding the withdrawal of other military items, the formulation was more ambiguous. It was stated “that some progress was achieved in 2002, in the withdrawal/disposal of a certain amount of ammunition and other military equipment belonging to the Russian Federation.”⁴⁹ The participating States also found it necessary, however, to express their

46 On an Extraordinary Meeting of the Political Representatives of Russia, Ukraine and the OSCE Co-Mediators in Transnistrian Settlement, 20 August 2002, at: <http://www.mid.ru/Bl.nsf/arh/61E62684725ECD9243256C1B003105E8?OpenDocument>.

47 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, printed in this volume, pp. 421-455, herein: Statements by the Ministerial Council, pp. 431-442, here: p. 435.

48 Interpretative Statement under Paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, in: Tenth Meeting of the Ministerial Council, cited above (Note 47), herein: Porto Ministerial Declaration, pp. 422-425, Attachment, p. 425.

49 Statements by the Ministerial Council, cited above (Note 47), p. 435.

concern “about the delay in the full and transparent withdrawal/disposal of Russian ammunition and military equipment due in part to the fact that the Transnistrian authorities have systematically created difficulties and obstacles, which are unacceptable”.⁵⁰ It has to be noted that the delay has been identified to be due only “in part” to the Transnistrian authorities. It can be thus concluded that it was also “partly due” to someone else. Although that actor has not been mentioned specifically, it is clear that the Russian Federation, which has not been particularly co-operative on this matter, is meant. As far as *conditions of completing the withdrawal process* are concerned, Russia succeeded in having the clause, “provided necessary conditions are in place” added to the text.⁵¹ Moldova recognized the danger of this ambiguous formulation and defended its position in a unilateral statement: “[...] the mentioning of the ‘necessary conditions’ in the context of withdrawal refers solely to eventual technical arrangements and may in no way be applied to any political circumstances”.⁵² The effort to gain the OSCE’s approval of an open-ended process could not but remain unsuccessful, but Russia did not want to have a time limit for the completion of withdrawal. When it was apparent this was clearly unacceptable to several OSCE participating States, Moscow wanted to postpone the deadline as long as possible (to the end of 2005). The joint efforts of the other actors resulted in the adoption of a far shorter time frame; the final wording stated that the participating States “welcome the Russian Federation’s commitment to complete the withdrawal of Russian forces as early as possible and its intention to do so by 31 December 2003 [...]”.⁵³ It was important for Russia to make the continuation of the withdrawal of its ammunition (and forces) from the territory of Moldova conditional as none of the other OSCE participating States could continue to refer to an unconditional Russian commitment. Moscow thus “confirms its intention to complete this process by the end of the year, given necessary conditions, as was fixed in the Porto documents. We hope to have the support of the international community, including both political measures, and additional contributions to the OSCE voluntary donation fund.”⁵⁴ Despite the existence of support, it was possible to imagine that time had stopped as far as the conflict in Moldova was concerned. The Russian Federation emphasized that it had done its utmost to achieve a political settlement and drafted a memorandum. “The Memorandum, prepared through the mediation of Moscow, was acceptable to the parties. In our conviction, its signing would have made it possible to resolve the Transnistrian problem within the framework of one state. Regrettably, the signing did not take place as a result of the pres-

50 Ibid.

51 Ibid.

52 Interpretative Statement under Paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, in: Tenth Meeting of the OSCE Ministerial Council, Statements by the Ministerial Council, cited above (Note 47), attachment 1 to the Statement, pp. 438-439, here: p. 438.

53 Statements by the Ministerial Council, cited above (Note 47), p. 435.

54 RIA Novosti Interview, cited above (Note 19), p. 2.

sure from certain states and organizations.”⁵⁵ At the December 2003 Maastricht OSCE Ministerial Council meeting, which ended without a political declaration, the US Ambassador to the OSCE emphasized three elements: 1. support for the sovereignty and territorial integrity of the Republic of Moldova, 2. the indispensable role of close co-operation and co-ordination among the mediators in the five-sided format in achieving progress towards a comprehensive political settlement, and 3. a reiteration of the OSCE’s willingness to support a political settlement acceptable to all the people of Moldova, including by providing the mandate for a multinational force and unarmed observers to oversee the implementation of the settlement.⁵⁶ In light of the condition attached to withdrawal mentioned above, it is clear that Russia has retained some room to manoeuvre. It thus remains uncertain whether it will comply with its commitment.

Georgia

A formal but only partial solution was achieved at the Istanbul OSCE Summit in November 1999. Russia made the commitment to reduce its levels of TLE in Georgia by 31 December 2000 so “that they will not exceed 153 tanks, 241 ACVs and 140 artillery systems”,⁵⁷ i.e. the level of basic temporary deployment in the adapted CFE Treaty.⁵⁸ Russia committed itself further to withdrawing its TLE from the military bases in Gudauta and Vaziani and the repair facilities in Tbilisi no later than 31 December 2000 and to closing both bases by 1 July 2001.⁵⁹ Russia was forced to acknowledge that the international community was giving constant attention to whether the above commitment was being fulfilled. This was reflected at the November 2000 Vienna OSCE Ministerial Council meeting. There the outgoing Secretary of State, Madeleine Albright, emphasized that her country “looks for continued progress on Russian withdrawal from Georgia, including completion of the first phase of equipment withdrawal by year’s end [author’s note, i.e. by the end of 2000], and the closure of specific military bases by the middle of next year”.⁶⁰

55 Statement by Russian Minister of Foreign Affairs Igor Ivanov at the 11th OSCE Ministerial Council Meeting, Maastricht, 1 December 2003, at: http://www.ln.mid.ru/brp_4.nsf/0/4dbc8f940b12b6d243256df0003602bd?OpenDocument.

56 Cf. United States Mission to the OSCE, Statement in Response to the Chairman’s Statement, As Delivered by Ambassador Stephen M. Minikes to the 11th OSCE Ministerial Council, Maastricht, 2 December 2003, p. 2.

57 Joint Statement of the Russian Federation and Georgia, Istanbul, 17 November 1999, point 1, Annex 14 of the Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, in: Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe, cited above (Note 29).

58 Cf. Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe, Article VII, para. 1, B (1), cited above (Note 5).

59 Cf. Joint Statement on Adaptation of the Russian Federation and Georgia, cited above (Note 57), point 2.

60 Intervention by Secretary of State Madeleine K. Albright, OSCE Ministerial, Vienna, 27 November 2000, at: <http://www.osce.usia.co.at/albright27nov00.html>.

Russia fulfilled its commitment to reduce its TLE stationed in Georgia, withdrawing 35 tanks, 313 ACVs as well as 27 artillery systems within the stipulated period and destroying a further 24 tanks, 90 ACVs and two artillery systems. The Vaziani airbase was returned to the Georgian authorities on time by 1 July 2001. The base at Gudauta, however, fulfils “peacekeeping functions”, according to the Abkhaz leadership. Its closure would render the negotiated settlement of the conflict more difficult. The situation is made even more delicate by the Abkhaz leadership’s apparent reluctance to contribute to reconciliation. It suspended its participation in the peace process in the spring of 2001. According to the Georgian leadership, the tasks currently performed by the Gudauta base could be met in other ways. This view is apparently not shared by the Russian military, which has continued to station its forces at the base and has denied the UK access to conduct an on-site inspection there.⁶¹ Russia also accused Georgia of making unrealistic demands with regard to handing over Gudauta. The Russian Ministry of Defence stated that “the timetable for Russia’s withdrawal did not allow time to build new accommodation in Russia for the hardware and troops stationed there”,⁶² an argument familiar to many East-Central Europeans from the early 1990s.

The withdrawal of Russian troops and TLE raises a number of questions both with respect to the bases and in view of the broader political constellation. It is apparent that Russia greatly dislikes the idea of fully withdrawing its forces from Georgia, evidence for which was provided after the formal resolution of the matter in Istanbul. During the second Chechnya war, the Russian government criticized Georgia for not being able to adequately control the common border of the two countries. Consequently, according to Russia, “Chechen terrorists” received supplies and reinforcement from Georgia. Later, the language got tougher. Georgia was blamed for hosting Chechen terrorists and tolerating their activity. Moscow “convinced” Georgia to co-operate on catching terrorists in the Pankisi Gorge, an area adjacent to the Chechen border (by relinquishing state sovereignty in the border zone, for instance). Moscow’s dissatisfaction was also reflected in the fact that the withdrawal of Russian forces did not even start until August 2000. Later withdrawal activities focused on land forces, and Russia postponed the reduction of its air force to as late a date as possible. To put pressure on Georgia, the Russian government took measures that were not closely related to the base closures. At the beginning of 2001, Russia introduced a visa regime for Georgian citizens. Because many Georgians work in Russia and their income is an important part of the Georgian economy, this measure created serious problems for the smaller country. At about the same time, energy deliv-

61 Cf. Ambassador David T. Johnson, Statement on Georgia to the Permanent Council, Vienna, 4 July 2001, p. 1. at: <http://www.usosce.rpo.at/archive/2001/07/4georgia.htm>.

62 At: <http://news.bbc.co.uk/1/hi/english/world/europe/newsid%20141800000/1418260.stm>, cited in: News-Press-Reports@bits.de, 6 July 2001, p. 1.

eries – primarily of gas – were suspended, demonstrating that Russia wanted to consolidate its superiority.

Given that the territorial integrity of Georgia has been facing challenges from within, it is difficult to predict the outcome of the process. It is hard to predict whether Russia will complete its withdrawal and also live up to the obligation in the adapted CFE Treaty which requires the consent of the Georgian government for it to station forces on the Georgian territory. Russian coercion is most probably aimed at obtaining Tbilisi's approval for Moscow to continue to station troops on Georgian territory. The fact that the government in Tbilisi is not in full control of the territory complicates the situation significantly. It would be thoughtless to demand the withdrawal of Russian forces without taking the aftermath of this into consideration. In contrast to the two other cases – Chechnya and Transdniestria – *it is impossible to disconnect the continuation of the process of troop withdrawal from compliance with the adapted CFE Treaty.*

An even more important difference is that the outcome of the process may have greater strategic significance than in the other two cases. Georgia, under the leadership of President Shevardnadze, has oriented itself towards the West, at least in terms of its goals. It is questionable, at best, whether it is realistic to assume that a straightforwardly Western-oriented policy can be pursued in that part of the world. Especially since the Georgian regime appears to be crumbling, this may lead to the further – and not only *de facto* – disintegration of the country. In this connection, the opinion of another former Soviet republic, Kazakhstan, is interesting: “What can non-constructive confrontation with the Kremlin result in [...] Georgia's example clearly shows. Mr. Eduard Shevardnadze's unlimited love for the West and NATO does not exempt him from the necessity to deport [...] Chechen separatists to Russia, as the Russian administration resorts to the maximal set of sanctions, from visa regime and cutting off gas supplies to the threat to break [...] Georgia's territorial sovereignty.”⁶³

It is clear from the above that Russia has been reluctant to leave the territory of Georgia, whereas the latter would like to see the completion of withdrawal according to the Istanbul Final Act. Accordingly, the two sides made a commitment to conduct negotiations – but nothing further. It is well known how little a *pactum de negotiando* generally means. But in this case, that does not apply. The agreement states that: “During the year 2000 the two Sides will complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki [...]”⁶⁴ The deadline has long since passed. Russia's position is that it is ready to negotiate “in good faith” for an unlimited period of time. Russian officials con-

63 Vladislav Yuritsin, Kazakhstan: Running with CST, hunting with NATO, in: The Kazakhstan Monitor, 22 November 2002, p. 1.

64 Joint Statement of the Russian Federation and Georgia, cited above (Note 57).

firm that negotiations will decide the fate of the bases at Akhalkalaki and Batumi. It is now up to Georgia, they say.⁶⁵

The problem is far too complex to limit to the bilateral, interstate relationship between Russia and Georgia. Complicating factors include the separatist tendencies of certain regions of Georgia, the apparent inability of the Tbilisi government to provide for the territorial integrity of the country, and the Russian claim that it will “defend the interests and right of its citizens”. That is why – with reference to a “sacred duty” of Russia – Moscow intends to continue “to ensure the security of the citizens”⁶⁶ of Russia in Abkhazia. Beyond the obvious challenges of Abkhazia and South Ossetia, Russia has been concerned that Georgia is unable to guarantee that Chechen rebels do not find refuge on the Georgian side of the border. Thus it was once stated the problem is that “Putin does not control his army, and the Georgian army cannot control Georgia”.⁶⁷

Nevertheless, this conflict is different from the other two. The difference is fundamental in the sense that, in the case of Georgia, outside players, particularly the United States, have demonstrated a keen interest. Consequently, any outcome is potentially subject to strategic interests that may collide. The USA made it clear that it would continue its train-and-equip programme in Georgia in spite of the persistence of some of the problems between Russia and Georgia.⁶⁸ The USA does not have high hopes that either the conflict in South Ossetia or the one in Abkhazia will be resolved soon. This is indirectly reflected in the statement that the “past year has shown that progress toward a political settlement in Moldova is possible”.⁶⁹ This implies, on the other hand, that there has been no progress in the conflicts in Georgia.

In Georgia – in contrast to Chechnya and Moldova – the territorial conflict is inseparable from the CFE process. As a result, no breakthrough can be achieved without a broad political settlement, which means that *Georgia is currently the key to the entry into force of the adapted CFE Treaty*. That this can be achieved through “a recognition of present realities and the existence

65 Cf. interview with Russian Deputy Minister of Foreign Affairs Vladimir A. Chizhov, “Nasha tsel – Bezvizovoe soglashenie s Evrosoyuzom”, [“Our Goal Is a Visa-Free Agreement with the European Union”], in: Vremya Novostej of 4 December 2002, also at: http://www.ln.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcb3/e3a853c28b0d2de43256c860031c80f?OpenDocument.

66 Interview with Special Representative of the Russian President for Georgian-Abkhaz Settlement and Deputy Minister of Foreign Affairs Valery Loshchinin, “Specpreduprezhdenie dlya Gruzii” [Special Warning to Georgia], in: Itogi Magazine, 14/2002, p. 3; see also at: http://www.itogi.ru/paper2002.nsf/Article/Itogi_2002_04_08_11_4454.html (author’s translation).

67 Andrew Jack, Fallout from Russia siege felt in valley in Georgia, Financial Times of 2/3 November 2002, p. 3.

68 Cf. US Remains Committed to Conduct Train-and-Equip Program – U.S. Official Says, at: <http://www.mfa.gov.ge/cgi-bin/news/search.cgi?category=all&keyword=Russian+troop>.

69 Statement by US Undersecretary of State for Political Affairs Marc Grossman delivered at the Tenth Meeting of the OSCE Ministerial Council Porto, 6 December 6 2002, p. 3.

of these *de facto* states”⁷⁰ is, in my opinion, a premature and far-fetched conclusion. Due to the strategic importance attributed to Georgia by both Russia and the United States as well as the lack of any real hope for a resolution, *it is the case of Georgia that could cause the entry into force of the adapted Treaty to fail. If none of the parties exhibits flexibility, the adapted CFE Treaty may be taken hostage in the long run.* The opinion of a high-ranking US diplomat, which expresses a vague hope, is also telling in this respect: “We hope that [...] progress will be made on the Istanbul commitments respecting Moldova and Georgia, because there is still work to be done in that area. We hope that specific progress in the new year could enable us to move forward with the Adapted CFE Treaty.”⁷¹ A year later, the Russian and US positions could not be further apart. The US Secretary of State urged “Russia and Georgia to resolve the remaining issues relating to the Russian military presence in Georgia”.⁷² The Russian position is more elaborate. It emphasizes that the continuing irregularity of the withdrawal in 2003 was contrary to Russia’s intention. Moreover, Russia expressed the view that it sees no “particular need for setting a deadline, as no one should doubt the keen interest of the Russian side to finish this process as soon as possible”.⁷³ This position, as elaborated by Deputy Foreign Minister Chizhov, is both unfounded and cynical. As it is already clear to all that the Russian Federation has no intention of withdrawing from Georgia, it would have been far better to argue that Russia contributes in some way to stability in parts of Georgia. The fact that Moscow is also a factor in a number of Georgia’s conflicts is a separate matter. Russia is of the view that the closure of the two bases that remain open is still subject to further negotiations. The prospects of those talks have become more uncertain lately: “[I]n the context of the current political situation in Georgia, it is so far unclear how the negotiations will now proceed.”⁷⁴ The potential for resolving the continuing political conflicts seems as remote as that of the Russian withdrawal from Georgia being completed.

NATO Enlargement and the Adapted CFE Treaty

As was mentioned above, the CFE Treaty of 1990 made no further accession possible. The number of States Parties could thus only increase due to the coming into being of the successor states of the former Soviet Union and Czechoslovakia. The adaptation of the Treaty was necessary, among other

70 Dov Lynch, *Frozen Conflicts*, in: *The World Today*, 8-9/2001, p. 38.

71 Grossman, cited above (Note 69), p. 3.

72 Powell, cited above (Note 18), p. 3.

73 Transcript of Russian Deputy Minister of Foreign Affairs Vladimir Chizhov’s Interview with RIA Novosti in Connection with the Upcoming Meetings of the OSCE Ministerial and Russia-NATO Councils, Moscow, 28 November 2003, p. 5, at: http://www.ln.mid.ru/brp_4.nsf/0/d17c406a73cc61b343256df20027b616?OpenDocument.

74 Ibid., p. 6.

things, to accommodate the request of Russia that those countries that join the Atlantic Alliance also be subject to a structural conventional arms control regime. When the adaptation of the CFE Treaty was negotiated between 1997 and 1999, it was not yet clear how many states that had not been members of the Warsaw Treaty would be integrated into NATO. The issue could have already emerged in 1999 with the first Eastern enlargement of NATO, however the number of newly acceding countries then was confined to three former Warsaw Treaty member states. With the invitation to seven countries at the Prague NATO summit in November 2002 to negotiate their NATO membership, including four states (Estonia, Latvia, Lithuania and Slovenia) which are not parties to the 1990 CFE Treaty, the issue became urgent. One may conclude that *the first Eastern enlargement made the adaptation of the CFE Treaty indispensable, whereas the second wave of the same process made its entry into force a vital matter.*

In addition to this general request, the Russian Federation insisted upon the accession of the Baltic states, in particular, to the CFE Treaty. This is understandable in spite of the significant strategic asymmetry between Russia and each Baltic state, which does not require an arms-control regime on military grounds. The asymmetry favours Russia irrespective of the fact that the Leningrad military district is currently the least militarized in the country. Russia knows it would be unconvincing to argue in favour of the accession of the Baltic states to the adapted CFE Treaty on the basis of narrowly defined military force ratios. Hence, it broadened the argument, making it part of a broader political settlement: “[A] key question for Russia is that of accession by the Baltic states to the adapted CFE Treaty and the extension to their territory of measures of military restraint. Of no small importance is still the theme of ensuring the rights of our compatriots in the Baltic states. By assuming responsibility for the expansion decision, NATO simultaneously assumes a part of the responsibility for a positive settlement of these problems.”⁷⁵ It is interesting that Russia has concluded that integration does not only contribute to increasing the influence of these small countries but also, through the influence of other members, leads them in the direction of moderation, as a result of, among other factors, their increased self-confidence. It would be premature to conclude that the improvement of relations and easing of tensions between Russia and Poland after the latter’s accession to NATO are profound and can serve as an example.

The reaction of the three Baltic states was cautious, but co-operative. They have never ruled out their accession to the Treaty. Their readiness was, however, influenced by the fact that the adapted Treaty had not entered into force before their invitation to join NATO, and hence they had no chance to

75 Interview with the Director of the Russian MFA Information and Press Department Alexander Yakovenko, “Filosofiya bezopasnosti” [The Philosophy of Security], in: Rossiiskaya Gazeta of 21 November 2002, available in English at: http://www.in.mid.ru/brp_4.nsf/0/9a55df1e4f4e37c443256c78003e6da4?OpenDocument.

formally apply for accession. This has resulted in a strange asymmetry. While Russia played the role of the supplicant, the Baltic states could only emphasize that the request was premature. Russia pointed out that it “has taken on commitments to restrict its military presence in north-western Europe. If [...] the Baltic states do not sign this treaty [author’s note, i.e. the adapted CFE Treaty], and if they refuse to take on similar obligations after joining NATO, ‘it would be stupid and laughable for Russia not to react to this’.”⁷⁶ Shortly before NATO’s Prague summit, the Russian Defence Minister stated that “the only real objection Moscow has to NATO membership for Lithuania, Latvia and Estonia is that the three countries have not signed the Treaty on Conventional Armed Forces in Europe”.⁷⁷ If Sergei Ivanov has been quoted correctly, Russian consent was acquired fairly cheaply. An elementary rule of diplomacy, however, must not be forgotten: namely that a concession made no longer requires any compensation. Hence, no compensation is due to Moscow for its tacit consent to the second wave of NATO Eastern enlargement since the Prague summit of late November 2002.

If one takes a close look at the position of the three Baltic states on CFE accession, certain differences are noticeable among them. It would be unfounded, however to overemphasize their importance as they are of a merely tactical nature. In part they stem from the influence of certain great powers, primarily the USA, and in part, from the different expectations of the populations in the three countries. Lithuania seems to be most willing to placate Russia on this issue. This is understandable for a number of reasons. First and foremost, Lithuania hosts the smallest Russian minority among the three states and thus Lithuanian politicians’ rhetoric on Russia has been more restrained. Due to the fact Lithuania is the physical link between the Russian (Belarusian) “mainland” and the Kaliningrad area, Vilnius understands how delicate its situation is and is keen to avoid burdening it further. Last but not least, Lithuania’s border with Kaliningrad is the only boundary it shares with Russia. The President of Lithuania already stated at the Istanbul Summit in 1999 that: “We are considering the possibility of accession to the Treaty, provided the accession terms are in our national interests.”⁷⁸ The position has developed further; as NATO accession approached, Lithuania stated: “We will also seek to join the adapted CFE treaty after it comes into force and is open to all European democracies.”⁷⁹

76 Russian Defence Minister Worried About Baltic CFE Accession, in: Baltic States Report 32/2002.

77 Russian Defence Minister Again Calls for Baltic States to Join CFE Treaty, in: Baltic States Report 36/2002.

78 Statement by H.E. Valdas Adamkus, President of the Republic of Lithuania at the OSCE Summit in Istanbul, 18 November 1999, see also: http://www.bbn.gov.pl/pl/obwe/mowa_adamkusa.html.

79 Statement by H.E. Valdas Adamkus, President of the Republic of Lithuania at the UN General Assembly Session in New York, 12 September 2002, <http://www.un.org/webcast/ga/57/statements/020912lithuaniaE.htm>.

Estonia articulates its position more forcefully. This is reflected in both its more reserved early statements and its relative unwillingness, at later stages, to enter into concrete commitments. The Estonian Prime Minister Siim Kallas expressed the position of his country at a NATO meeting in spring 2002: "Let me reiterate that Estonia intends to join the adapted CFE Treaty, after the Treaty will be opened for new countries. As for different practical aspects of our future accession we see the necessity of having consultations with the NATO allies." Later, when Russia exerted pressure upon the Baltic states in order to foster their early accession, Estonia correctly drew attention to the legal situation: "Prior to the agreement entering into force, there is no way to join it."⁸⁰ Furthermore, "Estonia has repeatedly confirmed it is seriously considering joining the Conventional Forces in Europe Treaty in future, but at the moment the move is not on the agenda as the treaty has not been open to new signatories [...] As soon as the treaty opens to new contracting parties Estonia will make a responsible decision, proceeding first and foremost from national interests."⁸¹

The position of Latvia appears closer to that of Estonia. As Riga co-ordinates closely with the USA, the country that is in all likelihood largely responsible for the fact that the adapted CFE Treaty has not been ratified, its main effort has been to avoid committing itself prematurely on this matter. When the Latvian Foreign Minister Indulis Berzins declared at a late stage that his country "has never refused to accede to the adapted Treaty" Russia welcomed this and expressed the hope that the "new constructive position of Riga will soon be given effect [...]"⁸²

There is no doubt whatsoever that the Baltic states, Slovenia and, at a later stage, a number of other European countries will join the adapted CFE Treaty when it enters into force. The Russia-NATO Council "welcomed the approach of those non-CFE countries who have stated their intention to request accession to the adapted CFE Treaty upon its entry into force, and agreed that their accession would provide an important additional contribution to European stability and security".⁸³ This may have a positive effect on Russia, as its long-standing request will be fulfilled. Although the expression of readiness to join is an important political gesture, it will also be important to find out under which conditions each state would join the arms limitation regime. They should determine in advance the size of arsenal they intend to

80 Harri Tiido, Deputy Under-Secretary of the Estonian Foreign Ministry, in: Baltic News Service of 31 July 2002.

81 Ibid.

82 Alexander Yakovenko, the Official Spokesman of Russia's Ministry of Foreign Affairs, Answers a Question from Russian Media Regarding Statements by Latvian Foreign Minister Indulis Berzins Concerning Its Accession to the Adapted Treaty on Conventional Armed Forces in Europe, 2 October 2002, at: www.ln.mid.ru/brp_4.nsf/0/1b8d37c1d1a0a79943256df200282f85?OpenDocument.

83 Russia-NATO Council Meeting at the Level of Foreign Ministers, Prague, 22 November 2002 Statement by NATO Secretary General Lord Robertson in his capacity as Chairman of the Russian-NATO Council, <http://www.nato.int/docu/pr/2002/p021122e.htm>.

possess upon accession. It would also be important to know the relationships between national and territorial ceilings of each newly acceding NATO member.

Russia acknowledges that there are no outstanding problems between it and the four countries that will join NATO in 2004, although – owing to the failure on the part of the thirty States Parties to the Treaty of 1990 to ratify the adapted Treaty – they will not become States Parties to it. The Russian legislature rightly pointed out that there are still problems with some large State Parties to the Treaty of 1990: “Considering that a part of these states⁸⁴ have already expressed a wish to join the adapted CFE Treaty after its entry into force, the State Duma expresses concern at the unconstructive position of certain NATO member states, especially the United States of America and Turkey, artificially delaying the ratification and entry into force of this major document.”⁸⁵ This change of emphasis – although it may not result in ratification of the adapted CFE Treaty soon – is definitely more logical and justified than the earlier position, which put the four future NATO members under pressure despite the fact that they had expressed their readiness to join the adapted Treaty whenever it enters into force.

Conclusion

More than four years after the signing of the agreement on the adaptation of the CFE Treaty, it has not yet entered into force. The current number of signatories that have ratified it demonstrates that a few more years will have to go by before it enters into force. This is neither unusual, nor is it tragic. It occurs very frequently that major multilateral conventions come into force many years after they have been opened for signature. This means that, as accession to the CFE Treaty of 1990 is impossible, the regime of conventional arms limitations in Europe will continue to be confined to the (former) members of NATO and the Warsaw Treaty and their successor states. Hence, it is increasingly likely that after 2004, a number of the new members of NATO will not belong to the CFE regime, at least temporarily. It will also remain impossible for successor states of the former Yugoslavia to join the CFE regime despite the fact that some aspire to become members of NATO.

Ever since the signing of the agreement on adaptation in November 1999, its ratification has presented a dilemma. This stems from the complexity of the situation. On the one hand, the Russian Federation has not fulfilled

84 As it was demonstrated above, the four countries Estonia, Latvia, Lithuania and Slovenia have without exception expressed their readiness to join the adapted CFE Treaty when it enters into force.

85 Russian State Duma Statement on the Situation Concerning NATO Expansion submitted by the International Affairs Committee and adopted with regard to Viktor Alksnis' amendments on 24 December 2002 (289 in favour), pp. 1-2, at: <http://www.ln.mid.ru/Bl.nsf/arh/07B2C4FFFFB75E0943256CA00041C230?Open Document>.

all of its commitments under the Treaty and the Final Act of the States Parties. Since NATO member countries made the political commitment not to ratify the adaptation agreement until full compliance had been achieved, Russia has tied its own hands. On the other hand, however, it has taken major steps to live up to the specific commitments it made both with regard to Georgia and Moldova and also in Chechnya, where it has fulfilled its obligations under the flank rule. Consequently, one can claim that the glass is either half full or half empty. The dilemma has become even more apparent since 28 May 2002 when the NATO-Russia Council, the Council of 20, was formed and Moscow was recognized as a major co-operative partner of the Alliance. NATO should decide what is more important: to base future political steps on the static approach that requires full and verified compliance with the obligations as precondition for ratification, or take a dynamic approach and ratify the adapted Treaty “up front”, thereby rewarding Russia for its commitments. Both approaches are defensible, both have their costs and benefits.

It seems NATO has decided in favour of the static approach, and for the time being, it stands united behind its original position taken in May 2000 at the Florence meeting of the North Atlantic Council. Although its unity on this matter is disintegrating, no breakthrough has so far been achieved. Bearing in mind the limited strategic importance of the CFE Treaty, it does not seem likely that this position will change soon. It is precisely because of the relative strategic insignificance of conventional arms control in Europe that the view is taken here that there is every reason to leave the static approach behind and opt for the dynamic. Even then, ratification would still take a long time, which would give NATO leverage to continue to exert gentle pressure on Russia to comply with the Treaty – not to mention the fact that it would be sufficient if one signatory state in one of the conflict zones did not ratify the adapted Treaty. This may well happen anyway, even if NATO and like-minded countries decided to ratify it. There is a danger, however, that if the ratification process is completed by every State Party to the CFE Treaty of 1990 except for those who would be disadvantaged by this, the pressure on these states would increase while the pressure on Russia to fulfil its Istanbul commitments in their entirety would decline. Bearing in mind the asymmetry between Russia on the one hand and Georgia and Moldova on the other, this would be unfortunate.

I have attempted here to prove that those unsolved conflicts which have prevented NATO countries from starting the ratification process have either vanished or become insignificant to the CFE process, at least when the analysis is based on NATO’s declared agenda. It is also possible, however that there is a hidden agenda behind this. That agenda is not based on enforcing rules and honouring values. It is the cold-blooded realist agenda of one state. It emerges from the need to contain Russia, particularly in its traditional zone of influence at a time when its relative weakness is apparent. However, this

policy of containment is being applied at a time when it may no longer be necessary. Moreover, there is reason to assume that the more Russia indicates it will coerce its smaller partners, the more other parties would be tempted to support them, particularly Georgia, which has shown a strong pro-Western orientation, at least at the level of political rhetoric. One manner of expressing support would be by not ratifying the adapted CFE Treaty. It is questionable, however, whether this would be adequate in light of the complications it may cause in the NATO enlargement process.

It is increasingly apparent that there is a contradiction between the cooperative attitude of Russia towards the West and its claim to some sort of hegemony in the area of the former Soviet Union. It is an open question how long the two can be maintained simultaneously without the latter damaging the former, i.e. without Russia colliding with some Western countries, notably the USA, who do not recognize Russia's claim. It is obvious that since Russia is a major partner, the West may be interested in postponing such a collision, if not avoiding it outright. However, it is far from certain that this attempt will be successful.

It took quite a long time for the Russian Ministry of Foreign Affairs to conclude that the problem was far too broad to be seen simply in terms of the adapted CFE Treaty. "One has the impression that some people do not like the adapted Treaty itself, just as they do not like the other binding disarmament accords – on ABM, biological, non-proliferation, the non-militarization of space, and so on. We must explain in this connection that if ratification continues to be put off, an erosion of the Treaty might occur that will create a threat to its very existence."⁸⁶

In the end, Russia may conclude that it is not interested in pursuing the entry into force of the adapted CFE Treaty. Clearly, being put on the defensive in an often indefensible case is something that Russia finds increasingly uncomfortable. If Russia concludes that the Treaty's not coming into force would not represent a strategic threat, then it might consider this option. The difficulty for Russia stems from the fact that pursuing this course would require it to declare the end of the current stalemate surrounding the adapted Treaty – and would therefore require political courage. More importantly, one has to ask what Russia would gain from such a step. It would still not regain its freedom of action in the field of conventional arms, as the original CFE Treaty of 1990 would remain in force – unless Russia decided to unilaterally terminate it. That would be another step requiring great courage. Then the question arises as to what Russia would do with the freedom thus regained. Would it start a large-scale conventional rearmament programme? Bearing in mind the financial consequences as well as the political costs as-

86 Yakovenko, cited above (Note 28), pp. 1-2. As there are at least three elements listed above, which refer exclusively to matters where the US played a major role, it is obvious who is considered increasingly responsible for the failure to bring the adapted CFE Treaty into force.

sociated with such a course, it must be considered highly unlikely. In sum, Russia's noticeably increasing dissatisfaction with the situation concerning the entry into force of the adapted CFE Treaty may be enough to test the determination of the West on a rhetorical level. It may not, however, prove sufficient to be the basis of decisive action.

The world has experienced a honeymoon in NATO-Russian relations since late 2001. However, honeymoons do not last forever – neither in private life nor in international politics. It is my impression that this intimate relationship may come to an end due to disagreements over regional policies. The current approach to the CFE process and to the underlying unsolved regional conflicts will not be too high on the list of potential spoilers. Still it would be worth making the list smaller by bringing the CFE Treaty into force. This would also make it possible to open the Treaty for accession and thus eventually to turn it into a pan-European instrument.

Economic Transformation and the Containment of Emerging Risks

The Sustainable Use and Protection of Water – A New Field for the OSCE's Work in Promoting Security and Stability

Water and Security

Security studies recognize the interdependence of poverty and stability, and much of the thinking about the concept of “environmental security” has moved beyond a presumed causal relationship between environmental stress and violent conflict to encompass a broader notion of “human security” – a more inclusive concept that focuses on the intricate sets of relationships between environment, society and security.

Issues relating to water resources – including questions of scarcity, distribution and quality – have been recognized as environmental factors that can lead to political tension.

Since 1950, the renewable supply of water per person has decreased by 58 per cent as the world population has swelled from 2.5 to six billion. According to the findings released at a symposium of the Stockholm International Water Institute (SIWI) in August 2001, nearly a third of the world's population is likely to live in regions facing severe water scarcity by 2025. One billion people already lack access to safe drinking water.

With the rise in population, the amount of water withdrawn from rivers, lakes and aquifers has increased at an exponential rate. The UN's third Global Environment Outlook (2002) reported that the world water cycle seems unlikely to be able to cope with demands for water in the coming decades. Expanding agricultural, urban and industrial activities are polluting sources, thereby reducing the amounts of water that can be used without substantial treatment. Other water-management objectives, including hydro-power production, flood control and navigation, also compete with the uses for which water is withdrawn from rivers and lakes.

These pressures on water resources lead to competition between uses and users both within and between countries. As Professor Aaron Wolf of Oregon State University puts it: Water disputes occur when the rate of change within a water basin exceeds the institutional capacities to absorb that change.²

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2 Cf. Aaron T. Wolf, *The Importance of Regional Co-operation on Water Management for Confidence Building: Lessons Learned*, paper prepared for the Tenth OSCE Economic Forum, 28-30 May 2002, at: <http://www.osce.org/eea>.

Worldwide, there are 261 watersheds that cross the political boundaries of two or more countries. These international basins cover 45.3 per cent of the land surface of the earth, affect about 40 per cent of the world's population and account for approximately 60 per cent of global river flow. In the OSCE region, there are 104 watersheds shared by two or more countries, 14 between Canada and the USA, 71 in Europe and 19 in Asia. These basins have certain characteristics that make their management especially difficult, most notable of which is that they require co-operation between sovereign, independent political units. Disparities between riparian nations – whether in economic development, infrastructural capacity or political orientation – add very serious complications to water-resources development, institutions and management.

There is, however, some good news: While water has been the cause of conflicts within and between countries, and while increasing water scarcity could make water wars more likely in the future, history tells us otherwise: Water has been a basis for co-operation more often than a cause of wars.

Riparians have shown tremendous creativity in approaching regional co-operation, often through preventive diplomacy and the creation of “baskets of benefits”, which allow for positive-sum allocations of water between various partners and users.

The Role of the OSCE

OSCE participating States, concerned by the potential threats to stability posed by unsustainable water uses, yet aware of the opportunities offered by water management for building confidence and fostering greater co-operation, decided to make the sustainable use and the protection of the quality of water the topic of the Tenth OSCE Economic Forum³ held in Prague in May 2002.

OSCE Activities

To follow up the recommendations made at the Economic Forum,⁴ the Office of the Co-ordinator for OSCE Economic and Environmental Activities (OCEEA) worked with specialized organizations to identify a number of projects that aim at addressing water-related security risks and at promoting dialogue and co-operation on sustainable water management. The implementation of these projects will contribute to enhancing early-warning and

3 The Tenth Economic Forum was preceded by three preparatory seminars held in Belgrade, Zamora (Spain) and Baku.

4 The consolidated summary of the Tenth OSCE Economic Forum is available at: <http://www.osce.org/eea>.

conflict-prevention mechanisms and will strengthen processes of confidence building and post-conflict rehabilitation.

Water in Central Asia is a primary issue of concern. If not addressed effectively and in a timely manner, conflicts of interest among water uses and users could, in the long run, become a destabilizing factor.⁵

The conclusions drawn by Central Asian delegates at the regional meeting on "Environment and Security"⁶ held in Ashgabad in January 2003 indicate that the reasons for the gap between the existing policy processes and their implementation were related to the following difficulties:

- A lack of co-ordination and co-operation between governments (and between donors)
- Difficulties in generating political will both internally (to take action) and internationally (to co-operate)
- A lack of funding and internal capacity
- Incomplete implementation of laws and difficulties ensuring the rule of law
- A lack of technological capacities, monitoring and data-management systems
- A lack of international and regional experience in these issues
- A lack of integration across policy spheres (industrial development, foreign policy, agriculture, environment).

The OSCE is possibly the only organization in the region in a position to promote political dialogue. As such it has a key role to play. The Organization can and should foster the generation of political will as well as developing activities and projects targeted at enhancing co-operation and co-ordination. The OSCE must employ a multi-level approach:

1. *Top level:* The OSCE should mediate with the Heads of State on conflicts of interests, promote contacts and discussion of the issues and bring all parties to the table. Building on the experience of the failed UK-OSCE initiative,⁷ it might be wise to consider developing a dialogue on the bilateral/trilateral level, which can hopefully be extended to the regional level at a later stage.⁸

5 Cf. on this the ICG Report, Central Asia: Water and Conflict, Asia Report No. 34, 30 May 2002.

6 The meeting was organized within the framework of the Environment and Security Initiative (see below) and was attended by experts from all five Central Asian states.

7 The UK took the initiative, under OSCE auspices, in the year 2000 to organize a regional conference on water. The initiative failed when Turkmenistan and Uzbekistan decided not to participate. This occurred in spite of efforts by the then OSCE Chairperson-in-Office (Austrian Foreign Minister Benita Ferrero-Waldner) to lobby for the conference during a tour in the region.

8 A first step would be to search for examples of successful co-operation based on shared interests that can serve as illustrations of best practices. An example is the ongoing

2. *Interstate institutional level:* The OSCE should support the reform and strengthening of existing interstate institutional mechanisms.
3. *National level:* The OSCE should address the relevant authorities and agencies to raise awareness, and to identify and define priorities, interests and needs so as to facilitate a process whereby parties in the region move away from thinking in terms of their “rights” (whether historically or otherwise defined) and begin to negotiate on the basis of “needs” and “interests”.
4. *Local/grass-roots level:* The OSCE should raise awareness, build capacities within civil society and local authorities (for example, to promote public participation in decision making) and promote catalysing and confidence-building projects (for example, between border regions).

The OCEEA is working with the United Nations Economic Commission for Europe (UNECE) to provide assistance to Kyrgyzstan and Kazakhstan in setting up an interstate water commission on the Chu and Talas rivers. The implementation of this project would not only contribute to improved co-operation between Kazakhstan and Kyrgyzstan on the Rivers Chu and Talas, but would also be an example for the whole region on how improved co-operation on transboundary waters could be established to the benefit of all parties (see box 1).

Furthermore, in partnership with the Interstate Commission for Water Co-ordination (ICWC), which is based in Tashkent, the OSCE organized a one-week workshop in early 2003 devoted to irrigation issues. The workshop provided a forum where governmental officials and NGO representatives from the five Central Asian states came together to focus on irrigation issues and on how irrigation practices may be enhanced in each country. Irrigation topics were related to the wider issues of sound water-management practices in Central Asia.

In the South Caucasus, the OCEEA is trying to promote co-operation on water management as a confidence-building measure.

Currently, there are no institutional mechanisms or legal instruments available for water management in the Kura-Araks Basin and no mechanisms for aquifer management. The limited data available is often obsolete. Levels of pollution are high.

The OSCE and the NATO Science for Peace programme decided to join forces and support the South Caucasus River Monitoring project. Their aim is to eliminate inconsistencies in the application of international water standards throughout the region and to re-establish regional water-monitoring systems and databases. To quote Ferenc László, a consultant to NATO, “development of a system of information exchange in water management contributes to

OSCE-UNECE project providing assistance to Kyrgyzstan and Kazakhstan in setting up an interstate water commission on the Chu and Talas Rivers (see below).

economic and political stability, security and peace in the South Caucasus region” (see box 2).

Box 1: The Kyrgyz-Kazakh Intergovernmental Transboundary Water Commission

In February 2002, the governments of Kyrgyzstan and Kazakhstan submitted a request to the UN Economic Commission for Europe (UNECE) and the UN Economic and Social Commission for Asia and the Pacific (UNESCAP) for assistance in establishing an intergovernmental transboundary water commission, including developing the commission statute and other actions aimed at effective implementation of the intergovernmental transboundary water agreement. At the Prague Economic Forum, the UNECE asked the OSCE for active support in establishing such a commission.

The project aims at establishing good governance in the management of water resources shared between Kyrgyzstan and Kazakhstan. This is to be achieved through the development of institutional arrangements, policies and procedures as well as capacity-building activities that will enable the effective implementation of the transboundary water agreement signed between the two countries.

First, the project will provide assistance in formulating a statute, rules and procedures of operation for the joint commission through a series of informal meetings, fact-finding missions and negotiations. Meetings between representatives of the Republics of Kazakhstan and Kyrgyzstan and other major regional stakeholders will be arranged, in which UN and OSCE officials and project consultants will also participate. During this project phase, the commission’s statute, rules and procedures will be developed and adopted by the parties.

Second, the project will promote the development of policies and tools and will help the commission to build capacity to implement and effectively enforce the agreement. This will be undertaken by means of field trips to meet transboundary water commission representatives in other regions of Europe and Asia and through the publication of a brochure on the commission – both online and as hard copy. Furthermore, training tailored to the needs of the technical experts involved in implementation of the agreement will be provided.

Third, an overall economic analysis of the water resources will be conducted and policy recommendations for the development of economic instruments for sustainable management of the transboundary waters will be developed. Results of the study will be published as a report in English and Russian.

The governments of Sweden and the United Kingdom have each pledged 50,000 euros to cover the costs of the project. The operational phase of the project started in early 2003.

Furthermore, in a meeting organized in co-operation with USAID in Tbilisi in November 2002, the OSCE proposed the establishment of a South Caucasus Water Management Co-ordination Group. The Group would be an advisory body consisting of representatives from the governments of Armenia, Azerbaijan and Georgia, the international donor community, international organizations and implementing partners working on regional water-related projects in the South Caucasus. The proposal should be interpreted as defining a process that would eventually lead from the current situation, which is

dominated by unilateralism, through stages of co-ordination and collaboration to, hopefully, the establishment of a regional water body.

Box 2: The NATO-OSCE Project on River Monitoring in the South Caucasus

The NATO-OSCE project on river monitoring in the South Caucasus has been in the planning stage for over two years. It consists of parallel monitoring of water resources covering 30 sites in each of the three South Caucasus countries in the Kura-Araks river system. It has the objective of increasing local technical capabilities, establishing standard sampling, analysis and data-management techniques and creating a database accessible on the Internet. Areas covered include preparation for sample and data collection, training, laboratory analysis and data management as well as the development of watershed management systems and infrastructures. Data will be placed on a website with free access managed by the University of New Mexico.

The project has been approved for funding by the NATO Science for Peace programme and the co-directors of the project have also requested the support of the OSCE. The NATO Science for Peace programme will provide a grant of 433,000 euros for a period of three years, covering the project's core budget. Thanks to 55,000 euros provided by the Swedish government and 75,000 US dollars from Statoil, the Norwegian state oil company, the OSCE will cover part of the supplementary costs not included in the core budget and not covered by NATO. This supplementary funding covers training and salaries for scientists totalling 283,000 euros for a period of three years. The OCEEAA is still trying to raise the remaining funds required.

The operational phase of the project started in November 2002.

The role and functions of the Water Management Co-ordination Group would be to:

- a. ensure the timely and smooth flow of information on completed, ongoing and planned programmes and projects between the members of the Group;
- b. facilitate the co-ordination of donor initiatives with the objective of ensuring efforts are complementary, generate synergies and avoid duplication;
- c. formulate recommendations to donor agencies and/or government representatives for priority action on critical water-related issues.

The proposal was discussed at three national workshops held in Baku, Yerevan and Tbilisi in February 2003 and again at the regional level shortly after the Fifth Ministerial Conference "Environment for Europe" in May 2003 in Kiev.

The OCEEAA's objective in Eastern Europe (Belarus, Ukraine and Moldova) is to use water-based initiatives to promote transboundary co-operation and confidence building.

The OSCE is working to support regional co-operation on the management of the Dniestr Basin and to introduce and enforce principles of Integrated Water Resources Management in the area. The OSCE is working with

UNECE to facilitate discussion on the current legal status of relationships between Moldova and Ukraine on transboundary water issues and to support the final elaboration, signing and ratification of an agreement on the Dniestr River. This project will commence with a thorough assessment of the current legal regime covering the river basin and an analysis of existing uses of and pressures on the river and catchment area. Particular efforts will be made to keep the process transparent and to involve civil society and the inhabitants of the river basin, thus setting an example for public participation in environmental decision making.

In Ukraine, the OSCE Project Co-ordinator, the Ukrainian Ministry of the Environment and the State Committee on Water Management launched the project "Introduction and Implementation of the EU Water Framework Directive in Ukraine" in March 2002. Within the scope of this project, the EU Water Framework Directive was translated into Ukrainian and Russian, and a comparative analysis of Ukrainian water management regulations was elaborated. Furthermore, a guidebook entitled "EU Water Framework Directive and Ukraine" was published, containing general information on the EU Directive and Ukrainian legislation on water issues. In order to introduce these materials to the Ukrainian authorities, the public and NGOs at state and local level, two workshops were held at which they were disseminated.

During the workshops, representatives of other Eastern European states expressed interest in developing similar projects. The possibility of replicating this kind of project by compiling and disseminating experiences relating to the regulation of water management for the CIS region as a whole and drawing parallels to ongoing implementation of the Water Framework Directive in the EU is currently being discussed.

In Belarus, the recently reopened OSCE Mission has met with government officials as well as academic and scientific institutions to agree on priorities for future co-operation. Among the agreed priorities are activities relating to the introduction of Belarusian decision makers and national specialists to water management principles and the EU Water Framework Directive, the establishment of regional environmental networks and their possible integration into European environmental networks and environmental education for students, judges and the media.

Also in South-eastern Europe, the OCEEA is promoting co-operation on water management as a contribution to regional stability and reconciliation processes.

Under the auspices of the Stability Pact for South Eastern Europe, the four states through which the Sava River flows – the Republic of Croatia, the Republic of Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Slovenia – signed the Framework Agreement on the Sava River Basin on 4 December 2002.

An Action Plan has been developed to implement the provisions of the Framework Agreement. The Action Plan will play a role in identifying, pri-

oritizing, scheduling, and managing activities and projects needed to execute the Framework Agreement. The development of protocols is the key to the successful implementation of the agreement; a great deal of effort is required to mediate between the various interests.

The International Sava River Basin Commission, established under Article 15 of the Framework Agreement, held its first meeting on 2 and 3 April 2003 in Vienna. The meeting was arranged by the Southeast European Co-operative Initiative (SECI) and hosted by the OCEEA.

The OSCE is also considering the possibility of developing a project to support capacity building at local and/or community level targeting border municipalities along the Sava River.

After discussions with the EU Commission (External Relations Directorate General) and the Danish Environment Protection Agency, which leads the initiative on behalf of the EU, the OCEEA agreed to participate in the development of the EU Water Initiative “Strategic Partnership on Water for Sustainable Development – EECCA Component” (Eastern Europe, the Caucasus and Central Asia) by expanding the security dimension of Integrated Water Resources Management. The OCEEA will co-operate with the twelve CIS countries, the EU and partner organizations in the implementation of the initiative by contributing its experience and expertise, the resources of its field operations and by including its own activities in the programme. The OCEEA believes it is necessary to improve the co-ordination of existing and planned projects to create synergies and make more efficient use of existing financial resources. This will enhance the ability to foster sustainable development and address water-management issues that can either threaten stability or contribute to confidence building.

Lastly, the OSCE, the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP) are heading a project to encourage collaboration on environmental management as a strategy for promoting co-operation and security in South-eastern Europe and Central Asia.⁹ Due to its critical importance, water is one of the main focus areas of the project. The first stage, which has involved mapping out environmental and security hotspots, is close to being completed. The programme will then enter a second phase, during which activities and projects aimed at dealing with the problems identified during phase one will be developed and executed, supporting the OSCE’s work in the field of environment and security. The three partner organizations plan to develop a programme of work to tackle issues identified as threats to security. It will be based on the following pillars:

- *Vulnerability assessment, early warning and monitoring:* Continuing and strengthening the assessment of issues identified as threats, launch-

9 The Environment and Security Initiative. Further information can be found at: <http://www.envsec.org>.

ing a comprehensive awareness and communications campaign based on the dissemination of publications, training and education, consultation and dialogue. Steps will be taken to promote vulnerability assessment, the development of appropriate indicators, the establishment of an integrated database and a long-term monitoring system.

- *Integrated policy development and implementation:* Promoting the integration of links between conflicts and environmental issues across the full spectrum of policies and programmes, from multilateral environmental agreements and conflict prevention activities to national, regional and sectoral environmental plans and assessments forging links with other assessment projects, research networks and policy programmes.
- *Institutional development, capacity building and advocacy:* Facilitating regional, national and civil-society programmes to strengthen institutional and individual capacities to prevent and resolve disputes peacefully and to use environmental co-operation to strengthen socio-economic development. This will be addressed through informal and formal dispute-resolution mechanisms and peace-building measures, by improving access to and sharing information and by implementing stakeholder-training projects.

Lessons Learned

During this process, the OCEEA has learned a number of lessons that will guide its work in the development of a more structured approach in addressing water and security issues.

Disputes concerning water resources can, in combination with other factors (such as poverty, inequality and discrimination), lead to tension and ultimately trigger conflicts. At the same time, however, co-operation on water management can be a contributing factor in solving broader political disputes.

Institutions such as river basin commissions matter and need to be capable of absorbing change, both political and environmental.

Water can be a catalyst for co-operation because it helps to build technical, personal and ultimately political relations between parties.

Agreements on water disputes, in general, are not achieved as long as parties define their positions in terms of their “rights”. When parties to a conflict move away from their historical or otherwise defined rights and begin to negotiate on the principle of their “needs” and “interests”, agreements are more likely to be achieved.

Using a regional approach and focusing on “technical” matters can facilitate the solution of bilateral political disputes. Multilateralism can offer a

convenient platform for the deliberation of issues and may provide the basis for their bilateral resolution at a later date.

A multilateral approach can provide a means of discovering shared ground, of making personal acquaintances and undertaking confidence-building measures.

Finally, water is to be seen in the political context of international relations. Proposed solutions to water-related problems that do not take this into consideration have limited chances of achieving sustainable results

Breaking the Crime-Conflict Nexus: A Challenge for the OSCE²

In the contemporary world, violent conflict is one of the biggest threats to security. Sometimes such conflicts are protracted because certain individuals or groups have a vested interest in perpetuating instability. Conflict creates an environment where corruption and organized criminal activity can prosper to the extent that they become impediments to conflict resolution and post-conflict rehabilitation. Perpetrators of crimes are sometimes simply parasites on conflict, in other cases a symbiotic relationship develops between political and criminal elements. When this happens, crime, corruption, political aims and ethnic extremism can become an explosive cocktail.

Understanding this phenomenon is crucial for two main reasons. On the one hand, it will be noted that in some cases conflicts that are labelled “inter-ethnic” have little to do with ethnic or national-cultural issues and more to do with defending narrow economic interests. Therefore, the way to resolve them requires as much attention to underlying criminal activities or corruption as to so-called nationalist agendas. The other key consideration is the opposite extreme, namely the tendency to equate minorities with criminals and/or terrorists and therefore to use the excuse of cracking down on extremists to “deal with” minority issues. This can deepen inter-ethnic animosity and create long-term instability.

Better understanding the link between crime and conflict will allow for a more focused approach to a sensitive issue. Conversely, failure to appreciate the complexity of the link could either lead to a continued impasse in sporadically violent and seemingly intractable conflicts, or result in clumsy actions that indiscriminately target groups because of their apparent association with extremists.

Outside the Paradigm

The instruments available to prevent inter-ethnic conflict are becoming sharper. Standards have been developed to protect and promote the rights of

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2 This article is based on: Walter Kemp, *Profiting from Instability: Crime, Corruption and Inter-Ethnic Conflict*, in: Victor-Yves Ghebali/Daniel Warner (eds), *New Security Threats and Challenges within the OSCE Region*, PSIO Occasional Paper 1/2003, Geneva 2003, pp. 49-73.

persons belonging to national minorities, governments are (generally) making efforts to live up to these commitments, and international organizations are playing a useful monitoring and intermediary role in ensuring that inter-ethnic disagreements are dealt with peacefully. European states – particularly those on the margins of the European Union – are more stable and integrated than they were ten years ago, just after the collapse of Communism. Disagreements between minority and majority communities persist, but they are seldom a threat to security and – in most cases – are solved through domestic means.

And yet violent inter-ethnic conflicts remain a threat. The situation in the former Yugoslav Republic of Macedonia is on tenterhooks. Serbia and Montenegro has been shaken by the assassination of Prime Minister Zoran Djindjic. Bosnia and Herzegovina and Kosovo (Serbia) remain deeply scarred by recent conflicts. Parts of Central Asia are still under the cloud of instability from neighbouring Afghanistan and tensions in the region. In the Caucasus, so-called “frozen” conflicts have yet to thaw in Abkhazia, Nagorno-Karabakh and Transdniestria, and Chechnya remains a deadly morass. The threat of terrorist attacks remains ever present in Spain and sectarian violence still mars part of the United Kingdom.

These situations are being confronted with a broad variety of approaches ranging from armed confrontation to secret diplomacy. Because their causes and characteristics are so diverse, it is difficult (and probably not very useful) to make any general remarks about common attributes.

What is striking, however, is the protracted nature of some of the conflicts and the fact that repeated and diverse attempts to reconcile the parties have failed. Of course, conflict prevention and mediation often take years. One should not expect rapid, high-profile breakthroughs. Such processes usually require a step-by-step approach of cumulative confidence building. However, when such steps go around in circles or sink deeper into the quicksand because resolving the situation threatens the vested interests of some of the key players, one must consider a change in direction.

Conflicts that relate to corruption or organized crime are not the type for which the standard conflict prevention and crisis management techniques and tools have been developed. The conventional paradigm is based on legitimate state actors who have a certain degree of sovereign control over their territory, are obliged to respect (or at least develop) the rule of law, have transparent and accountable economic systems and have a monopoly on the means of coercion, which they are supposed to use responsibly. This framework is hard to apply when one has to deal with unrecognized regimes which control *de facto* states, corrupt regimes defending ethno-corporatist interests or groups that question the legitimacy of the state and challenge its means of coercion (e.g. through terrorist attacks or armed uprisings). What happens, for example, when a conflict’s intractability, which is of concern to the international community, is profitable to at least one of the parties? How does one relate to

a government or community groups that include corrupt officials who hijack a political process to protect their own interests? How does one support integrative structures when they are rotten to the core? After violence has erupted, how does one deal with legitimate minority grievances without condoning violence or talking to “terrorists”? The very fact that such situations fall outside the traditional paradigm suggests that these issues are new challenges which require new approaches.

Organized crime, particularly transnational organized crime, is a growing security threat. Trafficking in human beings, drugs and small arms, smuggling contraband and money laundering have become more acute in a world of increasingly porous borders, improved communications and faster transportation. Furthermore, corruption is a cancer that is eating at the credibility of businesses, industries and governments. Fortunately, efforts to tackle these threats have also increased at both the political and operational level.³ But more needs to be done to study the relationship between inter-ethnic conflict and organized crime, and to consider what steps can be taken to break this link.

The focus of this essay is not on corruption or organized crime per se. Rather, the aim is to look at how these forces affect and are affected by political motivations and ethnic conflicts. The basic argument is that corruption and organized crime, while threats in themselves, become significantly more destabilizing when they are linked with ethnic issues. The key is to understand the nature of the bond and, in each case, to see how it can be de-coupled.

Pre-Conflict Warnings

It is seldom the case that conflicts start because of corrupt and criminal elements seeking conflict. Usually conflicts start for other reasons, and then criminal elements take advantage of the situation. Ideological, cultural and power considerations then get wittingly or unwittingly hitched to opportunists who can profit from the conflict environment in order to promote their own interests. Once this merger has taken place, it is hard for moderates to stop the juggernaut. Ethnic entrepreneurs, whether they started from the ethnic or entrepreneurial angle, profit from the situation and therefore are not keen to compromise, unless their interests can be secured. If they hold the power, they dictate the terms.

In the pre-conflict phase it is therefore vital to separate the underlying grievances from the extremist rhetoric. If legitimate grievances can be ad-

3 See the United Nations Convention against Transnational Organized Crime (Res/55/25), enacted on 15 November 2000, at: http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf; for details of the work of the UN Office on Drugs and Crime, see: www.unodc.org.

dressed and the situation calmed down, the basis of popular support for the extremists will be reduced.

However, if the situation tips over into violence, the chance of reconciliation will steadily decrease as the middle (common) ground shrinks. Violence may provoke counter-violence, and a malign spiral will be set in place. Moderates may then become marginalized. Extremists take on the mantle of defenders of the “national” interest, and engage in ethnic outbidding to deepen their legitimacy as the “true” defenders of the national/ethnic interest.

If relations deteriorate this far, one must be wary of whether the extremists will put their threats into practice. What are their means to deliver on their threats? What are the sources of their support, political and otherwise (e.g. weapons and financial backing)? The danger signs include support for extremists among state circles (e.g. influential parties, ministers, army units, interior ministry, special police units) and powerful business interests as well as backing for minorities from kin-states, criminal networks or other external patrons, such as a mobilized diaspora.

If the majority elite plays the nationalist card, there is the danger that “national” interests – both in the sense of state interests and specific ethno-cultural interests – will become inextricably linked to the regime’s interests and what’s good for one will be portrayed as being good for the other. This may lead to the suspension of certain liberties “in the name of the fatherland”, the curbing of minority rights and subjecting private industry to state control. Ends are said to justify the means in defence of the interests of the nation (state). Extremists from the minority group use similar arguments and a siege mentality sets in on both sides.

These are the conditions under which the crime-conflict nexus forms. In an attempt to maximize interests, some elements may be willing to pursue conflict. Either extremists push the situation over the edge and profiteers follow, or the benefits of conflict are considered by the protagonists to be worth more than the costs. That does not mean that all calculations and actions are based on ill-gotten forms of revenue. As Charles King notes: “The distinction between freebooter and founding father, privateer and president, has often been murkier in fact than national mythmaking normally allows.”⁴ But the risk of conflict is higher when the protection of narrow interests through dubious means is combined with ethnic and cultural grievances.

As the situation worsens, extremists may want to demonstrate their credibility and gain attention by carrying out violent acts and developing a network of patronage that will consolidate their position. By this point, conflict has more or less set in.

4 Charles King, *The Benefits of Ethnic War: Understanding Eurasia’s Unrecognized States*, in: *World Politics* 4/2001, pp. 524-552, here: p. 524.

In terms of conflict management, one can consider three types of conflict situations: entrenched conflicts, sporadic conflicts and “hot” conflicts.

Entrenched Conflicts

By entrenched conflicts I refer to situations which are neither peaceful nor war-like. They are often referred to as “frozen” conflicts, but I agree with those who note that these situations are, in fact, relatively dynamic.⁵

Entrenched conflicts are usually the result of post-conflict situations which have never been properly resolved. Facts were created on the ground as a result of the conflict, but there is as yet no peace.

In entrenched conflicts a group has managed to wrest control over a particular territory. Control is exercised by a regime that is highly personalized, and which has decision-making structures that are opaque and highly centralized.⁶ The elite, relying on its forces and resources, may be able to exercise a high degree of sovereignty. As Charles King notes with reference to cases like Nagorno-Karabakh, Transdniestria, South Ossetia and Abkhazia, “the territorial separatists of the early 1990s have become the state builders of the early 2000s, creating de facto countries whose ability to field armed forces, control their own territory, educate their children and maintain local economies is about as well developed as that of the recognized states of which they are still notionally a part”.⁷ Chechnya is a border-line case. As discussed below, Republika Srpska and “Herceg-Bosna” are in danger of heading in the same direction.

Despite the fact that the governments of de facto states are considered illegitimate and their sources of revenue illegal, they may nevertheless be able to survive. This may be possible through the control of lucrative industries that these regimes have inherited or built up, for example steel-making and arms production in Transdniestria. It may be the result of income gleaned from the exploitation of natural resources on the territory that they control. One can recall the examples of diamonds in places like Angola or Sierra Leone, timber in Cambodia or Myanmar, opium in Afghanistan or coca in Columbia. The resources may be as relatively minor as the seasonal trade in hazelnuts and mandarin oranges, as is the case in Abkhazia.

A system of crony capitalism or corrupt corporatism may also develop, usually based on a network of businesspeople, relatives and war veterans close to the ruling elite. The case of Sheriff in Transdniestria is a classic example. This financial-industrial group, run by former policemen and closely

5 Cf. Dov Lynch, *Managing Separatist States: A Eurasian Case Study*, Institute for Security Studies, Occasional Papers no. 32, November 2001.

6 Cf. *ibid.*, p. 6.

7 King, cited above (Note 4), p. 525.

linked to “President” Smirnov’s family, controls key sectors of the economy including petrol stations, telecommunications, media outlets and a supermarket chain.⁸ It also recently built a football ground to European standards (complete with four-star hotel) to house its football club, which often wins the Moldovan league. It is worth noting that when it comes to UEFA competition, Transdnistria does not mind being considered part of the Republic of Moldova.

“Quasi” or de facto states may also be adept at milking customs revenue from goods crossing “their” territories. This is the case in South Ossetia, for example, which controls the lucrative Vladikavkaz corridor. Transdnistria has also made a healthy income from operating as a duty-free zone, allegedly profiting from the trade in cigarettes, alcohol, people, small arms and gasoline. The absence of democratic government and the rule of law combined with the ability of an authority to protect its security interests and maintain control over a particular territory fosters an environment where the regime can dictate its terms and control the means of subsistence.

Because of the siege mentality of the ruling elites in such entities, their personal fortunes (often quite literally their personal wealth) are tied up with the fate of their regimes. The threat from the outside world – mostly the state that they broke away from – is played up to entrench the legitimacy of the elite and the justness of their cause. As one observer puts it, this is effectively racketeering: creating a danger and, at a price, the shield against it.⁹ This is often coupled with appeals to ethnic sentiment. In the case of Abkhazia, for instance, even though the Abkhaz are a minority, they base their claims for independence, in part, on national self-determination. The Transdnistrian regime argues that it is defending “its people” against the “Romanization” of Moldova to the point that Moldovan is written in Cyrillic rather than in Latin. The analogous cases of “Herceg-Bosna” and Republika Srpska will be considered below.

One reason why little progress is made in resolving such situations may be that some influential members of the central authorities of the states from which the “quasi-state” regimes broke away (and/or neighbouring countries) profit from the status quo. As King points out, in some cases there is a degree of complicity by central governments: “The benefits of state weakness accrue not only to the separatists but also to the institutions and individuals who are ostensibly responsible for remedying it.”¹⁰ Influential forces (from top officials to border guards) may collect a cut from revenues from the breakaway regions, they may receive bribes, or they may make use of the involvement of their “enemies” in shady dealings to engage in their own dubious activities. In such situations, key players on both sides have an interest in perpetuating

8 Cf. Lynch, cited above (Note 5), p. 13.

9 Cf. Charles Tilly, *War-Making and State-Making as Organized Crime*, as cited in Lynch, cited above (Note 5), p. 10.

10 King, p. 545; see also pp. 544-547.

the status quo because both sides are profiting. This leads to bi- or multi-ethnic corruption which prospers as long as nobody rocks the boat.

It may also be the case that neighbouring states, kin-states, and/or patrons abroad may have a political or economic interest in keeping a particular entity afloat or creating a certain degree of instability.

Sporadic Conflicts

Sporadic conflicts include hit-and-run operations, flare ups of entrenched conflicts and long-standing disagreements that occasionally spill over into violence (including terrorism).

As with entrenched conflicts, the perpetrators need enough resources to maintain their existence, support their followers and arm a credible force. The main differences are that they seldom control territory, have much smaller and more widely dispersed networks and a less-personalized form of leadership. This appears to be the case with terrorist groups and paramilitaries in Western Europe, insurgents in parts of the Balkans and bandits operating in the Caucasus and Central Asia.

Groups involved in sporadic conflicts normally generate revenue through smuggling, money laundering, kidnapping, extortion or robbery. Support may also come from patrons in a kin-state or neighbouring state, ideological supporters, members of the diaspora or those who have an interest in either destabilizing a situation or profiting from the resultant instability.

In some cases, the criminal activity may be a means to an end. The money generated by criminal activities pays for the procurement of weapons, explosives, patronage for supporters and the running of operations. In other cases, the criminal activity may be an end in itself that uses "ethnic" issues as a recruitment tool, a diversion or a useful catalyst for generating support. In most cases, the lines between crime and conflict become blurred and a symbiotic relationship develops.

Take the example of the Islamic Movement of Uzbekistan (IMU), which was a major source of instability in the Fergana Valley between 1999 and 2001. The IMU seems to have been able to attract recruits to its cause partly because Islam offered an alternative to dire economic and social problems in the region, and partly because militants were being paid an attractive wage for their participation in the armed uprisings.¹¹ Protecting drug routes and spreading Islamic fervour seem to have become intertwined.

A similar pattern is evident in the case of the sporadic violence along the Abkhaz-Georgian ceasefire line. Indications are that these incidents have as much to do with the protection of smuggling interests as political ones. Hazelnuts, mandarins, cigarettes and gasoline are reportedly smuggled back and forth across the ceasefire line, particularly around the Gali district. The

11 Cf. Tamara Makarenko, Terrorism and drug trafficking threaten stability in Central Asia, in: Jane's Intelligence Review, 11/2000, pp. 28-30.

impression of some observers is that the instability of the region allows smugglers (on both sides of the border) to profit and that they tend to instigate a cycle of hostilities either when other smugglers move onto their turf or whenever peace is in danger of breaking out.

In this and similar cases, “[t]he real question is, are the attacks to be attributed to true partisan activity or simple lawlessness? Or are the banditry and partisan attacks so intertwined that it is impossible to separate the two? It is conceivable that the partisan activity might be motivated by both crime and ideological fervour combined in one campaign. This is a fusion seen in more and more hotspots, where would-be commandos feel completely justified robbing, stealing, abducting and killing their enemy, and civilians, in a profitable quest to realize their territorial ambitions.”¹²

“Hot” Conflicts

“Hot” conflicts are those that involve either two or more states in a violent conflict or two or more parties in a civil war. In the former case, one must be wary about the role of the state in furthering its ambitions through criminal activity. For example, to what extent does a state sponsor (or at least turn a blind eye to) paramilitaries that do its dirty work? More research needs to be done on this phenomenon, but it is interesting to trace the survival patterns of groups like the “White Eagles” under Vojislav Seselj or the Volunteer Guard (or “Tigers”) of Zeljko “Arkan” Raznatovic in recent Balkan conflicts. One could also look at the “White Legion” purportedly fighting for Georgian interests in the Gali region.¹³

In cases where a state faces regional or international isolation, it is worth investigating how such regimes maintain links with the outside world for the procurement of weapons, ammunition and vital supplies like oil, gas and spare parts. Such situations can lead to the emergence of close links between state officials and criminal elements, who develop mutual interests in sanctions busting and profiting from instability.

Yugoslavia in the 1990s is an interesting case study.¹⁴ A major problem here, as will be discussed below, is what happens with these networks in the post-conflict environment.

Civil wars also involve the entanglement of crime and conflict. Groups fighting against the state on whose territory they live obviously do not enjoy the latter’s monopoly on the use of coercion. They therefore have to develop their own means of securing the resources they need to protect and advance their aims. Since whatever they do in this regard will be considered illegal,

12 Dodge Billingsley, Security deteriorates along the Abkhazia-Georgia ceasefire line, in: *Jane’s Intelligence Review*, 9/2001, pp. 18-20, here: p. 20.

13 Cf. Lynch, cited above (Note 5), p. 15.

14 Cf. John Mueller, The Banality of “Ethnic War”, in: *International Security* 1/2002, pp. 42-70, and Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, Stanford 2001.

their activities – at least in the eyes of the state – become criminal. (They may, of course, be supported by kin-states, neighbouring states, ideological supporters, members of the diaspora or even the international community.) The state itself may be so weak that it too needs to resort to dubious methods to secure the capabilities it requires to maintain its position.

In such situations, getting hold of weaponry and ammunition becomes particularly important. Having a wealthy diaspora is handy. So, too, is access to the arsenals of failed states.

The case of Albanians in Kosovo and Macedonia is instructive. The Albanians there were supported by the Albanian National Freedom Fund, which later became the Homeland Calling Fund. Financial support also appears to have streamed in through revenues from criminal activities, particularly the heroin trade.¹⁵ With these revenues the Kosovo Liberation Army (UÇK/KLA) and the National Liberation Army (UÇK/NLA) were able to buy weapons on the black market, including, apparently, from sources in Serbia and Macedonia.¹⁶

The justness and legitimacy of this struggle is not the issue here. It is more important to look at the motivations of the actors in the pre-conflict period, how this may contribute to the outbreak of conflict, and what effect the relationship between crime and conflict has on the post-conflict situation.

Post-Conflict Instability

In post-conflict situations, communities are often polarized, the rule of law is fragile, and relationships forged in conflict may still be strong. While civic institutions may be weak, criminal and ethnic bonds usually endure. There is a danger that if left unchecked, the post-conflict situation may amount to a continuation of the conflict through economic, administrative and even sporadically violent means. It can also be an environment where corruption and organized crime can prosper.

It often happens that in a post-conflict situation (especially after a conflict with ethnic undertones) ethnic kin, war veterans, and profiteers rally around each other and develop a system of ethnic cronyism in which so-called “national interests” are equated with those of the power-seeking elite. In a situation that is analogous to the immediate pre-conflict period, ethnic homogeneity serves the consolidation of business interests, reduces competition and creates a powerful cultural/symbolic fig leaf to legitimize the protection of the elite’s interests against outside “threats”. These threats are usu-

15 Cf. Robert Hislope, *Organized Crime in a Disorganized State: How Corruption Contributed to Macedonia’s Mini-War*, in: *Problems of Post-Communism* 3/2002, pp 33-41, see in particular p. 38.

16 Cf. Tim Ripley, *Intentions unclear as NLA hands over arms*, in: *Jane’s Intelligence Review* 10/2001, pp. 21-23, see in particular p. 23. See also Tim Ripley, *Insurgency in Macedonia drives Balkans arms trade*, in: *Jane’s Intelligence Review* 7/2001, pp. 20-22.

ally exaggerated to enable unrivalled control by the “national” defenders and to provide cover for large-scale criminal and economic activities of the ruling elite. One hand then feeds the other. Politicians use state-owned assets and their cronies’ privatized companies as sources of cash and patronage for their parties. The ideologies of those parties, in turn, serve to protect the interests of the elite who profit from such a system. If such situations are not curbed in time, facts may be created on the ground that begin to resemble the conditions noted in the case of entrenched conflicts.

Take the case of Bosnia and Herzegovina. There, despite a sizeable international military and civilian presence, certain ethnic interests have managed to entrench their positions to the point of obstructing reconciliation and integration. In parts of Republika Srpska and “Herceg-Bosna”, mono-ethnic nationalist parties (the Serb Democratic Party/SDS and the Croatian Democratic Union/HDZ respectively) have carved out ethnically dominated enclaves that are characterized by what the International Crisis Group describes as “phoney privatisation, hollow reforms, rampant corruption and cronyism, smuggling of goods and people, gangsterism [and] ethnic violence”.¹⁷ Local government interests, business interests and ethnic politicians overlap to create a situation where an elite from the titular majority uses public office to maintain so-called “national self-government”, diverts public assets and funds from sympathetic businesses (often dubiously privatized) to pay for patronage and support, and plays the ethnic card to legitimize this ethnically biased cartel. A threat to this system is seen as a threat to the narrow interests of the crony clique. Since that group is ethnically homogenous it can claim that efforts to promote integration, transparency and accountability are external threats to the “national interest”. The elites – within parties like the HDZ and SDS – cling to power in order to hold on to the state and public firms which provide the means to buy support. Key public companies and government agencies are packed with their loyal supporters, made more compliant by the enrichment of questionable privatization schemes and/or the misuse of public funds. These people have a lot to gain under the status quo, and a lot to lose from the unification of parallel structures. When these institutions are threatened, as in the case of the audit of Hercegovacka Banka in the spring of 2001, the reaction is hysterical.¹⁸

This pattern may occur at the highest levels. Rasma Karklins has created a useful typology of post-Communist corruption which distinguishes between low-level administrative corruption, self-serving asset stripping and so-called state capture by corrupt networks.¹⁹ Regimes (and not only post-

17 Bosnia’s Precarious Economy: Still Not Open for Business, ICG Balkans Report No. 115, 7 August 2001, p. 8.

18 ICG refers to the Hercegovacka Bank as a little more than a politically controlled payments bureau. See *ibid.*, p. 31. Zepter Komerc Bank in Republika Srpska seems to play an equally dubious role.

19 Rasma Karklins, *Typology of Post-Communist Corruption*, Problems of Post-Communism 4/2002, pp. 22-32.

Communist ones) resort to such activities to enrich themselves, or operate outside the law to protect or promote their own interests. Either they exploit state structures for their own gain, or they use non-state structures to forward their own aims, knowing that their position of authority will protect them. This has a trickle-down effect on the whole society: "Rampant tax and customs evasion mocks the rule of law, as smugglers and tax evaders not only go unpunished, but prosper, thereby contributing to a downward spiral of impunity for law-breakers, impoverishment of governments and those dependent on them, and criminalisation of ever-larger portions of society."²⁰

Macedonia is, sadly, in such dire straits. As a recent report by the International Crisis Group points out, corruption in Macedonia, especially at high levels of government, is endemic. "State capture" has combined with administrative corruption to the extent that state institutions are viewed with cynicism by the general public. And yet these are the very institutions needed to strengthen a common civic identity and overcome ethnic divisions. Some view the current situation as being mired in bi-ethnic corruption whereby ethno-political deals are cut to ensure "peace" through dividing up spoils (state assets, privatization, smuggling and regional/municipal revenues) among the ethnic elites.²¹ In such a situation, there is little attraction for foreign investment, little domestic faith in the system and therefore few bright prospects for the future. As a result, people either leave, seek to profit from the situation as well as possible or look for quick fixes. And so the cycle continues.

Such societies will be mired in corruption, crime and conflict for as long as they are unable to break the control that narrow interests have over public goods and public confidence as well as their exploitation of so-called national interests. There may be peace, but it will be one that lacks accountability, transparency, democracy and sustainability. Unfortunately, in such cases one way to combat cynicism, divert attention from economic woes and salvage some legitimacy is to play the national card. Economic hardships are blamed on minorities or external forces. And so the risk of conflict is raised.

Recent experience demonstrates that it is difficult to rebuild societies by supporting democracy and pluralism when there are powerful groups that perceive these initiatives as a threat to their ethnically based cartels and power systems. While such elites may not want a return to conflict, they certainly do not want an erosion of their interests. Those who rock the boat – including the international community – are perceived and depicted as a threat. Even in situations where the international community has a virtual trusteeship – as in Bosnia and Herzegovina and Kosovo – breaking the grip of vested interests is proving difficult. The assassination of Serbian Prime Minister Zoran Djindjic shows how high the stakes can be.

20 ICG Balkans Report No. 115, cited above (Note 17), p. 4.

21 Cf. Macedonia's Public Secret: How Corruption Drags the Country Down, ICG Balkans Report No. 133, 14 August 2002.

The observation that one observer made of the SDS and HDZ in Bosnia is relevant to other post-conflict situations, namely that: “Until such time as each ethnic party’s *nomenklatura* is compelled to divest its control over the state-owned economy, these elites will continue to use their power to: [d]ivert revenues from state-owned companies into personal and party coffers; [d]e-grade the profitability of state-owned enterprises; [r]educe the working capital available to state-owned firms; and [e]mploy state-owned assets to cement ethnic cleansing.”²²

Instability in post-conflict situations may also persist due to a lack of confidence in law and order. If combatants (particularly rebels) benefited from contacts with criminal networks in order to be successful in conflict (to secure resources for war and patronage) they may find it hard to do without such contacts in the post-conflict environment. When such figures move from the battlefield to the political arena, they have a tendency to bring their networks with them. This can be bad news for the moderates who have little to offer, and it can threaten the legitimacy and viability of (often fragile) civic processes and institutions.

Those who do not go into politics may seek to exploit their old contacts in the new power vacuum. This may lead them into business, but they may soon discover that erstwhile colleagues are now rivals who are competing for the same pieces of a shrinking pie. Competition is healthy, but the violent elimination of competition or the use of corrupt and criminal means to profit will create instability.

In a tense post-conflict environment, the settling of scores or criminal business competition may sometimes be (mis)interpreted as the persistence of ethnic conflict, or it may indeed exacerbate ethnic conflict. This is particularly the case where policing and the judiciary are unprofessional or viewed as suspect. If the police are associated with the titular majority and try to carry out their duties in a minority area, they may become part of the problem rather than the solution. Furthermore, if the police act in a heavy-handed manner, they may (sometimes also intentionally) inflame sensitive situations. The case of the Macedonian special police unit known as the “Lions” is a recent example. If the justice system seems to serve the interests of a particular group, faith in the state will be undermined.

Explosive Semantics

When addressing this subject, either as an analyst or practitioner, one must be careful how conclusions are drawn – otherwise semantics can become like Semtex. Labelling can be explosive. Simple arithmetic can lead to simplistic conclusions. If members of a group (usually an ethnic minority) are regarded as pursuing criminal activities and/or advocating unreasonable demands, one

22 ICG Balkans Report No. 115, cited above (Note 17), p. 18.

can make the convenient calculation that minority = criminals = terrorists; their demands are therefore clearly illegitimate and we therefore clearly have to crack down on them. Experience shows that such linear logic can become self-fulfilling. Failing to accommodate reasonable and legitimate minority interests will usually create or deepen divisions within society and bring about the very schisms that all parties should seek to avoid.

Tarring all members of an ethnic, linguistic or religious group with the same brush will also usually backfire by generalizing the sense of grievance which may previously have been restricted to isolated extremists. While there may be merits in calling a spade a spade – particularly when it comes to isolating extremists – careless rhetoric can inflame situations.

Furthermore, as already noted, sometimes so-called ethnic conflicts have little to do with ethnicity. By failing to make this distinction, one will play into the hands of those who seek the ethnic mantle to mask their narrower interests. One should also be careful about making sweeping generalizations about criminal groups operating along ethnic lines. As noted, it is sometimes the case that criminal elements – regardless of ethnicity – can find a common language that cuts across ethnic or linguistic lines. The key in all cases is to look at specific, underlying issues. In this way, substantive political questions can be peeled away from narrower concerns. While criminal activity may continue, the chance of it leading to conflict will be reduced. This raises a broader question, namely how can one weaken the link between criminality and conflict?

Possible Considerations

The first consideration is that the perpetrators and profiteers in ethnic conflicts are usually a relatively small number of people who hold a disproportionately high level of power. Their number grows once a conflict has started and may be substantial in the post-conflict period, but it is by no means a sizeable majority of the population. This suggests that one must look further into the foundation by which the elite maintains power. If it is an ethnic ticket, what are the popular sentiments that they are able to tap into? Are there legitimate grievances and can they be overcome? Who is furthering these interests? Are legitimate grievances being hijacked by populists and ethnic entrepreneurs in order to promote another agenda? In that respect, the pre- and post-conflict stages are vital because the risk of inter-ethnic tensions can be reduced if the underlying issues can be resolved.

If the basis of power is ethnic but not popular, there is clearly a legitimacy deficit that needs to be exposed. Chances are that in such cases the elite's so-called "national" agenda does not enjoy the wider support which is one of the key factors necessary for the maintenance of a less than democratic form of government and business environment. Exposing the emptiness of

nationalist rhetoric (and with it the whole basis of power) would be akin to pointing to the emperor and remarking on the absence of his clothes.

For those who resort to criminal activity and violence to forward their aims, one needs to identify and expose illegal sources of income and eliminate the support networks. That should be done with the proviso made earlier, namely that this process should be sensitive to legitimate grievances and should not indiscriminately target whole groups. Otherwise no distinction can be made between legitimate and illegitimate activities and between extremists and other members of a group. This could make all issues potentially illegitimate and all members of a group guilty by association.

Consequently, one should go after the extremists and the big fish. Self-regulation may be difficult in cases when state officials are part of the problem or when whistle blowers feel intimidated. In such cases, the international community should play a greater role in insisting on transparency and accountability as a pre-condition for assistance and a prerequisite for stability. Particular emphasis should be placed on criminal justice. This is certainly easier said than done: There may be too many people who profit from the system, the lines between legitimate and illegitimate interests may be blurred, and there may be a lack of credible alternatives to the existing political incumbents. A crackdown may also entail high personal risks for key members of government. It may be more prudent to strengthen civil society (to improve self-regulation) and to invest in the next generation of leaders than to completely tear down the infrastructure of rotting states.

Smart sanctions may work. If one can identify the bad apples and their sources of income and/or the ways that they enjoy spending their ill-gotten gains, one can try to shrink their comfort zone and put them under pressure. The EU's travel ban on a select number of Transdniestria's elite, imposed in February 2003, is a recent example which seems to be having the desired effect.

Since the roots of many crises caught in the crime-conflict nexus have to do with socio-economic factors such as unemployment, lack of training, single resource dependency and disparity between ethnic groups or classes, one needs to focus on these types of issues to reduce the likelihood that economic hardship becomes fertile soil for extremism. People in desperate conditions are more prone to turn to desperate measures, usually have a higher sense of grievance, are more susceptible to those advocating simplistic solutions to their problems and may be more easily persuaded to seek morally questionable sources of income. If a leader emerges who is able to tap into one or more of these factors, he or she may be able to mobilize an effective force in support of whatever cause is being advocated. When socio-economic and cultural grievances are combined, the staying power of such a movement can be considerable. Deal effectively with the component parts, and the likelihood of this union – and the extremism it may engender – will be reduced.

In short, one should pay closer attention to the economic dimension of security.

This is particularly true for pre- and post-conflict situations. What is most urgent is to dry up the pool of young, disillusioned, unemployed people (usually men) who become the perpetrators of criminal activity and who are also most susceptible to extremist movements. It is vital to reintegrate those who have taken part in conflict (and are not guilty of crimes) into society to diminish the attraction of crime and conflict in the future. People need the chance to leave the world of disruptive criminal activities in favour of an alternative way of life.

For example, post-conflict rehabilitation could reduce the lure of the crime-conflict nexus by focusing on the development of small and medium-size businesses. Pouring vast amounts of money into governments that either do not have the capacity to absorb assistance or have an all-too-effective way of dispersing it to private interests will not help the situation. Promising to pour in millions and then not delivering can be equally damaging. Giving people gainful employment and a stake in society will make them more responsible citizens. The same applies to (re)education and training.

More generally speaking, it is important to explain to the wider population that while there may be some benefits from protecting the narrow interests of their community, there could be more to gain if the conflict were solved. This is obviously not in the interests of those who are profiting from the status quo (why share the pie?), but if there is a demonstrable peace dividend, then the tangible benefits to the broader population will be evident.

In short, one must address the symptoms and the causes both at a high-level and on the ground. This may seem ambitious and it may require a long-term approach, but the alternatives are significantly less attractive – unless you are among the small number of people who would profit from instability.

The bottom line is that we have to ask why frozen conflicts seem so hard to thaw. A key consideration is to approach the problem from a different angle, namely to realize that some of the main protagonists are not interested in an end to conflict. As one author has noted, in order to look for solutions to protracted conflicts “we may need to understand and acknowledge that for significant groups this violence represents not a problem but a solution”.²³ As a result, “understanding what can be gained by war may allow policy-makers to create incentives that make violence less attractive, and therefore less likely”.²⁴

23 David Keen, Incentives and Disincentives for Violence, in: Mats Berdal/David Malone (eds), *Greed and Grievance: Economic Agendas in Civil Wars*, Boulder 2000, p. 25.

24 David Keen, *The Economic Functions of Violence in Civil Wars*, Adelphi Paper 320, International Institute for Strategic Studies, London 1998, p. 72.

The OSCE has many elements in place to deal with the types of issues that have been discussed in this contribution, but it could do more to co-ordinate its efforts. A great deal of emphasis is currently placed on some of the symptoms and specific forms taken by corruption, for example trafficking in people, drugs and small arms. There are also some efforts at improving border monitoring and policing. Some missions, particularly in South-eastern Europe, are looking at the causes and effects of corruption.

But more could be done to tackle criminality and corruption and their relationship to conflict. If the OSCE fails to tackle this issue, the chances of carrying out other core activities such as democratization, conflict prevention and post-conflict rehabilitation could be hindered. As Javier Solana noted at a recent regional EU conference on conflict prevention: "Organized crime poses arguably the single greatest threat to society and long-term stability in our own region. Unless it is tackled decisively, our efforts to build peace in societies recovering from conflict will be continuously setback. And the democratic institutions which allow societies to resolve conflict in a peaceful manner will be continuously eroded."²⁵

As one of the OSCE's central tasks is to prevent and clean up after conflicts, and as crime and corruption are factors which can lead to instability, it seems necessary for the OSCE to devote more attention to the crime-conflict nexus.

The OSCE could take the lead on this issue because of its comprehensive understanding of security and its reputation for conflict prevention and post-conflict rehabilitation. It would not need to develop new capabilities, but could highlight the problem in terms of the existing political commitments of participating States and play a co-ordinating role in terms of bringing together inter-governmental economic and crime-fighting organizations (such as UNDP, UNDOC and Europol), regional organizations (particularly the SECI Regional Centre for Combating Trans-Border Crime), and leading NGOs (e.g. Transparency International) to discuss what action can be taken – both generally and in specific countries and regions. These lessons could be applied in the OSCE's field activities, policing work and economic-dimension activities.

This could energize and increase the relevance of the economic dimension of the OSCE's work. It is worth recalling that in the Charter for European Security (agreed at Istanbul in November 1999), OSCE Heads of State or Government decreed that "[e]conomic liberty, social justice and environmental responsibility are indispensable for prosperity" and therefore that they "will ensure that the economic dimension receives the appropriate attention, in particular as an element of our early warning and conflict prevention ac-

25 Comments by Javier Solana during the Regional EU Conference on Conflict Prevention, Helsingborg, Sweden, 29-30 August 2002.

tivities".²⁶ In the Charter, a special paragraph was devoted to "Rule of Law and Fight Against Corruption". In it, Heads of State or Government reaffirmed their commitment to the rule of law, recognized that corruption poses a threat to the OSCE's shared values and is a source of potential instability. Participating States pledged "to strengthen their efforts to combat corruption and the conditions that foster it, and to promote a positive framework for good government practices and public integrity".²⁷ Furthermore, the Vienna Ministerial Council document contained a "Report on the OSCE Contributions to International Efforts to Combat Corruption". But while the commitment is there, more attention needs to be paid in the operational sphere to the political economy of conflict.

An economic security adviser could act as a clearing house and liaison officer for anti-corruption activities and provide support to missions on the security aspects of economic activities. The OSCE's limited capabilities in strategic policing matters could be strengthened, and – if handled delicately – some aspects could dovetail into anti-terrorism activities. Although it may be uncomfortable for some participating States, the crime-conflict nexus could be discussed in the context of the Economic Forum and/or specialized follow-up meetings (on the model of past seminars on "Transparency and Good Governance"). States could also consider a code of conduct. Work on small arms, decommissioning, trafficking and border monitoring could all be (re)considered in this context.

To some extent, the blueprint is already there in the form of the OSCE's existing activities designed to combat terrorism. The Bucharest Plan of Action for Combating Terrorism and the Programme of Action from the Bishkek International Conference on Enhancing Security and Stability in Central Asia contain a number of concrete proposals that could be applied to breaking the crime-conflict nexus. However, as noted in the section on semantics, one must be careful not to draw too close an association between terrorism and ethnic conflict, given the potential abuse of the term by those who seek to brand minorities as terrorists. Furthermore, one must be careful of taking a heavy-handed approach in the case of issues that have a lot to do with security but nothing to do with terrorism.

From a procedural point of view, the OSCE's co-operative approach to security can be applied to tackling problems of corruption and organized crime and its relationship to conflict. The process and results may be painful for some governments, but no more so than with other core OSCE issues like human rights and arms control. Furthermore, the same logic applies to corruption as to other aspects of security dealt with by the OSCE, namely that there is a common interest in addressing the issue.

26 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 (eds), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, here: p. 434.

27 *Ibid.*, p. 435.

In conclusion, the link between crime, corruption and conflict is both topical and problematic. It is also one that requires research, resources and political will. The OSCE, because of its flexibility, comprehensive view of security and innovative tradition would be well placed to play an important role in this field.

III.

Organizational Aspects

OSCE Institutions and Structures

Press Freedom in the OSCE Area and the Activities of the OSCE Media Representative¹

The rights to freedom of expression and to freedom of the press are recognized worldwide and have been set down in numerous official documents, including Article 19 of the United Nations Universal Declaration of Human Rights, Article 10 of the European Convention on Human Rights and various passages in the concluding documents of CSCE and OSCE meetings. Nevertheless, these principles, which are indispensable for democratic societies, are under threat in dozens of countries worldwide. In the OSCE area press freedom is also facing pressure from various quarters and cannot always be guaranteed. In 1997, in order to monitor media freedom and, where necessary, to intervene, Decision No. 193 of the OSCE Permanent Council established the position of OSCE Representative on Freedom of the Media. Since its inception in January 1998, the post has been held by Freimut Duve of Germany, who will remain in office until his second term ends in December 2003. The powers granted the Media Representative in his mandate show, on the one hand, the strongly practical character of his office, and on the other, the high value the OSCE places on the commitments the participating States have undertaken, and on press freedom as a fundamental human right. This is another example of the importance the OSCE lays on what is known as the *human dimension* – that aspect of the Organization's work that developed out of the Helsinki process, and which is not without relevance for security policy. One sees this, for instance, in the causal relationship between media censorship and corruption: Several studies have demonstrated that the level of corruption in a state is directly dependent on the amount of press and media freedom. Corruption is also a major barrier to economic development, especially – but not only – for the new democracies of the transition states. Besides its importance as an inalienable human right, therefore, there are also economic and security arguments in favour of press freedom.

Media Freedom in the OSCE Region

A variety of forms of censorship and repression targeting the media can be found in the OSCE region. Besides official censorship by state bureaucracies, there are also many cases of outright criminal methods being used, such as threats towards journalists or even their murder. The development of tight networks of business and political interests in the media sector also hinder the

1 This article covers developments up to August 2003.

growth of an independent press. Consequently, the work of the OSCE Media Representative can only be seen in terms of a broad definition of censorship. Merely analysing the corpus of national law and constitutionally guaranteed rights ignores the way such rights are (or are not) applied in practice, i.e. the actual day-to-day situation of journalists and, by extension, of the press and the media as a whole.

It is, however, difficult to describe the situation in various countries empirically in a way that goes beyond simply listing the details of individual cases. Even if – mostly in the USA – attempts have been made since the 1960s to measure objectively the degree of press freedom in different countries, the large number of factors involved and the complexity of the various media landscapes mean that there remains no generally accepted, comprehensive framework to this day. To measure press freedom, it is necessary to include latent variables that are not directly observable but can only be inferred on the basis of manifest variables, such as the number of journalists imprisoned or killed, the number of people employed in censorship offices or the number of media companies closed down by the authorities. A framework capable of underpinning such empirical research has yet to be developed.

The efforts of the OSCE Media Representative are therefore also focused largely on recognizing recurrent mechanisms and structures and providing them with universally valid descriptions. It is, however, hard to categorize the forms of censorship that arise in practice when they so often go beyond state censorship, frequently incorporating both highly subtle tactics and blatantly criminal acts. In a study produced for the OSCE Media Representative based on the guidelines of the Committee to Protect Journalists (CPJ), the International Press Institute (IPI) defines eight categories of the infringement of press freedom: assaulted, censored, harassed, imprisoned, killed, suppression by law, threatened, and missing.² In 1999 and 2000, there were a total of 754 cases of all categories in the OSCE – rising sharply from 1999 to 2000. Assaults and harassment accounted for the majority of infringements. Official censorship made up merely around one seventh of the total. What this reveals is that the bulk of infringements were not legally sanctioned. In fact, it appears that illegal practices are the order of the day when it comes to intimidating or otherwise silencing journalists in order to prevent critical reporting.

The number of infringements breaks down by participating State as follows for the years 1999-2000:

2 The only case in the category “missing” is the Ukrainian journalist Georgiy Gongadze, whose body remained unidentified for a long time (see below).

Table 1: Infringements of Media Freedom in OSCE Participating States 1999-2000³

<i>State</i>	<i>Infringements</i>	<i>State</i>	<i>Infringements</i>
Albania	9	Kazakhstan	18
Armenia	10	Kyrgyzstan	14
Austria	16	Latvia	1
Azerbaijan	46	Lithuania	2
Belarus	71	Luxembourg	1
Bosnia and Her- zegovina	52	Macedonia	2
Bulgaria	4	Moldova	7
Canada	33	Netherlands	8
Croatia	7	Poland	2
Cyprus (Turkey)	7	Romania	7
Czech Republic	3	Russia	110
Estonia	3	Slovakia	3
Finland	1	Spain	8
France	7	Sweden	2
Georgia	7	Tajikistan	5
Germany	6	Turkey	190
Greece	17	Turkmenistan	2
Hungary	16	Ukraine	20
Ireland	1	United Kingdom	7
Italy	4	USA	8
		Uzbekistan	17

Source: OSCE, Representative on Freedom of the Media, Freedom and Responsibility. Yearbook 2000/2001, Vienna 2002, pp. 183-188.

The absolute figures in this table must of course be filtered in terms of the relative populations and the total volume of journalistic activity in each country. Despite the simplification necessarily involved in using the raw data, however, certain trends can be observed.

³ The Federal Republic of Yugoslavia was suspended from participation in the OSCE from 7 July 1992 until 10 November 2000, and is therefore excluded from this list.

“Geographically Blind”

At the 2000 Vienna Ministerial Council, the complaint was voiced, most strongly by Russia, that the Media Representative was arbitrarily focusing on the countries of the former Soviet Union and the Balkans. In this context, as in many others, the accusers tend to speak of a two-level OSCE: “West of” and “East of Vienna”. If this reproach regarding the work of the Media Representative were justified, it would damage his credibility and non-partisan status in terms of more than just the OSCE’s principles. Duve himself has commented on the accusations as follows: “We continue monitoring and defending freedom of the media in the whole OSCE region, as we all like to say: from Vancouver to Vladivostok. My Office does not have any geographic priorities, any ‘favourite’ countries. We are ‘geographically blind’. The OSCE participating States have all signed up to the OSCE commitments and should be accountable for adhering to them. There is no pick-and-choose, and I will make sure that any violations of the commitment to freedom of the media will be attended to in line with my mandate.”⁴

The question that remains, and which the rest of this contribution will attempt to answer, is whether the complaints are justified, or whether the Media Representative really is “geographically blind”. It is important to note in advance that, by objective criteria, the situation regarding media freedom in the allegedly “targeted” states is particularly problematic. A higher than average rate of intervention on the part of the Media Representative would, therefore, in itself not be surprising. Exclusively focusing on these states, on the other hand, while turning a blind eye to significant developments in the West, would contravene the neutrality of the office.

The following table does not of course do justice to the breadth and depth of the Media Representative’s activities. Nevertheless, it makes clear that these activities are carried out throughout the entire OSCE region. This, together with the fact that other organizations also note the extremely problematic situation in Eastern and South-eastern Europe and Central Asia regarding freedom of the media, suggests that the complainant countries’ protests are rhetorical tactics aimed at nipping criticism in the bud and thereby avoiding the need to address substantive issues. Precisely such a substantive engagement with the facts, however, is required to make a lasting difference to the situation regarding media freedom. This applies as much to Western countries as to other parts of the OSCE region.

4 OSCE Representative on Freedom of the Media, Statement at the Permanent Council, 15 November 2001, at: http://www.osce.org/fom/documents/reports/1998_2002/rep_pc15nov2001.pdf.

Table 2: Critical mentions of participating States in the reports and statements of the Media Representative at the Permanent Council, March 1999 to June 2002

<i>Country</i>	<i>Critical mentions</i>
Azerbaijan	7
Belarus	14
Belgium	1
Croatia	3
Czech Republic	2
Estonia	1
Federal Republic of Yugoslavia	7
Georgia	4
Italy	3
Kazakhstan	3
Kyrgyzstan	5
Macedonia	1
Moldova	1
Russia	17
Spain	1
Tajikistan	3
Turkey	3
Turkmenistan	2
Ukraine	14
United Kingdom	2
USA	1
Uzbekistan	3

Methods of Censorship

All eight categories of censorship given above can be assigned to one of two broad families: The first could be referred to as official state repression measures, ranging from explicit censorship laws and the misuse of state power, to the unjustified arrest and detention of journalists or the closure of media companies. The second type of repression does not even make the pretence of having a basis in law, consisting of blatantly criminal acts such as threats, assaults and even murder. While censorship of the first kind may only be carried out by the three branches of government, the second kind of method may be deployed by groups as varied as government agencies, private companies, pressure or interest groups or criminal organizations.

Moreover, as already mentioned, political and (especially) economic links can be the cause of structural restrictions on press freedom. In this con-

text, Freimut Duve repeatedly addressed the challenge to the European constitutional tradition posed by ownership patterns in the Italian media sector.

Structural Censorship

Structural censorship is the indirect restriction of the free development of the media by state authorities. It has frequently come to replace the kind of direct control of the media carried out by a state censor's office.

At all levels – local, regional and national – the state controls a wide range of instruments that can be used to influence journalists. These include control of printing houses, sales and distribution networks, rents, fire protection regulations and the ability to pressure companies with links to the state to advertise only in publications or channels that the government views as “friendly” or to cancel advertising contracts in response to criticism of the government.⁵

The list of such means could continue indefinitely. While it is clear that they are all used to perform censorship, in practice it can be difficult to substantiate this fact. Moreover, they frequently appear as legitimate official acts, as for example when the state withholds a licence or approval to publish or broadcast.

In Central Asia, in particular, published materials from abroad are routinely turned back or confiscated at the border. Domestic production is, however, also problematic. In Kazakhstan, for example, a number of newspapers including *Vremya Po*, and *Respublika*, have had problems finding a printer. In Kyrgyzstan, the *Uchkun* printing works refused to print the newspaper *Moya Stolitsa-Novosti* in January 2002.

Another – and increasingly important – structural issue is the concentration of media ownership in fewer hands and the creation of large international networks or conglomerates. Here one can speak of “corporate censorship” and the need to uphold the autonomy of journalists with regard to their immediate superiors, publishers and so on. This issue has repeatedly been raised by the OSCE Media Representative.

Censorship through Warning

Coined by Freimut Duve, the expression “censorship through warning” describes the strategy of state authorities issuing official warnings and – after multiple reproaches – finally closing down media companies that do not report the news in a state- or government-friendly way. The strategy also encourages journalists who receive such warnings to practise self-censorship. Previous warnings may provide the legal pretext for the closure of media

5 Cf. Freimut Duve, Medienfreiheit organisieren. Ein Amt für Pressefreiheit in der OSZE [Organizing Media Freedom. An Office for Press Freedom in the OSCE], in: Internationale Politik 5/2001, pp. 37-42, here: p. 39.

companies that fall out of official favour, lending such acts the appearance of legitimate official measures. In fact, they are nothing more than thinly disguised attempts at intimidation. Speaking to the Permanent Council, Duve called for an end to this practice: “Currently this strategy can clearly be seen in Belarus. The last months have seen a serious increase in warnings to independent newspapers that are now under threat of closure. This type of warning legislation cannot be accepted as it distinctly hampers the freedom of information and leads to self-censorship. This practice must be changed.”⁶

In Kyrgyzstan, for example, 13 charges were brought against the newspaper *Moya Stolitsa* and its senior editors during 2002, including accusations that the paper “presented a distorted picture of the internal political situation” and had an “anti-Kyrgyz orientation”. In Uzbekistan, the independent TV station ALC-TV has been closed down by local authorities several times since 1999. It finally had its licence revoked and is currently still waiting for renewal.

Censorship by Killing

Censorship by killing, the murder of journalists, is the most unscrupulous and yet “effective” method of silencing dissident voices. In Duve’s view, such murders always have a double aim: “[...] to silence the victim, and, above all, to stop his or her research. In addition, such a murder serves to scare other journalists, functioning as a deadly signal to keep away from a given topic.”⁷

The Committee to Protect Journalists (CPJ) lists 19 journalists as having been killed worldwide during 2002 alone. The NGO Reporters Without Borders (RWB) speaks of 31 dead over the same period. Many of them lost their lives in the world’s war and crisis zones, while others were the victims of deliberate attacks. According to the Media Representative, around a dozen cases of censorship by killing come to light each year in the OSCE region.⁸ One of the widely publicized cases of recent years was the murder of Georgiy Gongadze, which is considered in detail below. Another notable case is the ETA assassination of the Spanish journalist José Luis López de Lacalle in May 2000. For their bravery and dedication to the principles of press freedom and non-violence, these two journalists were posthumously awarded the Prize for Journalism and Democracy 2001 (see below).

Criminal Libel

Criminal libel is the technical name for the legal offence of publishing slanderous or defamatory statements about someone. Journalists in many OSCE

6 OSCE Representative on Freedom of the Media, Report to the Permanent Council, 13 July 2000, at: http://www.osce.org/fom/documents/reports/1998_2002/rep_pc13jul2000.pdf.

7 Duve, cited above (Note 5), p. 40 (author’s translation).

8 Cf. OSCE Representative on Freedom of the Media, Censorship by killing must end, press release, 14 February 2002.

States have been accused of and charged with libel – mostly by politicians and government officials. The way accusations of libel are dealt with and the degree of tolerance shown towards allegedly defamatory claims made in the media differ strongly from country to country. The most frequently voiced arguments are, on the one hand, that individuals who occupy certain highly visible offices should be more tolerant of how they are represented in the media (in particular because the criticism they receive is frequently not aimed at their person but at their official function and is essential for the media's function as a check on state power) and, on the other – as politicians often counter-argue – that criticisms directed against them infringe their individual rights.

Misuse of libel law by the state can force media companies into self-censorship simply by threatening them with large fines. In the case of a successful prosecution, it may even drive them into bankruptcy. The Media Representative does not exclude *a priori* the possibility of press reporting infringing someone's personal rights, but is strongly committed to opposing the abuse of libel legislation as a means of censorship. In his view, journalists should never face prison sentences for libel offences. In terms of civil law, too, the threat of excessive fines can lead journalists to practise precautionary self-censorship or, in the case of a successful prosecution, may lead to the financial ruin of a media enterprise.

In Kazakhstan, for example, the journalist Sergei Duvanov was charged with libel in June 2002 after writing an article on corruption near to President Nursultan Nazarbaev. The charges never resulted in a conviction but illustrate very well how libel laws can be used to silence a critical press.

Hate Speech

Lastly, I would like to turn to the concept of hate speech. This differs from the other categories considered above as it does not involve censorship or action taken *against* the media, but rather the promotion of intolerance and ethnic or racial prejudices *through* the media – factors that Duve sees as contributory causes in violent conflicts: “Organized ethnic hatred and so-called ethnic conflicts – the reporting of which is frequently made to serve political ends – have been and continue to be the sources of violent military confrontations.”⁹

A problem here is caused by the fact that an intervention in cases of hate speech always implies criticism of editorial content by the OSCE Media Representative. In contrast to infringements of OSCE principles by governments, accusations of hate speech are – except where the media outlet is a wholly state-owned concern – generally levelled at private media enterprises. In this regard, Duve argues that there is “no liberty without civility, no civil-

9 Duve, cited above (Note 5), p. 41 (author's translation).

ity without liberty”.¹⁰ In 1997, at the time the mandate of the OSCE Representative on Freedom of the Media was established and against the background of the situation in the Balkans, there was general agreement to include this area in the Media Representative’s remit. However, the long-term combating of hate speech in the media is better carried out using preventive measures rather than intervening in individual cases. These preventive measures have been bundled together by the Media Representative to create the “Defence of the Future” initiative. It focuses above all on providing young people of diverse ethnic backgrounds with a forum for meeting and discussion (see below) and on the training of journalists, for example in Central Asia.

Activities of the Media Representative

One of the key tasks of the five-strong staff of the Media Representative’s small office is to continuously monitor the media landscape in the OSCE area. A significant proportion of their work is dedicated to investigating individual attacks on journalists or media organizations. This is often considered the most successful of the Media Representative’s areas of activity, and is certainly the one that garners the most publicity, as it is frequently possible to identify concrete results. Nevertheless, his work in this area also illustrates the limits of the Media Representative’s mandate as the case of Georgiy Gongadze illustrates.

The Case of Georgiy Gongadze

Georgiy Gongadze, the Ukrainian journalist and publisher of the online newspaper *Ukrainska Pravda*, disappeared in Kiev on 16 September 2000. On 2 November the same year, his headless corpse was found in Tarasha, near Kiev, although it took a considerable time to identify it conclusively. Only after the suspension in February 2001 of the state prosecutor responsible for the case and the acceptance of help offered by the FBI did the authorities acknowledge, on 26 February 2001, that the body might be Gongadze’s. This followed the November 2000 publication of the so-called Kuchma Tapes. These suggested that the Ukrainian President Leonid Kuchma was involved in orchestrating Gongadze’s murder and led to a public outcry and mass demonstrations. However, even after the release of these tapes, the investigation continued to move forward at a snail’s pace. In particular, the identity of the body continued to be called into question and contradictory forensic-examination results were published, leading to massive protests by national and international NGOs and IGOs. RWB demanded the establishment of an international investigating commission; the OSCE Media Repre-

10 Ibid. (author’s translation).

sentative called for a comprehensive investigation of all the events in the case, while the Council of Europe threatened to suspend Ukraine. Although the media carried detailed reports of the case, the Ukrainian government responded with repressive measures, such as withholding broadcasting licences. A doctor who had worked on the identification of the body sought asylum in the United Kingdom after receiving repeated death threats.

The OSCE Media Representative has raised the case of Gongadze several times in Permanent Council meetings.¹¹ In January 2001, a senior advisor within his office travelled to Kiev and questioned civil servants, Members of Parliament and lawyers in an attempt to gather accurate information at first hand.¹² The Media Representative presented the following recommendations to the Permanent Council on 8 February 2001: "The Government of Ukraine should undertake a new effort to investigate the Gongadze case especially related to the identification of the body and to the circumstances around his disappearance [...] All acts of harassment of media, including through the use of the tax police, should cease immediately. Radio Continent should receive its new licence [...] Recommendations issued in a report on the current media situation in Ukraine prepared on 10 March 2000 by the OSCE Representative should be implemented."¹³

But while this intervention ensured that the Gongadze case was placed on the Permanent Council's agenda, and that the governments of the OSCE's 55 participant States were kept informed of events by their ambassadors, the Media Representative does not have the means to make sure his recommendations are put into practice. Nevertheless, one may assume that international pressure is responsible for ensuring that an investigation into the disappearance and murder of Gongadze was carried out at all: On 3 September 2002, the Ukrainian Prosecutor General finally confirmed that the dead body was indeed Gongadze's. At the same time, the state prosecutor of the Tarasha region and another government official were arrested on charges of negligence in the investigation of Gongadze's death.

The Case of Olga Kitova

An example of state abuse of power and the arbitrary exercise of official authority is the case of Olga Kitova from the Russian province of Belgorod.¹⁴

11 Cf. OSCE Representative on Freedom of the Media, Report to the Permanent Council, 16 November 2000, at: http://www.osce.org/fom/documents/reports/1998_2002/rep_pc16_nov2000.pdf.

12 Cf. OSCE Representative on Freedom of the Media, Statement at the Permanent Council, 8 February 2001, at: http://www.osce.org/documents/rfm/2001/02/222_en.pdf.

13 Ibid.

14 On 3 July 2002, the German TV channel WDR ran a documentary on the case of Kitova entitled "Russische Treibjagd – Das Ende einer Reporterin" ["Russian Witchhunt. The End of a Reporter"]. A wide variety of background material on the case, including German translations of articles by Kitova herself, interviews, and a webcast of the programme, is available at: http://www.wdr.de/themen/politik/1/russische_treibjagd.

Kitova is a journalist with the *Belgorodskaya Pravda* and has written many articles dealing with the activities of the local government. Her criticisms have, however, not gone unanswered. The 48-year-old journalist was threatened, physically and mentally mistreated by the police and the public prosecutor's office and then placed under arrest despite the fact that, as a member of the city council, she should have enjoyed political immunity. Even a trial involving third parties – six young men from Belgorod, whose conviction was probably unsound – was manipulated in an attempt to destroy Kitova's credibility. In November 2001, court proceedings were brought against Kitova, in which it was alleged that she injured police officers during her arrest. In addition, her critical articles are being treated as libellous. She received a two-and-a-half-year suspended sentence, a fine, and lost her right to stand as a candidate in elections. The Office of the OSCE Media Representative attended her trial, using the opportunity to display public support. This tactic appears to have worked: "Olga's editor-in-chief has now started to protect her: Since the Russian Union of Journalists, the OSCE and Amnesty International have taken Olga's side, even the usually so timid editor-in-chief has found his courage."¹⁵ In an appeal in Moscow in July 2002, three of the five charges against Kitova were dropped. Nevertheless, there remained a suspended sentence of 20 months. While there is now no hope of a pardon, the combined work of various regional and international organizations ensure that information on Olga Kitova's case reaches the general public and that those responsible for her treatment are placed under pressure.

Effective Interventions

Despite the limitations mentioned above, it is clear that the OSCE Media Representative can be effective, above all – but not exclusively – by intervening in individual cases. His limited room for manoeuvre is a result of the history and structure of the OSCE as a co-operative security organization based on the principle of consensus. However, precisely this emphasis on consensus creates an opportunity to promote the importance of press freedom. The Media Representative's reports and interventions mean that participating States' permanent delegations to the OSCE are regularly required to take a position on these matters in the Permanent Council. And even if the effects of his work are not always immediately visible, he helps ensure that press freedom remains on the agenda of the OSCE and therefore on that of political circles in general. The political pressure that can be exercised on participating States in this way should not be underestimated.

The OSCE Prize for Journalism and Democracy, which was established on the initiative of Freimut Duve and is awarded annually by the OSCE Parliamentary Assembly helps to bring to public attention both blatant infringe-

15 Ibid., at: http://www.wdr.de/themen/politik/1/russische_treibjagd/story4.jhtml (author's translation).

ments of press freedom and bravery in defending the independence of the media. In 2003, the prize was awarded to the Russian journalist Anna Politkovskaya, who has made a name for herself largely with her reports from Chechnya. In the course of her work, she has also been detained by Russian soldiers, allegedly mishandled, and has received several death-threats.

Germany's *Frankfurter Rundschau* newspaper reports on another effective intervention by the Media Representative: "'It is better to have a single friend than a hundred roubles', says an old Russian proverb. That is especially true if you have as many enemies as Dodojon Atovulloev. When Russian police arrested the Tajik journalist a year ago during a stopover at Moscow airport, in order to deport him to Tajikistan, where he faced the death penalty, his friends alerted the world's media. The then head of the Moscow bureau of Germany's ARD public-service television channel contacted the OSCE Media Representative, Freimut Duve, who in turn called German Foreign Minister Joschka Fischer. French President Jacques Chirac also placed pressure on the Russian authorities until Atovulloev was released after seven days."¹⁶

Defending the Future

Besides observation, early warning, and intervention, the mandate of the OSCE Media Representative also expressly empowers him to support participating States in encouraging the development of a free, independent and pluralistic media landscape. In this regard— alongside the already mentioned "Defence of the Future" initiative – conferences, workshops, publications and advice on legislation, the "Mobile Culture Container" project, which is due to end in 2003 after three years, is worthy of note.

Mobile Culture Container (MCC)

This ambitious project is currently being carried out by the OSCE Media Representative in collaboration with the Vienna-based In Defence of our Future Foundation. The project is funded in part by the Stability Pact for South Eastern Europe, and by the Allianz Cultural Foundation. Since June 2001, the MCC, a travelling media village housed in container units and focusing on youth-oriented projects, visited ten towns in Bosnia and Herzegovina, Croa-

16 Thomas Schmid, Offene Rechnungen. Der investigative Journalist Dododjon Atowullojew traut sich nicht nach Tadschikistan zurück [Unfinished Business: The Investigative Journalist Dodojon Atovulloev Does Not Dare Return to Tajikistan], in: *Frankfurter Rundschau* 16 July 2002. See also RFOM Freimut Duve: Russia allows a Tajik journalist to go back to his family, 12 June 2001, at: http://www.osce.org/news/generate_pf.php3?News_id=1874. Cf. also the City of Hamburg press release: Tadschikischer Journalist kommt nach Hamburg zurück [Tajik Journalist Returns to Hamburg], at: <http://www.hamburg.de/Behoerden/Pressestelle/Meldungen/tagesmeldungen/2001/juli/w28/mi/pr11b.htm>.

tia, Serbia, Kosovo and Macedonia, spending around a month in each. The MCC provides young people from different ethnic backgrounds with a forum for communication and discussion. The centre's extensive facilities allow them to carry out a range of activities and to produce various media articles. Activities carried out under the framework of the MCC include the production of school magazines, Internet cafes, computer and film courses, libraries, discussion events, and music and theatre projects. During 2003, the last year of the project, the lasting impact of the MCC has become particularly clear: For example, the editorial teams of ten youth magazines have been given access to a professional correspondents' network; radio production groups have been established in Mostar, Banja Luka and Skopje; and a radio station has been set up in Mitrovica and has produced over 80 hours of programming in Serbian and Albanian. All these projects have continued to be managed independently by local young people following the departure of the MCC.

Challenges for the Future

Contemporary developments, such as the transformation of transition countries' state broadcasting monopolies into public-service radio and television corporations, the intensification of financial and economic links between companies in the media sector and the development of media oligopolies and the growing entanglement of governments and media companies in criminal activities mean that the Media Representative's remit is likely to expand in the future.

Alongside conventional media, the Internet is increasingly also becoming an object of the Media Representative's concern. The first steps towards identifying the opportunities and dangers new technologies like the Internet present for media freedom were taken at a workshop in Vienna in November 2002. This preparatory meeting was followed up by a two-day-long conference held in Amsterdam in June 2003. The focus of these events was on the Internet as a new and unprecedented infrastructure for the free exchange of information and opinions. Although it may be necessary to develop a new legal framework, this should never lead to the curtailment of media freedom, and the infrastructure as such should never become subject to regulation. Neither censorship of the conventional kind nor innovative methods of control made possible by new technologies must be allowed to threaten the freedom of the Internet.¹⁷

The situation regarding press freedom continues to be extremely problematic in large parts of the OSCE area: "To sum up: structural censorship, criminal libel, national security over freedom, big business and government pressure on the media – all these issues are still not resolved in several OSCE

17 See also: Christiane Hardy/Christian Möller (eds), *Spreading the Word on the Internet. 16 Answers to 4 Questions*, Vienna 2003.

participating States.”¹⁸ Despite the limited means at his disposal within the consensus-oriented OSCE, we should not underestimate the achievements of the Media Representative in both individual cases and as watchdog over general developments in all participating States. In particular, the Media Representative’s ability to set the agenda and to encourage public discussion contributes greatly to keeping people aware of the importance of a free press for democratic societies. The appointment of a new Media Representative in 2004 represents an important decision on the future of media freedom throughout the whole OSCE area.

18 OSCE Representative on Freedom of the Media, Written Statement at the Permanent Council, 24 January 2002, at: http://www.osce.org/fom/documents/reports/1998_2002/rep_pc14mar2002.pdf.

A New Think-Tank for the OSCE and Central Asia

Establishing the OSCE Academy in Bishkek

A Brief History

In early 2002, the Kyrgyz government approached the OSCE Chairmanship with a proposal to establish an educational institution devoted to the promotion of OSCE principles in the Central Asian region. The idea received a positive response on the part of the Chairmanship and a number of participating States. Soon thereafter, the Portuguese Chairman-in-Office tasked his Special Advisor on Central Asia, Ambassador Herbert Salber, with sounding out the attitudes of the various interested parties and considering whether conditions were suitable for the establishment of such an institution.

As a result and within a comparatively short period of time, the decision was made to support the initiative and establish an “OSCE Academy” in Kyrgyzstan. On 1 November 2002, a Memorandum of Understanding was signed between the Ministry of Education and Culture of the Kyrgyz Republic and the OSCE Centre in Bishkek. It established the framework and defined tasks for an initial phase of about six months. On 17 December 2002, the Academy’s official opening was celebrated in Bishkek, the capital of the Kyrgyz Republic. The Academy – a think-tank for and on the OSCE – now existed not only on paper but, thanks to initial financing from the OSCE as well as the appointment of a co-ordinator and her staff, also in fact. The Academy was designed to focus on and co-operate with the OSCE, while the quotation marks in its name were meant to specifically indicate that it was legally separate from the OSCE itself. The name was later changed to the *OSCE Academy in Bishkek* in line with the OSCE’s policy of maintaining geographic neutrality by not including national designations in titles.

The impetus for the creation of the Academy existed even before the most basic institutional outline had been agreed. Above all, the Academy’s establishment has been a politically motivated project. From the very beginning, it was a national initiative embedded in international campaigning, consultancy and financial assistance. At the national level, the Academy received the personal attention of the President of the Kyrgyz Republic, Askar Akaev. It was also supported by the country’s Minister of Foreign Affairs, Askar Aitmatov, and the Minister of Education and Culture, Professor Ishengul Boljurova. On the international stage, the governments and academic institutions of Austria, Germany, the Netherlands and Switzerland, in particular, promoted the establishment of the Academy. The governments of Germany and Switzerland also donated funds. The OSCE Centre in Bishkek provided

assistance with protocol and managerial issues and oversaw the Academy's finances.

Anara Nasyrova of Kyrgyzstan was appointed Academy Co-ordinator at the start of the inaugural phase. She has experience working for national and international non-governmental organizations, including a spell at UN headquarters, and has also worked in the Kyrgyz public sector. As the wife of the current Kyrgyz foreign minister, Ms Nasyrova maintains excellent personal ties to the Kyrgyz political leadership – something of crucial importance in Central Asia. Professor Alubek Akunov, a senior Kyrgyz historian who represents traditional Kyrgyz academic thinking, was appointed Academic Advisor to the Co-ordinator.

In the first half of 2003, the key elements of the Academy's future structure and activities were defined. During a visit to Europe, the Co-ordinator consulted with the Academy's main partner institutions: OSCE Headquarters in Vienna, the Austrian Study Center for Peace and Conflict Resolution in Stadtschlaining, the Centre for OSCE Research (CORE) in Hamburg, the Geneva Centre for Security Policy and the Netherlands Institute for International Relations "Clingendael" in The Hague. During a further trip, she examined options for co-operation with partners in the neighbouring Central Asian capitals.

Prior to these activities, Dr Anna Kreikemeyer from CORE Hamburg had drafted an initial blueprint of the Academy that in significant measure served to determine the institution's future format and direction. In particular, this helped to limit the initial suggestion of establishing an OSCE University to the more manageable task of founding an academy.

Kyrgyz and Central Asian experts, representatives of the four European partner institutions and of the UN Peace University met in Bishkek to further develop the founding documents and a curriculum for the planned masters programme. The European partners assisted, to varying degrees, in lobbying the delegations of OSCE participating States in Vienna on behalf of the Academy. They contributed to the Academy's first seminars, which were conducted in Bishkek. CORE Hamburg, in particular, provided individual consulting and training to the Academy's management in Bishkek and Vienna and via Internet. A high level of personal attentiveness on the part of the Kyrgyz President was assured thanks to the excellent personal connections of Ambassador Gérard Stoudmann, Director of the Geneva Centre for Security Policy. A team from CORE Hamburg, consisting of CORE's acting head Dr Wolfgang Zellner, Dr Andrea Berg and myself, took a leading role in joint drafting activities. The Study Center in Stadtschlaining organized a summer school in Kyrgyzstan. The Austrian government seconded a junior expert to Bishkek. The Kyrgyz government provided premises at the Kyrgyz Diplomatic Academy, and a first series of lectures was arranged with participants from Kyrgyzstan and other countries.

At the same time, the delegations of the aforementioned four participating States carried out necessary diplomatic conversations in Vienna. These and further collective efforts brought the first phase of establishing the Academy as an institution to a successful close, as was reported by the Co-ordinator at an informal briefing on 6 May 2003 at the Vienna Hofburg. At the time of writing, the Academy was due to commence full operation by 1 September 2004. A first pilot semester for 25 students from Central Asia and Europe is scheduled to start on 1 February 2004.

The Political Motivations behind the Academy

The political motivations for the establishment of the Academy are manifold: *Motivations on the part of the Kyrgyz Republic.* To the government of land-locked Kyrgyzstan with its limited natural resources, the arrangement of new foreign contacts is necessarily of the utmost interest. In this attitude, the Kyrgyz government is somewhat different from those of some of Kyrgyzstan's neighbouring countries. For a nation such as the Kyrgyz, which, despite roots that stretch back over millennia, has yet only recently gained statehood, involvement in high-profile international academic activities may also be seen as a useful means of raising the country's profile on the world stage. In practical terms, the establishment of the Academy represents another channel for maintaining links to one of the leading European security organizations. It promises to attract manpower and funds and may serve to create personal links between the new generation of Kyrgyz academics, politicians and civil servants and the outside world.

The motivations of neighbouring states. To the governments and relevant academic institutions of neighbouring Central Asian states, the Academy should offer a further means of regional academic co-operation on security issues. It should come as no surprise, however, that governments seem to prefer to develop their own national institutions. Nevertheless, the very fact that the leading OSCE participating States insist on increased regional co-operation in Central Asia does encourage them to participate in the Academy's activities. In the meantime, it appears that the majority of states in the region support the institution – even if they are not always consistent in this. The Academy provides non-governmental organizations in the region with an attractive international platform.

OSCE participating States' motivations. To the governments of a number of OSCE participating States, the establishment of the Academy responds to the need to gain expertise on security issues in Central Asia. In their view, the Academy ought to promote understanding about Central Asian security concerns throughout the OSCE area while attracting international attention and expertise towards the region. Providing opportunities for the training and education of young security-studies experts on Central Asian issues is in the

interest of many parties. Some participating States may also see the Academy as a vehicle for “soft policy transfer”. For academic institutions within these countries that are concerned with European security issues, the Academy opens a platform for joint research, training and education.

The motivations of OSCE institutions. For the OSCE, the Academy represents a source of expertise that can be tapped as required. It will serve the OSCE as a think-tank for regional issues and a quick-response academic consulting house. Its basic role will be as the OSCE’s academic service provider, specializing in Central Asian security building. Its structure and activities should enable it to contribute to cross-border co-operation. It may also make a contribution to the development of human resources for OSCE field activities. The Academy may additionally provide an opportunity for the OSCE partners for co-operation to get more closely acquainted with a region that links Asia to Europe.

Central Asia as the Location for and Focus of the Academy’s Activities

The speed with which the Academy was established should come as no surprise. Apart from the aforementioned intense international support that the project found, the key reason is certainly the Academy’s promising geographic location in Central Asia, a region with a wide range of attractions.

In economic terms, Central Asia is above all rich in hydrocarbons and other natural resources. Strategic discussions on their future use are currently underway. Potential beneficiaries have a major interest in integrating efforts related to oil and gas into a wider co-operation network. Scientific and security co-operation play a role in these broader efforts that finally aim at promoting commercial ties.

In political terms, Central Asia has not only undergone long periods of European influence (in modern times, it has even been part of a European state – Russia and then the Soviet Union – and thus belonged politically to the European continent), it is also located at the interface between Europe and Asia and, as such, is in many ways predestined to serve as a link between the two continents. It may therefore act as a channel for bringing OSCE expertise to Asia. On the other hand, the region is also a potential source of or a transit route for security threats. With its inherent potential for instability (and a correspondingly large potential for the creation of stability), it plays a role for European security building that should not be neglected. As events in neighbouring Afghanistan have shown, instability may easily penetrate the OSCE area and adjoining regions. Terrorism, political, religious and other extremism, armed uprisings, illegal migration, trafficking in drugs and small arms and brand and copyright piracy are all cases in point.

All in all, Central Asia’s relevance for European stability justifies the location chosen for the Academy, which is focusing on both the region’s im-

portance as a provider of security capacities and its role as a source of and transit region for security threats.

The Major Goals and Beneficiaries

According to its statutory documents, the Academy's major goal is to train and educate junior professionals in the area of comprehensive security building and co-operation in Central Asia. It will also take part in relevant research in this area. The Academy will contribute to cross-border co-operation on the governmental and non-governmental level. It also aims to encourage a better understanding of OSCE policies in Central Asia while facilitating a more nuanced understanding of the cultural, political and socio-economic peculiarities of Central Asia within the OSCE and its participating States.

The Academy has been established to facilitate the promotion of peace and stability in the region, guided by OSCE principles. The Academy aims to attract experts involved in stability building in all relevant areas: from public administration, local self-government and inter-ethnic relations, via economic affairs, environmental issues and foreign relations to border management and human-rights implementation. The main beneficiaries of the Academy will be young professionals from Central Asian, including academics, civil servants, lawyers, teachers, journalists, diplomats and NGO representatives.

The institutions that stand to gain most from the Academy will be governmental organizations and civil-society institutions, the OSCE and other international organizations dealing with comprehensive security building in Central Asia, the academic community, the media and educational institutions. The Academy also sees itself as having a role to play in developing human resources for OSCE field activities in the region.

As already mentioned, the Academy is committed to the promotion of regional rapprochement. To support this, its facilities are available to trainers and faculty staff from Central Asian and other international partner institutions. The grant money it has available will be provided equally to applicants from Central Asia and elsewhere who fulfil the Academy's admission requirements. The Academy's research and teaching activities will have a regional focus. The openness that has been built into the Academy's structure and activities ensures that it will likewise create new opportunities for co-operation with neighbouring countries such as China and Russia. Finally, OSCE partners for co-operation (Afghanistan, Japan, the Republic of Korea and Thailand) and think-tanks in those countries are also welcome to use the Academy's capacities and contribute to its development.

The Academy's Three Pillars

The three main pillars of the Academy's activities have already been mentioned: (a) professional training, (b) research and (c) postgraduate education. At one time, the possibility of making extensive public-relations work a fourth pillar was evaluated but this was finally rejected for exceeding the remit and the capacities of the Academy and its co-operation partners. It was decided that the Academy's emphasis should be on professional training during its first year of operation. Joint research projects are to be conducted with regional and international partners in the hope of realizing synergies. As already mentioned, the Academy is scheduled to start offering postgraduate education with a pilot course in February 2004. Finally, a complete one-year masters programme, which will enable students to achieve the degree of "Master of Political Science (Central Asia)", will be launched in September 2004. It complies with international standards. Its accreditation is still under discussion. Some 20 to 25 students will graduate each year. As with all the Academy's structures and activities, the programme is open to students and lecturers from the whole OSCE area and other interested countries.

The Three Management Bodies

Lean management is one of the key principles in the Academy's administration. The Academy's three management bodies are (a) the Board of Trustees, (b) the Core Management Team and (c) the Advisory Board. Temporary management arrangements may be made within the scope of specific projects or programmes. An international Technical Steering Committee, consisting of representatives of the various parties involved in the establishment of the Academy, fulfilled the function of an interim management body during 2003. At its Vienna conference, on 22 October 2003, the Steering Committee appointed and handed over power to the Board of Trustees, thereby ceasing to exist.

The Board of Trustees is the Academy's governing body. It consists of senior international and Kyrgyz officials and academics. The OSCE and the governments of major donor countries are also represented. The Board of Trustees initially consists of Arman Baisuanov (from the Kazakh Foreign Ministry), Professor Ishengul Boljurova (the Kyrgyz Education Minister), Syrojiddin Komilov (Director of the Centre for Strategic Studies under the President of Tajikistan), Ambassador Lamberto Zannier (Director of the OSCE Conflict Prevention Centre), Ambassador Gérard Stoudmann (Director of the Geneva Centre for Security Policy), Ambassador Aydin Idil (Head of the OSCE Centre in Bishkek) and a representative of the German delegation to the OSCE. Two seats on the Board were reserved for representatives of

Uzbekistan and Turkmenistan. At the time of writing, the Canadian delegation was also considering whether to participate.

The Core Management Team conducts the Academy's day-to-day administration. Its members are appointed by the Board of Trustees. It is generally understood that there will be two co-directors – one Kyrgyz and one international, responsible for administrative and academic matters, respectively. The Core Management Team will be supported by a secretary/translator and an administrative officer, both seconded by the Kyrgyz Republic. Until the definitive appointment of the two co-directors, the Academy is being run, as mentioned above, by the Co-ordinator and her Academic Advisor. During this interim period, the Academy's budget has been entrusted to the OSCE Centre in Bishkek.

The Advisory Board performs planning and consultation activities in support of the Board of Trustees and the Core Management Team. It develops curricula and advises on research and training projects, making recommendations and drafting documents for the other management bodies. The Advisory Board may establish special working groups to carry out specific projects. An example is the Curriculum Development Group (CDG) that is currently elaborating the Academy's masters programme curriculum. Such working groups will consist of representatives of the Academy and its national, regional and international partner institutions. The Advisory Board can currently call upon a pool of some 30 experts.

The Role of the Partners

The Academy's structure and activities are designed to allow donor countries and partner institutions to make use of and contribute to them flexibly according to need or ability. The Academy's management bodies and their activities have been deliberately arranged in a way that requires and provides for international co-operation. As already mentioned, this was one of the key political factors in encouraging many actors to support the establishment of the Academy.

The OSCE, interested participating States and the Academy's international academic partner institutions all contribute to defining the Academy's tasks and supervising its work. They also participate in all aspects of the work of the Academy's governing bodies.

The governments of Kyrgyzstan and the other countries involved as well as the other parties that support the work of the Academy make donations or contributions in kind towards maintaining the infrastructure and supporting the activities of the Academy. In the future, partner institutions may participate in exchanging students, lecturers and researchers. They will be provided with the opportunity of sending members of their academic staff and other experts to the Academy to perform specific projects or for long-

term management duties. They are invited to bring their own projects under the roof of the Academy or to instigate joint activities. OSCE institutions and field operations may commission and finance specific analyses, as well as training and education activities.

Having actively contributed to its establishment, the Academy's main international partner institutions in Hamburg, Geneva, The Hague and Stadtschlaining hope to demonstrate their comparative advantage by carrying out joint projects. They will also contribute resources to the Academy and will have the opportunity to enhance their own regional expertise.

The Inaugural Phase and the Issue of Sustainability

The establishment of the OSCE Academy in Bishkek was primarily the expression of the founders' political will. As a result, the Academy was set up before essential conceptual and organizational issues had been settled. A number of interrelated key questions were, at first, simply left open, among them that of who would constitute the Academy's founding members. Decisions had to be made on the form of the various management bodies, their respective responsibilities, and who would be represented on them. Further issues that had to be decided concerned the Academy's public profile, its legal form and the matter of legal responsibility and the accreditation of qualifications gained by students.

During the whole inaugural phase, the Academy's sole legal basis was the aforementioned Memorandum of Understanding between the Kyrgyz Ministry for Education and Culture and the OSCE Centre in Bishkek. In the meantime, the Academy was already undertaking its first activities. At the same time as these were gradually being built up, efforts had to be made to raise donations and find partners for academic co-operation. Further tasks included drafting statutory documents and outlining the masters programme, shaping the management bodies and recruiting the first staff. In all these areas, the opinions and sensibilities of the enormous number of parties involved and interested had to be considered.

The international co-operation during the Academy's establishment was an instructive experience in intercultural relations for everyone involved. In practical terms, discussions and joint activities revealed that perceptions of the nature of co-operation could vary enormously. It was necessary to learn to pay due attention to local traditions, for instance by paying personal respect to partners and senior officials in order to ensure they were positively predisposed to co-operate in achieving the Academy's purposes. It was also necessary to clarify precisely the degree to which the various parties involved saw working plans as merely expressions of intention or as constituting binding agreements. The partners also had to come to recognize the differing perceptions each had of matters such as time planning, urgency and the importance

of deadlines. In this manner, the inaugural phase already illustrated the benefits that could be derived from the Academy in terms of exploring cultural compatibilities between European and Central Asian partners.

In the meantime, the main concern of those who have supported and continue to support the idea of establishing the OSCE Academy in Bishkek is to ensure its long-term sustainability. Much of the necessary funding for the Academy's proposed starting budget has already been secured, largely through the OSCE's contribution for the year 2003 and money promised by Germany and Switzerland for 2004. Canada is also considering making a financial contribution. Even so, despite the securing of initial funding and the considerable personal and political goodwill mentioned already, the long-term success of the Academy's establishment is by no means guaranteed. Indeed, major obstacles remain to be overcome: First of all, the Kyrgyz founders will have to develop their own initiatives in order to run the Academy in a less dependent way than during the inaugural phase. In particular, they will have to persuade their regional neighbours to commit themselves to playing an active and long-term role in the Academy's activities and those of its international partners. They will also have to make sure that the OSCE remains actively involved. A key to the Academy's success will be its ability to provide high-quality academic services to the OSCE and its participating States. It will have to position itself as a leading provider of consulting, education and training services in the field of Central Asian security. This will mean taking active steps to market itself – something that is probably foreign to the self-understanding of most “knowledge industry” workers involved.

External Relations and Influence

East Asian Security: Can the OSCE's Experience Be Helpful?¹

Many of today's security threats have, over a short time, become globalized. Whichever region of the world we look at, threats such as terrorism, organized crime, trafficking in weapons, drugs and human beings and ecological degradation look similar or even identical. Closer regional and inter-regional co-operation and the sharing of knowledge and expertise are necessary to ensure effective responses to counter these threats.

There is also growing worldwide acknowledgement of the interrelationship between domestic and external state security. Domestic conflicts are having a growing impact on bilateral, regional and economic security, as well as on the security of the individual human being.

The OSCE's composition, focus and external relations demonstrate the importance of many Asian issues to this broad security organization. Some parts of Asian territory have been within the OSCE region since the Organization's inception in 1975. The OSCE has been developing and implementing ideas on and activities in Central Asia since 1999 – much longer than other international institutions. Moreover, it has done so *together* with the Central Asian OSCE participating States.

In the early nineties, Japan and the Republic of Korea were granted special status within the OSCE. As “partners for co-operation”, they are much more than just observers – a status that exists at many other international institutions. Thailand acceded to this status in the year 2000, Afghanistan on 3 April 2003.² In 2000, during the Austrian OSCE Chairmanship, the Organization started holding joint conferences with its Asian partners for co-operation in East Asia itself on topics of joint interest.³ In 2003, an Asian contact group was established in Vienna for the exchange of information and views between the OSCE, representatives of OSCE participating States and Asian partners for co-operation.⁴ In view of all these Asia-related activities on the part of the OSCE, it has been suggested that the OSCE itself has a

1 This article covers developments up to June 2003. The opinions expressed reflect the author's personal views.

2 Cf. Permanent Council, Decision No. 537, Granting of the Status of Partner for Co-operation to Afghanistan, PC.DEC/537, 3 April 2003.

3 “Comprehensive Security in Central Asia – Sharing OSCE and Asian Experiences” (Tokyo, 11-12 December 2000), “Applicability of OSCE CSBMs in Northeast Asia” (Seoul, 19-21 March 2001), and “Human Dimension of Security” (Bangkok, 20-21 June 2002), as well as the Thai workshop on “Thailand and the OSCE: the Way Towards a Future Co-operation” (Bangkok, 28 September 2000).

4 Until that year, Asian partners for co-operation had been included in the Mediterranean contact group.

clearly defined and distinct “Asian dimension”.⁵ The OSCE increasingly sees itself as a “pan-European, trans-Atlantic and *Euro-Asian institution*”.⁶

This article will *not* deal with Asian arguments – right or wrong – about why Europe’s multilateral experiences are *not* relevant to the Asia-Pacific.⁷ On the contrary: It will try to demonstrate possible attractions of the OSCE for Asian regionalism and will propose areas where studying the OSCE may prove fruitful for Asian countries or organizations.

The OSCE Is not a “Model”

It has always been tempting, on account of the OSCE’s various success stories, to discuss the transfer of the Organization’s concepts and structures to other regions of the world. This has led to a number of proposals for CSCs or OSCs, e.g. in the Mediterranean, Africa, the Caucasus – in the form of a “Stability Pact for the [Southern] Caucasus”⁸ – Central Asia, or Asia⁹ in general. In the case of Central Asia, this has gone beyond speculation: The Conference on Interaction and Confidence-Building Measures in Asia (CICA) came into existence in October 1992, albeit requiring a lower level of commitment than the early CSCE. Two Asian organizations, the names and concepts of which deliberately distance them from the OSCE, are the South Asian Association for Regional Co-operation (SAARC) – which excludes security issues – and the Shanghai Co-operation Organization (SCO).¹⁰ The ASEAN Regional Forum (ARF), while not emulating the OSCE, shares features in common with the early CSCE. In connection with the launch of the African Union in July 2002, the Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – based upon the Document of the Kampala Forum on the CSSDCA (18-22 May 1991) and the African Ministerial Conference on Security, Stability, Development and Co-operation

5 On the Asian dimension of the OSCE, see Thomas M. Buchsbaum, *The Asian Dimension of the OSCE*, in: Institute for Peace Research and Security Policy/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 451-465.

6 Foreseen by the Draft Porto Ministerial Declaration of 29 November 2002 but not carried in the final version of 7 December 2002 (emphasis added).

7 For two of the more comprehensive negative lists, see *A New Agenda for the ASEAN Regional Forum*, A Report on the IDSS Project on the Future of the ASEAN Regional Forum, IDSS Monograph No. 4, Institute of Defence and Strategic Studies, Singapore, 2002, pp. 56f, and Nikolas Busse/Hanns W. Maull, *Enhancing Security in the Asia-Pacific*, European Lessons for the ASEAN Regional Forum, in: *Politik und Gesellschaft Online*, International Politics and Society 3/1999, at: www.fes.de/ipg/ipg3_99/artbusse.html.

8 CEPS Task Force for the Caucasus (Chairmen: Sergiu Celac, Michael Emerson), *A Stability Pact for the Caucasus*, Working Document No. 145, May 2000, Centre for European Policy Studies, Brussels, Rev. 7 (8 May 2000).

9 See Australian (and Canadian) proposals for an OSCA.

10 The SCO is due to start functioning as a fully fledged international organization in 2004 following the adoption, at a summit in Moscow on 29 May 2003, of statutory documents and symbols as well as the reaching of agreement upon the location of headquarters (Beijing) and the first Executive Secretary.

of 8 to 9 May 2000 in Abuja – was provided with more support, structure and greater operational powers.¹¹

It is, however, never possible to simply take the concepts or structures of a regional institution and transfer them to other regions, which are bound to differ in significant ways from Europe during the period when the CSCE was devised, developed in practice and transformed into the OSCE. Recognizing this, however, does not exclude the possibility that Asian countries, regions and forums may draw benefits from studying, discussing and possibly learning from OSCE experience.

The OSCE's Trailblazing History

In nearly 30 years of operative history, the OSCE has existed in some very different security environments (from a bipolar world to a multi-polar world with a single superpower), has seen various transformations to its membership, and has known some disparate structures and working methods. Nevertheless, the OSCE has some features that have remained constant, some of which may look “Asian” and thus present special attractions to Asian thinking.

The OSCE has, furthermore, been very innovative, and has seen its original ideas copied by other international forums. This applies above all to the CBM/CSBM concept, which today is also reflected in regional arrangements in and around Bosnia and Herzegovina and serves as the basis for action by the ARF. The underlying aim of CSM/CSBM is to create confidence among members of the armed forces and defence ministries by carrying out inspections of military sites and equipment, exchanging information on numbers and types of military equipment, defence thinking (military doctrine) and defence planning.

The OSCE defines CBMs and CSBMs as military measures, although there is no formal definition of precisely what a CSBM entails. In general, they are provisions for the exchange and verification of information regarding participating States' armed forces and military activities, as well as certain mechanisms to promote co-operation among participating States in regard to military matters. CSBMs can be divided into those aimed at increasing openness and transparency in military matters and those aimed at improving contacts and co-operation among military personnel. The aim of these measures is – by increasing transparency and reducing secrecy – to promote mutual trust and dispel concern about military activities. By providing a more solid basis for states to evaluate the significance of each

11 Cf. Decision on the Conference on Security, Stability, Development and Cooperation (CSSDCA), 38th Ordinary Session of the Assembly of Heads of State and Government of the OAU, 8 July 2002, Durban, at: http://www.au2002.gov.za/docs/summit_council/oaudec1.htm.

other's military activities, such measures make worst-case assumptions less necessary.

The consensus principle can be regarded as the OSCE's trademark. It is the foundation for all the Organization's decision making. The OSCE defines consensus in a way that differs from its ordinary meaning: "Consensus shall be understood to mean the absence of any objection expressed by a Representative [of an OSCE participant State, T.B.] and submitted by him as constituting an obstacle to the taking of the decision in question."¹² Consensus is established within the OSCE only with respect to an entire document at the end of a meeting. The consensus rule is one of the few founding principles which have never been changed and which kept the CSCE afloat during very difficult times. A major consequence of this rule is the lack of any voting in the OSCE, and the consequence of *this* is that there are no majority/minority situations, no winners or losers, and no outcasts.

The OSCE conforms to the "soft law" principle: It agrees, in general, upon binding political commitments, not on legal obligations and instruments.

Notwithstanding the comprehensive range of tasks performed by the OSCE in the area of post-conflict rehabilitation, the Organization gives priority to conflict prevention over conflict management through the development of early-warning and early-action mechanisms.

From its very inception, the OSCE has been synonymous with inclusiveness: both in geographical terms and with regard to the issues it addresses. This inclusiveness can be captured by the formula "from Vancouver to Vladivostok" and by a consideration of the range of topics – from military confidence- and security-building measures to human rights – the OSCE deals with. This thematic inclusiveness was never understood as a list of *separate* issues but, by the Helsinki Final Act, was already seen in terms of interrelated topics: "The *complementary nature* of the political and military aspects of security" was declared to be the first "essential consideration [...] when engaged in [...] joint efforts aimed at promoting détente and disarmament".¹³

The OSCE devised the concept of comprehensive security; one that is as comprehensive as its territory, goals and range of tasks. The concept of comprehensive security is a central, integral and original¹⁴ element of the

12 Final Recommendations of the Helsinki Consultations, Helsinki, 8 June, 1973, para. 69 (Chapter 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. 121-140, here: p. 133.

13 Final Act of Helsinki, Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in Bloed (ed.), cited above (Note 12), pp. 141-217, here: p. 155 (emphasis added).

14 Opinions vary as to when and by whom the concept of comprehensive security was first developed, as well as on its contents. Cf. Heinrich Schneider, "Umfassende Sicherheit": Europäische Erfahrungen mit einem gutgemeinten Konzept ["Comprehensive Security"; European Experiences with a Well-intentioned Concept], in: Österreichisches Studienzentrum für Frieden und Konfliktlösung (ed.), *Wie sicher ist Europa?, Perspektiven einer*

OSCE's philosophy and way of working. The complementary character of the Helsinki Final Act's ten principles as well as of the three baskets was given a new name in January 1992: "the CSCE's comprehensive concept of security and stability, which includes human rights, political, military, economic and environmental components".¹⁵

One aspect of the comprehensiveness of the OSCE's security concept is the idea that the security of a country does not only depend on military and internal-security forces, but also on sound and well-functioning democratic institutions, respect for the rule of law, fundamental freedoms and human rights, including minority rights, and economic well-being and stability (including environmental protection and sustainability). The OSCE's approach also contains the idea that a restriction of one aspect of comprehensive security carries negative consequences for other parts, and thus for the overall security of the country in question. Yet another aspect of the OSCE's comprehensive security concept is its role "as a method to reach the root causes of conflict".¹⁶ This makes the concept of comprehensive security one of the Organization's unquestionable comparative advantages.

The OSCE has integrated human rights into overall political and security considerations rather than addressing them as a separate issue.

The key means used by the OSCE to address minority issues is "quiet diplomacy" performed by a high-ranking, high-profile, personality: the OSCE High Commissioner on National Minorities. The success of this institution, established in 1992, is shown by the fact that it was copied by the Council of Europe in 1999.

The OSCE was the source of and the power behind the international implementation of the idea that human-dimension commitments are not a state's internal affairs, but matters of concern to all participating States and that no state has the right to stop such matters being raised within the Organization.

Finally, the OSCE agreed on the principles of submitting armed forces to civilian democratic control, and of imposing rules on domestic police forces.

Asian Security

To this day, Asia remains a continent without a continent-wide charter or an inclusive international political, economic, security or human rights institu-

zukunftsfähigen Sicherheitspolitik nach der Jahrtausendwende [How safe is Europe? Prospects for a Sustainable Security Policy after the Millennium], agenda Frieden 38, 2001, pp. 24-44, and Peter Steyrer, *Umfassende Sicherheit in Europa* [Comprehensive Security in Europe], in: *ibid.*, pp. 9-23.

15 Prague Meeting of the CSCE Council, 30-31 January 1993, Summary of Conclusions, in: Bloed (ed.), cited above (Note 12), pp. 821-829, here: p. 822.

16 Wilhelm Höynck, *From CSCE to OSCE, Statements and Speeches of Dr. Wilhelm Höynck, Secretary General of the OSCE (1993-1996)*, p. 38.

tion. The post Cold War period has not brought similar drastic changes to existing and emerging Asian regional structures as happened to similar international institutions in Europe. Some argue that, in parts of East Asia, the Cold War is not even fully over, or at least that it did not end as abruptly and clearly as it did in Europe. In addition, developments in nuclear and missile technology and policy that have occurred in Asia since the late 1990s have increased security concerns both within and outside the region.

The reasons for the lack of a continent-wide security institution in Asia are manifold. They include the continent's sheer size, its specific geostrategic position, differences in the history, culture and religion of Asian countries, differences in political systems and levels of development and the virtually total lack of common denominators with respect to relationships with outside powers. In many instances, individual countries have shared closer common interests with outside powers than with neighbouring countries or those of the same subregion. (On the other hand, some subregional institutions are already in existence and may, in general, be more effective than continent-wide institutions.)

However, this overall state of affairs was once also true for other continents that have nevertheless gone on to create and expand continent-wide institutions. Such institutions can also come into being through the expansion of subregional organizations. This was how the Council of Europe reached its current shape, and is also the way the European Union is expanding. On the other hand, multiple and partly overlapping institutions can gradually integrate more closely, and may eventually merge to create a single structure. Europe provides examples for this process, too.

In Asia, the ASEAN Regional Forum (ARF) has witnessed a considerable expansion during recent years. It remains, however, still very much a subregional, i.e. Southeast Asian organization, especially in terms of its basic documents and its structure. This is the case, despite the fact that its "geographical footprint" is broader and encompasses "all of East Asia, both Northeast and Southeast Asia, as well as Oceania",¹⁷ and that it regards itself "as the main cooperative security forum in the Asia Pacific Region".¹⁸ On the political level, the ASEAN+3 summits – with China, Japan and the Republic of Korea – and the recently held first bilateral summit with India¹⁹ are adding a supplementary dimension to ASEAN's regional co-operation framework by linking Southeast Asia with India and Northeast Asia.

Even if regionalism has materialized later in Asia than on other continents, a number of subregional institutions and processes do exist there.

17 But not – despite US and Canadian membership – North America; Guiding Principles, Chairman's Statement, 3rd ARF, Jakarta, 23 July 1996.

18 Chairman's Statement, 9th Meeting of the ARF, Bandar Seri Begawan, 21 July 2002, para. 4.

19 The sixth ASEAN+3 Summit was held on 4 November 2002 in Phnom Penh, the first ASEAN-India Summit likewise in Phnom Penh on 5 November 2002; in addition to the ASEAN+3 Summits, bilateral ASEAN summits are now being held also with each of the "3".

Some are limited to a clearly defined region, others less so. Some include non-Asian participants, too.

Basic institutional questions remain with respect to Asia's Western borders and the corresponding inclusion of South and West Asian conflicts in Asian regional arrangements. Likewise, there is no subregional organization in (North) East Asia, despite a number of ideas, proposals and embryonic quasi-institutions,²⁰ initiated by both governments and NGOs.²¹ There is also no clear consensus on which Pacific states may (have to) be included in an Asian security institution.

The ASEAN Regional Forum (ARF)

This paper focuses on the ASEAN Regional Forum (ARF), as it is the only broad-based security process in the region which has functioned well and expanded over the years. The ARF was established in 1993/94 on the initiative of ASEAN's Post Ministerial Conferences but – in contrast to ASEAN – is not an international organization. Despite its clear initial philosophy – based upon the “ASEAN way” – of deliberately refusing to emulate stringent European institutional features, the ARF greatly resembles the OSCE in its pre-1989 CSCE phase.²² It is a forum – the CSCE was a “conference”, a series of conferences and meetings, a process – not an international organization, it has no legal personality, no organs and no permanent structures. Today, it also shares with OSCE an “outward-looking, non-exclusive and multidimensional”²³ character.

With the expansion of ASEAN membership and the addition of ASEAN's “dialogue partners”, the ARF increased its number of participants to 23, and now covers all of Southeast Asia and Northeast Asia, Oceania, South Asia (India only) as well as Russia, North America and the EU – equivalent to more than half the world's population.²⁴ The ARF holds an annual meeting of foreign ministers in the ASEAN country currently occupying the alphabetically rotating ARF chair (also the holder of the ASEAN chair). These are prepared by Senior Officials Meetings (SOMs). Between these

20 For instance, ASEAN+3, and the Japan-USA-Republic of Korea Trilateral Co-ordination and Oversight Group (TCOG).

21 Including the East Asian Vision Group (EAVG).

22 If one ignores the two-bloc structure underlying the CSCE, which contrasts sharply with Asia's current multipolarism.

23 A New Agenda for the ASEAN Regional Forum, cited above (Note 7), p. 50.

24 Today, ARF members are the current ASEAN “ten” (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam), plus Australia, Canada, China, the EU (represented by the Presidency), India, Japan, Mongolia, Russia, the Republic of Korea, the Democratic People's Republic of Korea, New Zealand, Papua New Guinea, and the USA. East Timor's, Pakistan's and Bangladesh's interest in joining were met with a formal moratorium on new participants. For criteria for new participants see Chairman's Statement, 3rd ARF, Jakarta, 23 July 1996, at: <http://www.aseansec.org/1836.htm>.

meetings, Intersessional Support Groups (ISGs) hold meetings and Intersessional Meetings (ISMs) are organized on specific areas or topics. The ISG on confidence-building measures plays a central role both in the discussions at the meetings and as a framework for additional meetings.

The ARF's main activities today are centred around voluntary confidence-building measures (CBMs). It has engaged its diverse member countries in a meaningful security dialogue on sensitive regional issues. The ARF has developed an original two-track approach that gives priority to the activities on the non-governmental level (Track Two). Track Two consists of meetings and seminars for state officials and military personnel acting in a non-official capacity as well as academic experts. The ARF has already produced its third ARF Annual Security Outlook (ASO), containing unedited governmental texts submitted voluntarily by participant states. The ARF now also organizes a meeting of defence officials over lunch at the annual ministerial meeting. A further concern of the ARF is counter-terrorism and transnational crime. It contributed to the negotiation of a "Declaration on the Conduct of Parties in the South China Sea" between ASEAN and China, and is following the work on a "Declaration on Principles Guiding Mutual Relations in the Asia Pacific/The Pacific Concord" between ASEAN and Russia. According to one source, the "ARF is Now a Big Dog Barking", and not, as a Chinese diplomat put it well over ten years ago, "the sound of a small dog yapping".²⁵

The ARF has adopted documents which elaborate its basic form and purpose and envisage steps of development (1995),²⁶ as well as the concept and principles of preventive diplomacy and the enhanced role of the ARF chair (2001).²⁷ To this list was added, in 2002, a paper on "Stocktaking of the ARF Process".²⁸

It also started to put together an ARF Register of Experts and Eminent Persons. These may, upon request by an ARF country and in the absence of any objection from concerned ARF countries, provide non-binding expert opinions or recommendations, undertake in-depth studies and research, or place their expertise at the disposal of ARF meetings dealing with matters relevant to their professional skills.

With the loose structure it possesses by virtue of its status as an extension of ASEAN, the ARF is still at a very early stage in the development of an international security institution. On the other hand, it has certainly grown over the relatively few years of its existence and has made some steps from stage I of its planned organizational evolution (promotion of confidence-

25 Brad Glosserman, ARF is Now a Big Dog Barking, Global Beat Syndicate, 26 August 2002, at: <http://www.nyu.edu/globalbeat/syndicate/glosserman082602.html>.

26 The ASEAN Regional Forum; A Concept Paper, 18 March 1995, endorsed by the 2nd ARF, Brunei Darussalam, 1 August 1995.

27 Adopted by the 8th meeting of the ARF, Hanoi, 25 July 2001.

28 Stocktaking of the ARF Process by Brunei Darussalam; endorsed by the 9th meeting of the ARF, Bandar Seri Begawan, 31 July 2002.

building measures), to stage II (development of preventive-diplomacy mechanisms). The point reached today is known as “exploring the overlap” between stages I and II, a term which has been used since 1999.²⁹ One should also not forget that many of the “soft” Annex A CBMs envisaged in 1995 have already been put into practice and that progress has been made in articulating the principles of preventive diplomacy.³⁰

The ARF has not yet travelled much along the way devised by the Concept Paper of 18 March 1995. This should not be attributed, as it sometimes is, to the effects of the 1997-99 financial crises. No consensus has been reached for fully achieving the targets of stage II of the ARF (mechanisms of preventive diplomacy), and stage III – (conflict-resolution mechanisms) is completely out of reach for the present. There are many reasons for this state of affairs, but all are linked both to the fact that many ARF states are already quite satisfied with the ARF’s development, and to the fact that a few countries oppose substantial progress.³¹

The ARF follows the principle of non-interference in a state’s internal affairs.³² The ARF was thus able to ignore events such as the East Timor crisis. CBMs are not obligatory, are of only marginal relevance to security, and consist only of seminars and conferences – but the simple fact that such meetings are held is itself a successful confidence-building measure for which the ARF can be thanked. Despite significant differences in membership between the two bodies, the ARF is retaining its close links to ASEAN, “as the primary driving force of the ARF”.³³ Some observers regard these links as increasingly something that exists on paper only while, in reality, the ARF is developing in quite a different direction from ASEAN. They also point to the widening gap between the reality of the ARF and Track Two ideas as they are implemented by international NGOs domiciled outside Southeast Asia.³⁴ Some security issues, including the Treaty on the Southeast Asian Nuclear Weapons-Free Zone (SEANWFZ) of 15 December 1995 and the contribution to conflict management in East Timor made by Southeast Asian countries, have been dealt with by ASEAN rather than the ARF.

Turning to the question of structure, the first thing to note is that the ARF lacks institutions (organs) including, in particular, a permanent secretariat. To ensure its effectiveness, the ARF may well need not only a technical secretariat, but also an institution like the OSCE Conflict Prevention

29 Cf. Overview of the ARF Process, Chairman’s Statement, 6th meeting of the ARF, Singapore, 26 July 1999; Chairman’s Statement, 7th meeting of the ARF, Bangkok, 27 July 2000, paras. 4 and 36; Chairman’s Statement, 8th meeting of the ARF, Hanoi, 25 July 2001, paras. 4 and 37; Chairman’s Statement, 9th meeting of the ARF, Bandar Seri Begawan, 31 July 2002, para. 47.

30 A New Agenda for the ASEAN Regional Forum, cited above (Note 7), p. 10.

31 Cf. *ibid.*, p. 41.

32 Cf. Chairman’s Statement, 9th meeting of the ARF, cited above (Note 29), para. 5.

33 *Ibid.*

34 The author is grateful for this and other ideas contributed by his colleague and good friend, Mr. Arnold Obermayr, who is currently preparing a PhD dissertation on ARF issues, at the American Graduate School of International Relations and Diplomacy, Paris.

Centre (CPC) or the Centre on Early Warning and Conflict Prevention (CEWCP) in Amman, Jordan, which deals with the Mediterranean area.³⁵ In addition, the ARF's relations and joint activities with other international institutions are not yet very well developed. With respect to the OSCE, an academic workshop was held in Singapore in the summer of 2000 by the Council for Security Co-operation in the Asia Pacific (CSCAP) on "Co-operative Security in Europe and Its Relevance for Asia-Pacific: The OSCE Experience".³⁶ At an ARF seminar on "Approaches to Confidence Building", held in Helsinki in the autumn of 2000, the OSCE presented its CSBM in theory and practice.³⁷ In terms of political and inter-institutional activities with other regional organisations, initial contacts were made in the year 2000 between the ARF Chairman, Thai Foreign Minister Surin Pitsuwan, and the then OSCE Chairperson-in-Office, Austrian Foreign Minister Benita Ferrero-Waldner.³⁸ The subsequent ARF chair, Vietnam, had contacts with the Organization of American States (OAS) and the non-Aligned Movement.³⁹ In 2002, a meeting was held between the OSCE Secretary General Ján Kubiš and the ARF Chairman, Cambodian Foreign Minister Hor Namhong.⁴⁰ The political and practical results of these contacts remain limited.

The ARF still holds true to the formula that, while progress should be undertaken, it should occur "at a pace comfortable to all".⁴¹ This lowest common denominator approach – clearly linked to ARF's basic philosophy of geographical inclusiveness – prevents the ARF from imposing binding commitments on its members, and from undertaking activities in the areas of CSBMs and conflict prevention and management.

The ARF, like other nascent and expanding institutions, is often being criticised for developing too slowly. For some outsiders – and for ambitious insiders – this criticism may very well be true. Compared to the OSCE, especially during the 1990s, development has been slow. In comparison with the SAARC, however, it has been relatively rapid.⁴² The ARF's expansion during recent years to include countries with little or no experience in any kind of regional co-operation, let alone security co-operation, has certainly slowed the process of substantive development. At the same time, however, expansion has markedly enhanced the broader regional legitimacy of the ARF. It has brought new players in and they have already started to play the

35 Cf. <http://www.id.gov.jo/programs.html>.

36 For more details, see <http://osce-arf.de> and Joachim Krause, *The OSCE and Co-operative Security In Europe: Lessons For Asia*, IDSS Monograph No. 6, Institute of Defence and Strategic Studies, Singapore 2003.

37 The presentation was entitled "C(S)BMs in the OSCE security concept, and its application: successes and failures, lessons learnt, future trends – from a political perspective".

38 For more details see Buchsbaum, cited above (Note 5), pp. 456-457.

39 See Chairman's Statement, 8th meeting of the ARF cited above (Note 29), para. 6.

40 Cf. *Partnerships for Security and Co-operation, Annual Report on OSCE Activities 2002*, at: http://www.osce.org/publications/annual_report.

41 Cf. Chairman's Statement, 9th meeting of the ARF, cited above (Note 29), para. 5.

42 Cf. Mohamed Jawhar, *The ASEAN Regional Forum: A Critical Appraisal*, at: <http://www.ndu.edu/inss/symposia/pacific2001/jawharpaper.htm>.

game. Depending on point of view, the glass can be seen as either half full or half empty, the ARF as either immature or grown up – or neither. During the current transitional phase, the path of development the ARF chooses – or fails to choose – will be crucial to its future.

The ARF, or rather its participating states, has to ask itself (and find an answer to) the question of whether recent ARF development is commensurate with the security challenges of the region and with the wishes of its constituent countries. Asia may not have “the luxury of time to slowly evolve its institutions”⁴³ and will have to search for shortcuts in its institutional development. The way of the lowest common denominator, as *not* followed by the CSCE for many years, may be comfortable, but it is not necessarily appropriate for meeting either the security challenges of and in the region or the needs of the institution itself.

Suggestions may arise for creating one or more additional institutions, possibly restricted in membership but with more clout, which may then leave the ARF a toothless overarching body straddling several more effective subregional institutions for Southeast Asia, Northeast Asia and the Pacific Islands.⁴⁴ Such possible “coalitions of the willing” – whether they remain loosely structured or are fully institutionalized – consist of like-minded states attempting higher levels of co-operation with regard to single issues or broad themes. They usually start out with a membership restricted to “the willing” but open to others after they too adopt the principles and programme of the “coalition”.⁴⁵ In pondering the future development of the ARF, it may also be important to take a closer look at the ARF’s own concept papers as well as analyses and suggestions by academics.⁴⁶

The Attractions of the OSCE for (the) Asia (Pacific)

Reiterating the hypothesis and the conviction that there are no such things as ready-made models for an international organisation – what works in one country or region does not apply to another – the most one can do is to offer

43 Kwa Chong Guan, The relevance of OSCE experience to the Asia Pacific, a paper given at the CSCAP workshop “Co-operative Security in Europe and in the Asia Pacific: The OSCE Experience”, Singapore, 31 May-2 June 2000, <http://www.osce-arf.de/Pub/Conference/Kwa-paper.pdf>.

44 Cf. Jawhar, cited above (Note 42).

45 Consider, for example, ASEAN+3 – possibly developing into ASEAN+5 (including Australia and New Zealand), the SCO and various (US-initiated) bilateral and multilateral frameworks for security co-operation; see Ken Jimbo, ARF and Asia-Pacific Multilateral Security, in *EurAsia Bulletin* 2/2003, pp. 20-22, at: <http://www.eias.org/publications/bulletin/2003/feb03/ebfeb03.pdf>.

46 Including, e.g. the CSCAP co-chairs’ statement of 13 May 2002 entitled “The ARF into the 21st Century”, and A New Agenda for the ASEAN Regional Forum, cited above (Note 7), Jawhar, cited above (Note 42), and Barry Desker, The Future of the ASEAN Regional Forum, October 2001, at: http://www.ntu.edu.sg/idss/Perspective/research_050105.htm.

descriptions, explanations and *ex post facto* analyses which may be studied, applied in part or in modified forms, or rejected outright.

The CSCE/OSCE does have several attractions for Asia. Some are general in nature: The OSCE has worked well (effectiveness criteria); it continued to exist even during very difficult periods of inter-bloc rivalry; membership and co-operation do not require that participating States enjoy diplomatic relations with each other.⁴⁷ Today, the OSCE is successfully addressing a wide variety of potential conflict situations in the post-Cold War world – including questions related to national minorities and water resources – and, with some success, actual post-Cold War conflicts. The Organization has always proved able to adapt itself, its structures and working methods to changing situations – despite the fact that (or perhaps because) it has had to constantly react to the necessities of the hour. Finally, there has always been a high degree of co-operation between large and small states, which has respected the sovereign equality of each and every member.

In addition, there are attractions that apply specifically to Asia, or are seen as attractive from an Asian cultural perspective. Here, we can list the consensus principle; the lack of elaborate or overly strict rules of procedure; the avoidance of legalistic implications in drafting documents in the name of precision (the OSCE's "constructive ambiguity"); the fact that the institution was founded by arch-enemies who continued to support and use it to pursue their respective aims; the OSCE's dedication to putting people first – respecting and fostering the dignity of the human person – for example, through its growing espousal of the concept of human security;⁴⁸ the lack of legal instruments, legal procedures and independent judicial control (there is no formal complaints body and no obligatory independent decision-making court competent for cases related to OSCE commitments and internal rules); the use of codes of conduct for addressing and agreeing upon issues of common interest; the fact that norm setting proceeds step-by-step, without a pre-given road-map, and that commitments are agreed on as and when needed and when the time is ripe for consensus; the OSCE's co-operative means of implementation review; the Organization's lean administration; the relatively weak role given the Secretariats and the leading, consultation-based role of the Chair; flexible working methods; and the fact that the OSCE covers a vast region that includes parts of Asia.

47 Consider, for example, the FRG-GDR issue in the early days of the CSCE as well as the ongoing refusal of the Czech and Slovak Republics on the one side, and Liechtenstein on the other to recognize each other because of property restitution questions dating from the end of World War II.

48 For more on human security and its relevance within the OSCE cf. Thomas Buchsbaum, OSCE's Comprehensive Security: Integrating the Three Dimensions, in: Daniel Warner/Valérie Clerc (eds.), *Challenges Faced by The OSCE During 2001*, PSIO Occasional Paper 2/2002, Institut universitaire de hautes études internationales, Geneva 2002, pp. 71-150, also at: http://www.isn.ethz.ch/osce/about/navig_about/am01/chapter4_buchsbaum.pdf.

On the other hand, there are also a number of factors that make the OSCE less attractive to some Asian countries. These features include, for example, the Organization's – in the meantime – highly developed mechanisms; the high priority given to fundamental freedoms, human rights and democratic institutions – which also is a major and essential part of OSCE's common, co-operative and comprehensive security concept; the existence of *obligatory military* CSBMs; the relatively minor importance attached to economic issues (because of other – more powerful and richer – international institutions which exist and can be used in the OSCE region to deal with such issues); the OSCE's consensus-minus-one and consensus-minus-x procedures (rarely if ever used in practice); the fact that the OSCE clearly represents regionalism (and does not include, for example, all five Permanent Members of the UN Security Council); the fact that the OSCE puts multilateralism ahead of bilateralism – in practice at least true of the medium-sized and smaller countries; the view that the OSCE covers societies with rather similar ethnic, religious and cultural backgrounds (a – false – Asian interpretation of the OSCE region contradicted by the vast religious and ethnic diversity that the region does in fact contain); and the fact that the OSCE sanctioned a high level of intrusiveness into the territory and domestic affairs of members, which today is mainly on paper, given the fact that the formal mechanisms devised between 1989 and 1992 have rarely if ever been used and have generally turned out to be ineffective in practice (especially during recent years).⁴⁹

Where to Look First ?

The list of characteristics that make the OSCE attractive as a model for subregional security arrangements in East Asia would be incomplete without a suggestion of where interested (Asian) policy makers, specialists in institutional frameworks and academics ought to look first when studying the experiences of the CSCE/OSCE during its complex, constantly changing history.

Here we will submit a shortlist, starting with one of OSCE's main characteristics: that it is an institution of co-operative security where a variety of issues (whether regional, inter-state or intra-state) can be addressed by *all* concerned countries according to the principle of sovereign equality and not against the will of *any* of them, and where the consensus rule equates to the possession of a veto by *every* member.

On the practical side, Asia may be drawn to features deriving from the *early* CSCE – its C(S)BM and human dimension commitments in their early stages – including the mechanism for consultation and co-operation as re-

49 An extremely rare exception is the use of the human dimension "Moscow" mechanism with respect to Turkmenistan in 2002/03.

gards unusual military activities (referred to as the Vienna mechanism), the mechanism for consultation and co-operation with regard to emergency situations (known as the Berlin mechanism), and their further developments. This is, however, not to suggest that “Europe’s past could be Asia’s future” and that the Asia Pacific is doomed to live in Europe’s past.⁵⁰

Asian governmental and academic experts may take an interest in the OSCE’s very gradual institutionalization process, in particular with respect to the Conflict Prevention Centre (CPC), and the development of its mandate and activities, when considering setting up an ARF Risk Reduction Centre (RRC) as suggested in the 1995 Concept Paper.

It is easy to overlook OSCE subregional activities: commitments not applicable to the whole OSCE region, agreements within the OSCE framework originally not open to all its participating States, the *Vienna Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina*⁵¹ and the *Florence Agreement on Sub-Regional Arms Control*,⁵² regional measures under the *Vienna (CSBM) Document 1999*, and the *Stability Pact for South-Eastern Europe* under the auspices of the OSCE.⁵³

Despite some reticence by certain ARF countries towards human-dimension and human-security issues, no study on the OSCE can be valid and complete without taking into account the milestones the CSCE/OSCE gradually set in these fields, including the provision of the *Helsinki Summit Declaration* that “the commitments undertaken in the field of the human dimension [...] are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the States concerned”,⁵⁴ the commitment to protect human rights and fundamental freedoms during a state of public emergency, a state of war or when under threat of war or in-

50 Cf. Kwa Chong Guan, cited above (Note 43).

51 For details see Heinz Vetschera, *Military Stabilization and Arms Control in Bosnia and Herzegovina Five Years after the Dayton Agreement, Part I: The Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina*; in: *Österreichische Militärische Zeitschrift* 3/2001, pp. 311-318; see also: Heinz Vetschera, *The Role of the OSCE in the Military Stabilization of Bosnia and Herzegovina*, in: *Institute for Peace Research and Security Studies at the University of Hamburg/IFSH* (ed.), *OSCE Yearbook 1998, Baden-Baden 1999*, pp. 305-327.

52 For details see Heinz Vetschera, *Military Stabilization and Arms Control in Bosnia and Herzegovina Five Years after the Dayton Agreement, Part II: The Agreement on Sub-Regional Arms Control (“Art. IV/Florence Agreement”) and Implementation and Verification*; in: *Österreichische Militärische Zeitschrift* 4/2001, pp. 465-472; see also: Vetschera, *The Role of the OSCE in the Military Stabilization of Bosnia and Herzegovina*, cited above (Note 51).

53 For details cf. Thomas Buchsbaum, *The OSCE and the Stability Pact for South Eastern Europe: A mother-daughter, brother-sister relationship?*, in: *Helsinki Monitor* 4/2000, pp. 62-79; cf. also Hans-Georg Ehrhart, *The Stability Pact for South Eastern Europe – Strategic Success or Botched-up Bungle?*, in: *Institute for Peace Research and Security Studies at the University of Hamburg/IFSH* (ed.), *OSCE Yearbook 2000, Baden-Baden 2001*, pp. 163-178.

54 Cf. CSCE Helsinki Document 1992: *The Challenges of Change*, Helsinki, 10 July 1992, in: *Bloed* (ed.), cited above (Note 12), pp. 701-777, herein: *Helsinki Summit Declaration*, pp. 701-710, para. 8, p. 702.

ternal political instability and to limit derogations from those obligations,⁵⁵ the *Code of Conduct on Politico-Military Aspects of Security*,⁵⁶ human dimension institution building including of the *Office for Democratic Institutions and Human Rights* (ODIHR), the *High Commissioner on National Minorities* and the *Representative on Freedom of the Media*, and finally the mainstreaming of the human dimension into all areas of OSCE activities.

The shortlist proposed to Asians interested in the OSCE should also draw their attention to the OSCE's own "lessons learned" in order not only to enable the emulation of positive and valuable activities and developments but also to ensure that negative and unsuccessful steps are not repeated.

Before closing, we would once more invite Asian scholars of the OSCE to remember that, in the beginning, and for a good many years, the CSCE included arch-enemies within its fold, and that, during most of its history, it worked reasonably well. We would also like to highlight the different religions, ethnic groups and levels of political, economic and social development the participating States represent, facts that invalidate an oft-heard Asian point of view that the OSCE region is much less diverse and complex than those of the ARF or Asia as a whole. Considering, in particular, developments in the Balkans and not a few parts of former Soviet territory over more than a decade now, the OSCE region is much less conflict-free and much more conflict-prone than Asian perspectives often allow. That is why OSCE experience is significantly relevant to inter-state conflicts, too.

The ARF is an institution whose situation and structure in many instances mirror those of the early CSCE. It, and by extension, East Asia and the Asia Pacific in general, can indeed profit from studying the OSCE and its development in more detail to draw their own conclusions for the sake of the region's security and that of its inhabitants.

55 As agreed in the Copenhagen and Moscow Documents of the Conference on the Human Dimension of 1990 and 1991.

56 Agreed at the Budapest Summit of 1994 and entered into force on 1 January 1995.

The International Socialization of Post-Socialist Countries: The Role of the OSCE and the Council of Europe

Introduction

The literature on the transformation and democratization of post-socialist countries pays little attention to the role of international organizations. However, this lacuna is in the process of being filled by the growing body of research on the international socialization of the former Eastern bloc.¹ Within this specialized subfield, it is generally assumed that international organizations are actively involved in a process aimed at the induction of new members into the ways of behaviour that are preferred in the Western community of values.² Yet this promising field of study tends to focus on the “usual suspects”, namely the EU and NATO, while the Council of Europe (CoE) and the OSCE are given short shrift. The implicit assumption of investigations into international socialization in the new Europe is that international organizations only matter as socializing agents if they administer large funds, as does the EU, or if they co-ordinate military capabilities, as does NATO. Yet this is a simplistic view.

In this article, we argue that both the CoE and the OSCE play an important role in the international socialization of Eastern Europe, South-eastern Europe, the Caucasus and, in the case of the OSCE, Central Asia.³ To begin with, we show that, despite their very different previous institutional trajectories, after 1989 both organizations evolved into important norm entrepreneurs that have assisted the post-socialist countries in remaking themselves in the image of the West. Next, we inquire into the basis of their socializing potential and pinpoint their limitations as socializing agents. In the section that follows, we compare the socializing techniques that the two organizations use to motivate governments to come into compliance with the institutions’ expectations. This brings into focus important differences between the CoE and the OSCE, which we attribute to variations in their institutional structures. Finally, we identify the relative advantages and disad-

1 Cf. Ronald H. Linden (ed.), *Norms and Nannies: The Impact of International Organizations on the Central and East European States*, Lanham/MD 2002, and the papers prepared for the workshop on “International Institutions and Socialization in the New Europe”, Florence, 22-23 February 2002.

2 This definition of socialization is adapted from James Barnes/Marshall Carter/Max Skidmore, *The World of Politics*, New York 1980, p. 35.

3 Hereinafter this collection of regions shall be referred to as “the East” or “the former Eastern bloc”.

vantages of the two socializing agents, and we consider important synergies and duplications in their socializing activities.

A Common Organizational Purpose: Promoting Human Security in the East

During the Cold War, the political purposes of the CoE and the CSCE diverged significantly. The former was created as a defender and promoter of democracy, human rights and the rule of law. As a human rights organization, it contributed significantly to the development of Western European political systems after 1949, notably through the European Convention on Human Rights. The CSCE, on the other hand, was created as a pan-European security institution designed to stabilize Europe's Cold-War order while at the same time making it more humane. The power of the norms of the Helsinki Final Act, in particular Principle VII of the Decalogue, respect for human rights and fundamental freedoms, and Basket III concerning co-operation in humanitarian issues, played an important role in the demise of communism.

Since the collapse of the Eastern bloc and the disintegration of the Soviet Union and Yugoslavia, the CoE and the OSCE have each developed additional organizational tasks, which are directed towards "making order" in the East, as one high-ranking diplomat interviewed by us put it.⁴ The Western European human-rights organization expanded eastwards and endowed itself with new structures and programmes to better contribute to the development of liberal and democratic political systems in Eastern Europe, South-eastern Europe and the Caucasus. The Cold War security institution, for its part, refocused its activities on conflict prevention, conflict management and post-conflict rehabilitation in the East, based notably on its human-dimension commitments. The upshot of these adaptation processes was that the CoE and the OSCE found themselves pursuing the same *mission civilisatrice* in the East, even while continuing to pursue their established objectives.⁵ What are the principled and causal beliefs around which the CoE and the OSCE's socializing activities in the East converge?

Principled beliefs are normative ideas about what is right and wrong. In the case of the CoE and the OSCE, the constitutive normative belief is that the proper reference point of domestic policies is *human security*. By this term we mean a concern with human life and dignity, including meaningful participation in the life of the community.⁶ Human security, therefore, is

4 Interview with a senior diplomat of an Eastern European state whose duties until earlier this year included covering both the OSCE and the CoE, 3 March 2003.

5 For instance, the OSCE continues to play an important role in arms control – its involvement in the Open Sky Treaty, the CSBM regime and the CFE Treaty come to mind – while the CoE continues to be at the forefront of concretizing and extending European legal norms.

6 Cf. United Nations Development Programme (UNDP), Human Development Report 1994, Oxford 1994, p. 22.

about emancipation from oppressive power structures and the promotion of institutions that guarantee civil, political and economic rights. While in some cases the promotion of human security means limiting state power, in others it implies strengthening the capacity of governmental institutions to provide security to the individual and to people collectively. Moreover, as institutions of European international society, the CoE and the OSCE are bound to promote the principle of human security in the context of the territorial integrity and sovereign equality of the members of this society of states.⁷

The CoE's commitment to building human security in the East is, *inter alia*, articulated in the 1993 Vienna Declaration.⁸ In it, the heads of state and government of the member states committed the organization to playing a key role in backing the democratic transition and the protection of human rights in the East. And ever since the 1990 Charter of Paris for a New Europe, "respect for human rights and fundamental freedoms, democracy and the rule of law [has been] at the core of the OSCE's comprehensive concept of security".⁹ In short, the ideology of both the CoE and the OSCE centres on the principled belief that it is proper for states to put people, their rights and their dignity at the centre of policy. The two organizations elaborated a host of regulatory norms through which the notion of human security is concretized in the form of specific prescriptions and proscriptions for action.

Closely linked to this normative idea are two causal beliefs, i.e. beliefs about cause-effect relationships. The CoE and the OSCE construe disrespect of human security by states not only as an illegitimate violation of citizens' rights, but also as proof of ignorance of how to govern effectively, without creating security risks at the domestic and international level. According to this causal belief, a "free society allowing everyone to fully participate in public life is a safeguard against conflict and instability".¹⁰ In the context of the CoE, the concept of "democratic peace", which was elaborated by the aforementioned Vienna Summit, reflects the belief that there is an inverse correlation between, on the one hand, internal violence and war and, on the other, institutions that guarantee civil, political and economic rights. A second important causal belief is that the promotion of human security in post-socialist countries is a matter for international regulation and co-operation. Decades of communism and the pre-communist histories of the former East-

7 This pragmatic approach of the two organizations, which seeks to make the human security agenda amenable to state policy-makers, stands in stark contrast to the view of critical scholars who, for normative reasons, oppose the incorporation of human security into state-centric policy frameworks and instead promote the principle of human security as a means to strengthen world society at the expense of international society.

8 Cf. Vienna Summit Declaration, 9 October 1993, available at: <http://cm.coe.int/ta/decl/1993/Vienna%20Summit%20Declaration.htm>.

9 Here quoted from: 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 (ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 425-443, here: p. 431 (para. 19).

10 ODIHR, OSCE Human Dimension Commitments. A Reference Guide, Warsaw 2001, p. xiv.

ern bloc countries have left social and political legacies that often pose serious obstacles to the implementation of the principle of human security. Hence, assistance, encouragement and sometimes pressure by international organizations are required to ensure that domestic reforms bring about the hoped-for changes.

So far we have argued that the CoE and the OSCE seek to socialize states in the former Eastern bloc into adopting policies, laws and institutions that promote the well being of individuals. This raises the question as to the source of the power that enables the two organizations to play this socializing role.

The Basis of the Socializing Potential of the CoE and the OSCE

A major characteristic of the organizational structure of the CoE and the OSCE is the inability of their organs to draw on significant military or financial capabilities in support of institutional decisions. This lack seems to suggest that the two organizations are structurally incapable of playing a significant role in the international socialization of the East. Mainstream international relations theory supports this perception.

Rationalist-materialist approaches constitute the dominant theoretical approach in international politics. Their defining characteristic is that they reduce politics to the calculable and limit reasons for political action to material factors. Seen through this theoretical prism, the process of international socialization is understood as being triggered by international actors' manipulation of material threats and promises to alter the preferences of target states.¹¹ Such an understanding inevitably leads to a pessimistic assessment of the socializing potential of the CoE and the OSCE.

Both organizations lack the means to provide strong material incentives to encourage states to alter their policies. This sets them apart from organizations such as the EU and NATO, which can draw on their material resources to socialize countries in the East by offering them the carrot of significant tangible benefits, notably security guarantees and funds. Thus, NATO's socializing potential in applicant countries rests to a large extent on its promise, rendered credible by robust military capabilities, of extending Article 5 protection to them if they comply with NATO principles. As to the EU, it has developed programmes such as PHARE, the Special Accession Programme for Agriculture and Rural Development (SAPARD) and the Instrument for Structural Policies for Pre-Accession (ISPA) to provide substantial pre-accession technical and financial support to candidate countries, and it holds out the promise to them of a larger share of its funds once they have joined the club.

11 Cf. G. John Ikenberry/Charles A. Kupchan, Socialization and Hegemonic Power, in: *International Organization* 3/1990, pp. 283-315.

Neither the CoE nor the OSCE have as much to offer in this regard as the EU or NATO. Although the CoE provides substantial funds to countries, notably through its Intergovernmental Activities, these funds fall far short of what the EU has to offer.¹² The OSCE is even less well endowed than the CoE, acting more as a catalyst that lobbies “partner organizations” such as the United Nations or individual states to support assistance projects or provide funds to address particular problems. Moreover, in contrast to the EU and NATO, neither the CoE nor the OSCE pursues a strict policy of conditionality, requiring countries to take certain policy actions before they are allowed to join the organization or are provided with material assistance. Thus, the OSCE did not make accession of the successor states of the Soviet Union and the former Yugoslavia conditional on their acting in accordance with the principles laid down in the 1990 Charter of Paris for a New Europe.

The CoE was somewhat less lenient. It did make membership dependent on compliance with the principles laid down in Article 3 of its statute,¹³ but in practice it watered down these legal criteria, giving political considerations an important role in its enlargement policy. Finally, while both organizations have the power to suspend the membership of countries that are in flagrant violation of their principles, both are reluctant to do so.¹⁴ The OSCE did so once, when in 1992 it suspended Yugoslavia. The CoE suspended the Yugoslav Parliament’s special-guest status in 1991 and the Belarusian Parliament’s special-guest status in 1997. The point to be made here is that a rationalist-materialist take on international socialization denies any real importance to the CoE and the OSCE. They have a limited capacity to offer material inducements and little political will to use the threat of membership suspension. This double lack renders them impotent socializing agents.

Yet this assessment rests on a one-sided view of the power of international organizations, a view, which fails to take into account the fact that ideational factors such as principled and causal beliefs are autonomous determinants of social life. If we turn from a simple materialist ontology to a more complex one according to which reality is made up of both matter and ideas, we are able to appreciate that even international organizations that have few material capabilities have the potential to be powerful socializing agents. Provided they are accepted as legitimate representatives of a consensual normative order, international organizations can draw on the power of

12 In 2003, 64 million euros were available for distribution through Intergovernmental Activities.

13 “Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms [...]”, Statute of the Council of Europe, Article 3.

14 This is a point picked up by critics. Cf. Milada Anna Vachudova, *Peaceful Transformations in East-Central Europe*, in: Michael E. Brown (ed.), *The International Dimensions of Internal Conflict*, Cambridge 1996, p. 104.

norms to socialize states.¹⁵ This power derives from the identification of the socializees with the values embodied by the international institutions. Because non-member countries admire and aspire to join the ranks of the organizations' dominant in-group, they grant these organizations the authority to shape the principles upon which their domestic political orders rest. In short, the socializing potential of international organizations that lack material power rests on their normative attractiveness. As both the CoE and the OSCE are legitimate representatives of the Western community of values, both do enjoy significant socializing potential vis-à-vis the East.

While it is important to point out that the CoE and the OSCE are important players in the process of international socialization, we do acknowledge their limitations relative to the EU and NATO. In comparison to the latter, the CoE and the OSCE are clearly "niche" players in the governance of post-socialist countries. To begin with, other things being equal, organizations that have both material and normative power such as the EU and NATO are more powerful socializing agents. Second, the socializing potential of the CoE and the OSCE declines as the political-cultural distance between the values they embody and the countries to be socialized increases. The greater the political-cultural distance, the less likely it is that countries will strongly identify with, and aspire to become a member of, the Western community of values. For instance, in the case of countries like Turkmenistan or Uzbekistan, the dissonance between the norms institutionalized in domestic politics and those advocated by the OSCE is fairly striking. In such cases, the domestic impact of international socializing agents is likely to be very limited unless they have strong material leverage to induce significant domestic changes.

A third and related point is that even in the case of countries that do identify with the Western community of values, socializing potential of the CoE and the OSCE is significantly enhanced by the interlocking nature of international organizations in Europe. To put it in a nutshell, the road to Brussels goes via Strasbourg and Vienna. By providing, or refusing to provide, countries with a clean bill of health on minority rights, human rights and so forth, the CoE and the OSCE can influence their chances of successfully applying to join the EU and NATO, i.e. of gaining access to funds and security guarantees. Hence, the socializing potential of the CoE and the OSCE depends at least in part on that of Europe's most powerful political and military institutions.

In the next section, we turn from inquiring into the socializing potential of the CoE and the OSCE to exploring how they operationalize their normative power in their efforts to socialize the East.

15 Cf. Frank Schimmelfennig, Introduction: The Impact of International Organizations on the Central and Eastern European States – Conceptual and Theoretical Issues, in: Linden, cited above (Note 1), p. 14.

In the wake of the end of the Cold War, the two organizations adapted their organizational structures in order to develop their role as socializing agents. On the one hand, they expanded their programmatic activities in new directions in order to instil a principled commitment to human security as the domestic foundation of social and political life in the former Eastern bloc. On the other hand, they enhanced their active role by upgrading the competences of existing organs, creating new organs or setting up independent bodies outside any existing organizational framework. Thus, the CoE upgraded its human rights machinery by, for example, making the enforcement of the rights laid down in the European Convention on Human Rights the sole responsibility of the European Court of Human Rights. It also set up the European Commission for Democracy through Law (Venice Commission) as an independent consultative body outside the CoE framework to provide the countries of the former Eastern bloc with expertise in making and reforming constitutions. Likewise, the OSCE enhanced its ability to play the role of socializing agent by, for instance, creating the office of the High Commissioner on National Minorities, a political body mandated to intervene as an independent third party in situations having the potential to create inter-ethnic conflicts.

States that lack the ability to guarantee human security or display a lack of normative commitment to it are the main interlocutors of the two organizations and the main addressees of their programmes and activities. In what follows, we shall argue that there are important differences in how the two organizations go about the socialization of former Eastern bloc countries. These differences can be attributed to their different organizational structures.

Drawing on non-materialist theories of international socialization, we argue that international organizations such as the CoE and the OSCE, which lack material capabilities but operate in a normatively institutionalized environment, can make use of three different socializing techniques: social influence, teaching and intermediation.

Social influence is a technique used by both organizations. It is based on the logic of consequentialism, according to which socializees choose to act in accordance with the expectations of the socializer in order to gain certain non-material advantages. In the case of the CoE and the OSCE, governments that comply with the organizations' requirements gain mainly in terms of legitimacy – a resource that strengthens their domestic political power, enhances their capacity to govern and improves their access to other international organizations such as the EU or NATO.¹⁶ Conversely, if they fail to act in line with what is expected of them, they are subjected to the calculated administration of shame. Social influence is primarily operationalized in the

16 Cf. Frank Schimmelfennig, *International Socialization in the New Europe: Rational Action in an Institutional Environment*, in: *European Journal of International Relations* 1/2000, pp. 116-119.

public-reporting activities of the two organizations. In these reports, countries are evaluated in terms of institutionally established norms, their plus and minus points are publicized and they are hierarchized in relation to each other. Those that are praised gain legitimacy, those that are identified as violating – or not paying sufficient attention to – human security are publicly shamed.

As to the socializing techniques of teaching and intermediation, the CoE places more emphasis on the former, while the OSCE pays more attention to the latter. This difference can be attributed to variations in the organizational structures of the two institutions.

Teaching is based on the logic of appropriateness, according to which socializees act in accordance with the expectations of the socializer because they think it is the right thing to do.¹⁷ The CoE seeks to inculcate formalized norms in the East on the basis of well-defined lesson plans, the content of which is given. There are a number of organizational features that predispose the CoE to play this role. To begin with, unlike the OSCE, it is based on a constituent treaty. The numerous conventions concluded within its scope over the years form a solid legal regime. Moreover, certain “hard law” provisions of the CoE create obligations for member states that are subject to enforcement by the European Court of Human Rights. The point to be made here is that the CoE elaborated in precise legal terms a host of regulatory norms through which the notion of human security is given precision. In its outreach activities to the East, it seeks to socialize states into adopting these norms, which equip them to become full-fledged members of the contemporary West.

The CoE organizes numerous seminars and workshops, in which it teaches post-socialist countries clearly defined elements of a standardized model of European statehood founded on the principle of human security. The key elements of this model are legal in nature and non-negotiable, i.e. the CoE does not enter into any argument about their normative rightness or applicability to particular countries. Rather, it makes membership conditional on efforts to adopt and institutionalize the model. What is negotiable, however, is the precise extent of the institutionalization required before membership is granted. Consequently, political considerations played an important role in the enlargement of the CoE, for instance in the case of Russia.

Besides seminars and workshops, another notable part of the CoE’s “pedagogical work” is the confidential monitoring procedure of the Committee of Ministers.¹⁸ This can be compared to an examination, in which pupils’ shortcomings are identified and lesson plans to improve performance are developed. These exams, which are held *in camera* to encourage a constructive dialogue, are organized three or more times per year by the Ministers’ Deputies at A level, with only a few CoE staff, experts and senior national

17 Cf. Martha Finnemore, *National Interests in International Society*, Ithaca/NY 1996.

18 Cf. Monitoring Department of the Directorate of Strategic Planning 2003, Monitor/Inf (2003)1, Monitor/Inf (2003)1 add., Monitor/Inf (2003)2, Monitor/Inf (2003)3.

officials present.¹⁹ The participants conduct frank reviews of states' compliance records based on a checklist of ten "themes", which include the functioning of the judicial system, local democracy and capital punishment.²⁰ Staying with the classroom metaphor, the goal of the exercise is not to downgrade pupils but to assist them in identifying those areas in which they have to work harder to reach CoE standards and in developing strategies to accomplish this goal.²¹ The concluding document will tend to include a chart singling out the weaknesses in a given area and a chart singling out positive developments, and to end on an encouraging note asking the Secretariat to assist the member state in implementing appropriate measures.

A further significant component of the CoE's teaching activities is the Demosthenes Programme through which the organization transfers its expertise in building a democratic society to the post-socialist states. Within the scope of this programme, the Demo-Droit project focuses on issues including the independence of the judiciary and the reform of criminal codes and codes of criminal procedures. The Themis Plan concerns the training of police officers, judges, prosecutors and other relevant personnel. Whatever their specific content, all of the lesson plans of the Demosthenes Programme are aimed at ensuring that states conform to the standards laid down in the European Convention on Human Rights.

Although the OSCE also engages in educational activities, for instance, in seminars organized by ODIHR, its strength is another socializing technique: normative intermediation.²² This technique is based on the logic of argumentation, according to which socialization is a co-operative process of establishing consensus, a process in which no participant claims a monopoly on correct interpretations. Argumentation is premised not on a teacher-pupil relationship but on a partnership among equals. Thus, an OSCE body such as the High Commissioner on National Minorities does not seek to provide standardized lessons on how to prevent inter-ethnic conflict. Rather, the Commissioner listens to what the parties to the conflict have to say and makes suggestions on how they can go beyond their own standpoints so as to reach a consensus.

Hence, intermediation differs from teaching. It is an open-ended process based on reciprocal perspective taking rather than a mimetic process in which Eastern countries learn to imitate the structures of Western democracies. If successful, a policy-dialogue of this kind leads to the creation of a country-specific common understanding among the international and (sub)national interlocutors about how best to go about promoting human security in any

19 Cf. Procedure for Implementation of the Declaration of 10 November 1994 on compliance with commitments accepted by Member States of the Council of Europe. The Procedure was adopted by the Committee of Ministers on 20 April 1995.

20 Each round of the confidential monitoring procedure is devoted to one of the ten themes.

21 The CoE carries out similar exam-type, educational activities in the form of its regular monitoring and specific post-accession monitoring activities.

22 Cf. Steven R. Ratner, Does International Law Matter in Preventing Ethnic Conflict?, in: New York University Journal of International Law and Politics 3/2000, pp. 591-698.

given context. While this does not mean that an organ such as the High Commissioner is ready to question the normative validity of ethnic minority-related OSCE norms, it does mean that it is ready to be persuaded by good arguments as to why norms have to be adapted to situational exigencies on the ground. To understand why intermediation plays a greater role than teaching in the socializing practices of the OSCE, we have to look at its organizational structure.

The OSCE lacks a “hard” legal foundation and relies on diplomatic rather than judicial enforcement of its regulatory norms. The “soft law” regime established by its documents is less solid and formalized and more flexible than the legal regime established by the CoE. Hence, structurally, the OSCE is better equipped to engage in the give and take of intermediation than in the teaching of standardized elements of appropriate statehood.

To illustrate this point, we can briefly look at the example of the High Commissioner on National Minorities. The office of the High Commissioner is a political body mandated to intervene as an independent third party in situations having the potential to create inter-ethnic conflicts. It thus engages in preventive diplomacy. One of the High Commissioner’s tasks is to visit countries suffering from heightened ethnic tensions to hear first-hand accounts of the problems and to meet in person with the main players. He also frequently plays a mediating role during visits by proposing or organizing round tables, seminars or conferences with a view to involving parties in dialogue, encouraging patterns of co-operation and modifying perceptions and feelings of suspicion. By drawing the parties to the conflict into a process of argumentation and persuasion, the High Commissioner seeks to contribute to the creation of a “community of communication” with a view to facilitating the emergence of an argumentative consensus on how to implement the principle of human security in the country in question.²³ Because the High Commissioner does not act as a teacher with ready-made lesson plans but as a partner who makes an effort to take on board the viewpoints of the parties to the conflict, his interventions vary significantly from one country to the next. For instance, in the Former Yugoslav Republic of Macedonia, the long-serving OSCE High Commissioner on National Minorities Max van der Stoep called for and actively participated in facilitating the creation of an Albanian-language university in Tetovo, while in Estonia he did little to prevent the closure of Russian-language schools and institutions. The point to be made here is that this difference is accounted for not by a lack of principled commitment to OSCE norms on the part of the Commissioner, as some critics argue,²⁴ but because his office, just like the OSCE *in toto*, is structurally predisposed to favour the use of the socializing technique of intermediation.

23 Cf. Thomas Risse, “Let’s Argue!”: Communicative Action in World Politics, in: *International Organization* 1/2000, pp. 1-39.

24 For a critique of this “inconsistency”, see Will Kymlicka, Reply and Conclusion, in: Will Kymlicka/Magda Opalski (eds), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, Oxford 2001, p. 378.

Europe's most important international socializing agents are the EU and NATO. They can draw on both material and normative power to induct Eastern European states into Western ways of behaviour. Yet the CoE and the OSCE are important niche players in the international governance of post-socialist space, not least because their larger membership gives them a comparative advantage over the EU and NATO. The OSCE is the only transatlantic organization that incorporates the Central Asian states. This enables it to "play the role of a bridge, which makes these states not only known, but also to some extent controllable".²⁵ The CoE, too, is increasingly playing the role of a bridge, linking the EU to non-EU states such as Moldova, Ukraine and Russia.²⁶ Hence, both the CoE and the OSCE play an important role in the socialization of the wider Europe, i.e. in promoting stability and security in countries that in the foreseeable future will join neither the EU nor NATO.

While the OSCE trumps the CoE in terms of the geographical scope of its socializing activities, it is less clear which organization has the upper hand in terms of the impact of socialization. On the one hand, the CoE is arguably better than the OSCE in macro-political restructuring, notably in institution building in the areas of law, human rights and democracy. As one member of the Committee of Ministers' Deputies – the CoE's main day-to-day decision-making body – told us, the organization is "the best mechanism for the creation of modern democratic societies"²⁷ in the wider Europe. Its strong human rights monitoring capacity and its precise lesson plans make it an excellent democracy and human-rights development agency that assists states in fine-tuning their politico-legal systems "in order to reach the maximum efficiency"²⁸ and, we might add, the highest normative standards. For instance, on an issue such as the death penalty, the "OSCE is far more passive", which exemplifies the fact that in general its "approach towards human rights is a bit selective"²⁹ because it looks at them through a security prism. The fact that the OSCE's norms are less stringent than those of the CoE also goes some way towards explaining why "states squeak louder when reprimanded by the CoE".³⁰

On the other hand, the CoE is seen by some as "too theoretical and too much divorced from the realities on the ground"³¹ when compared to the OSCE. Its extensive field presence enables the OSCE to "apply its standards

25 Interview with a senior diplomat, cited above (Note 4).

26 Cf. interview with the ambassador to the CoE of an Eastern European country, 28 February 2003.

27 Ibid.

28 Ibid.

29 Ibid.

30 Interview with a senior official of the Multilateral Department of the Foreign Ministry of an Eastern European state, 21 March 2003.

31 Interview with the Deputy Minister of Foreign Affairs of an Eastern European state, 18 March 2003.

directly” and gives it an advantage notably in building local institutions and in constructing individuals’ subjectivities through a host of small-scale projects aimed at empowering people.³² For instance, in 1999, ODIHR established the “Grassroots Democracy Projects” initiative to encourage the development and implementation of local efforts to promote human rights and democracy through micro-projects. By strengthening grassroots actors and NGOs, the OSCE helps to avoid creating “Potemkin-village organizational structures”, i.e. formal political institutions that conform to the expectations of international socializing agents but make little difference on the ground.³³ By organizing or supporting training in network building, legal-literacy projects, advocacy training and so forth, the OSCE’s field actors help constitute politically active and socially responsible civil-society actors without whom democracy, including human-rights institutions, could not function. In short, the OSCE has a comparative advantage over the CoE in mediating the articulation of international norms such as the rule of law with politico-cultural practices at the local level. It thus ensures that international socialization does not lead to symbolic politics in which countries merely create the appearance of democratic change by engaging in extensive macro-political re-engineering without actually changing existing political practices.

Yet this comparative advantage of the OSCE is somewhat undermined by its low degree of professionalization. While the CoE is supported by a permanent staff of some 1,300 international civil servants, the OSCE has a permanent staff of only around 370. Its field operations, in particular, are plagued by the high-turn over rate of the seconded personnel. Given the importance of a bottom-up approach to promoting politics based on the principle of human security, the OSCE’s role as an international socializing agent would benefit greatly from a higher degree of professionalization.

Given that both the CoE and the OSCE are involved in the socialization of the East, the fixing of the boundaries or jurisdictional limits of one organization vis-à-vis the other must be a real concern to those interested in maximizing organizational effectiveness. Indeed, there is room for further improvement, despite attempts in the past to reduce duplications by forging stronger inter-organizational links by, for example, organizing annual bilateral high-level meetings both in the “2+2” and “3+3” formats, and, in the last three years, within the framework of a Common Catalogue of Co-operation Modalities.³⁴ There remains, in the words of a senior diplomat working at the CoE, a “huge substantive overlap”³⁵ between the two organizations. Indeed, in some cases the duplication seems to be increasing. For instance, the CoE

32 Cf. *ibid.*

33 Cf. Wade Jacoby, *The Reality Behind the Potemkin Harmonization*, in: *East European Constitutional Review* 1-2/1999, p. 3, available at: <http://www.law.nyu.edu/eecr/vol8num1-2/special/priestpen.html>.

34 One of the purposes of the Catalogue, which was signed by the Secretaries General of the two organizations in 2000, is to avoid duplication.

35 Interview with the ambassador of an Eastern European country, cited above (Note 26).

recently launched an initiative aimed at co-ordinating the work of subregional organizations,³⁶ yet it was the OSCE which came up with the idea and organized “the first ever” meeting on the subject.³⁷

Overlap is particularly problematic for small countries that can allocate only limited funds to their foreign ministries. These states complain about the costs of attending meetings of the CoE and the OSCE that deal with the same subjects, such as minorities.³⁸ In the past, some delegates to the Parliamentary Assembly of the CoE argued that election monitoring should be done primarily by the CoE rather than the OSCE.³⁹ However, our interviews lead us to believe that this is not considered a serious problem by most countries. For instance, one interviewee told us that joint monitoring “gives a stronger legitimacy to elections”.⁴⁰ Some diplomats have expressed concern about institutional overlap, asking, for instance, “do we really need two parliamentary assemblies?”⁴¹ The OSCE Assembly, in particular, does not always get good marks from countries concerned about the costs of duplication. While the CoE Assembly is widely considered to be “very efficient and strong” that of the OSCE is sometimes criticized for being “silent”.⁴²

During Lithuania’s recent Chairmanship of the CoE’s Committee of Ministers, an attempt was made to tackle the problem of co-ordination through closer co-operation on the operational level. However, these efforts were seriously hampered by institutional inertia and the competing interests of the CoE Secretariat. A more drastic solution to the problem of overlap was suggested to us by a high-ranking diplomat. He mentioned the possibility of a merger of the two organizations, while highlighting the obstacles to such a demarche, such as differences in membership.⁴³ A more productive and politically feasible strategy for dealing with the problem is to define more precisely the substantive scope of the activities of the two organizations in the international socialization of the East. To a certain extent this is already happening. For instance, the CoE and the OSCE both deal with trafficking in human beings, but they do so from different perspectives, building on each other’s work and thus producing synergies rather than wasteful duplication.⁴⁴

36 Cf. Vilnius Declaration on Regional Co-operation and the Consolidation of Democratic Stability in Greater Europe, 2-3 May 2002, at: [http://press.coe.int/cp/2002/245a\(2002\).htm](http://press.coe.int/cp/2002/245a(2002).htm).

37 Our interviewees approached the issue differently: While some saw it as an example of duplication and rivalry between the two organizations, some perceived it as an example of constructive co-operation, in which one organization builds upon the promising initiatives of another.

38 Cf. Stuart Croft/John Redmond/G. Wyn Rees/Mark Webber, *The Enlargement of Europe*, Manchester, 1999, p. 156.

39 Cf. *ibid.*

40 Interview with a senior official, cited above (Note 30).

41 Interview with an ambassador of an Eastern European country, cited above (Note 26).

42 Interview with a senior diplomat, cited above (Note 4).

43 Cf. interview with an ambassador of an Eastern European country, cited above (Note 26).

44 Simplifying only slightly, the OSCE focuses on the issue of demand reduction, as the 2002 Porto Declaration on Trafficking in Human Beings suggests, while the CoE focuses its activities on victim assistance and protection and encourages talks on the feasibility of a CoE convention on the subject.

The two organizations also co-ordinate their actions by occasionally following self-imposed geographical limitations. For instance, while both are involved in assisting in the creation and reinforcement of ombudsman institutions, the CoE focuses on Eastern Europe and the OSCE on the Central Asian states. In the Caucasus, they work hand in hand on this issue. Some of our interviewees, however, as if expressing their doubts as to the value of such geographically-based co-ordination of activities, suggested that the CoE consider the possibility of engaging the Central Asian states in some format, for example, by granting them observer status. We also find a geographical division of labour a less satisfactory solution to the problem of duplication than would be a further refinement of the substantive division of labour.

Clearly, synergies are generated by the close co-operation of the two organizations in the field, notably in election monitoring and human-dimension work. They occasionally pool resources to co-organize meetings, workshops and conferences on such issues as the role of the media in conflict situations, the role of education in strengthening civil society or election monitoring. Moreover, many OSCE missions have close contacts with the CoE, drawing on its expertise relating to the rule-of-law and other issues. Thus, in Kosovo the CoE provided the OSCE Mission with experts in the fields of media affairs, police training, democratization, human rights and the rule of law. Close and effective co-operation between OSCE field operations and the CoE, including sometimes the co-ordination of their work programmes, also takes place elsewhere, for example in Bosnia and Herzegovina, Serbia and Montenegro and in the Southern Caucasus. In short, “when it comes to field missions, the co-operation between the two organization has been rather successful”.⁴⁵

Finally, the fact that the CoE can add legal weight to the politically binding commitments of the OSCE also benefits the latter. Yet this aspect should not be exaggerated. As Friedrich Kratochwil argues, the absence of formality of an international commitment such as the Helsinki Final Act matters little in terms of norm compliance since the very fact that states solemnly declare in public their commitment to such a document creates by itself a certain obligatory pull.⁴⁶ What this suggests is that the distinction between organizations operating within a legal framework and those operating within a diplomatic framework is, in terms of their impact on countries, less important than often assumed by scholars and practitioners alike. On the other hand, if the legal norms of the CoE are transposed into domestic legislation, they become subject to enforcement by national courts. Undoubtedly, such transposition significantly increases the impact of socialization because

45 Interview with an ambassador of an Eastern European country, cited above (Note 26).

46 Cf. Friedrich Kratochwil, *Contract and Regimes: Do Issue Specificity and Variations of Formality Matter?*, in: Volker Rittberger (ed.), *Regime Theory and International Relations*, Oxford 1997, p. 88.

it brings into play an effective domestic sanctioning mechanism that ensures that international institutional expectations are met.

Conclusion

In this essay, we have brought into focus one important common purpose of the CoE and the OSCE: the international socialization of Eastern Europe, South-eastern Europe, the Caucasus and, in case of the OSCE, Central Asia. We showed that despite their lack of material resources, both organizations do enjoy significant socializing potential vis-à-vis the countries of these regions. Yet despite their common organizational purpose, the two organizations use different approaches in their efforts to induct the East into Western modes of behaviour. The CoE primarily plays the role of “teacher”, offering ready-made lessons to its “pupils”. The OSCE is more of a normative intermediary, involving itself in a hands-on process of argumentation in dialogue with its partners. We attributed this difference in roles to the different structures of the two organizations. Finally, we evaluated their comparative advantages as socializing agents, and we explored the extent to which the fact that they pursue a common organizational purpose generates duplications and synergies.

In closing, we submit that both the OSCE and the CoE would do well to strengthen their socializing potential by further reducing duplication and raising operational effectiveness through better division of responsibilities. This is all the more important given that, with the eastward enlargement of the EU and NATO, and the efforts on the parts of both organizations to extend their political footprint to a larger “Europe”, one of the key comparative advantages of the OSCE and the CoE – namely the extent of their reach as socializing forces – will be curtailed.

The OSCE, NATO and the EU within the “Network of Interlocking European Security Institutions”: Hierarchization, Flexibilization, Marginalization

Our common security can best be safeguarded through the further development of a network of interlocking institutions and relationships, constituting a comprehensive architecture in which the Alliance, the process of European integration and the CSCE are key elements. (NATO 1991)¹

The risks and challenges we face today cannot be met by a single State or organization. Over the last decade, we have taken important steps to forge new co-operation between the OSCE and other international organizations. In order to make full use of the resources of the international community, we are committed to even closer co-operation among international organizations. (OSZE 1999)²

Has the problem of inter-institutional co-operation between European security organizations been solved? The passages above, by demonstrating that the relevant bodies are aware of the problems that exist and intend to solve them, would support the view that important preconditions have been met that make a solution more likely. However, a less optimistic viewpoint presents itself when we consider that these declarations are principally mere statements of political intent and that they depart substantially from the ways Europe’s many security institutions actually co-operate. The fact that the OSCE aims to develop “political and operational coherence [...] among all the various bodies dealing with security”³ and the fact that the Heads of State or Government have called on the OSCE to work together with other institutions and organizations “to foster co-ordinated approaches that avoid duplication and ensure efficient use of available resources”⁴ rather suggest the

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- 1 Statement issued by the North Atlantic Council Meeting in Ministerial Session in Copenhagen 6-7 June 1991, Partnership with the Countries of Central and Eastern Europe, para. 3, at: <http://www.nato.int/docu/comm/49-95/c910607d.htm>.
The author would like to thank Mechthilt Kühne, Katrin Münch and Jana McKamey for their assistance in the creation of this paper.
 - 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. 429 (para. 12). All OSCE documents are available online: <http://www.osce.org/docs>.
 - 3 Ibid.
 - 4 Operational Document – the Platform for Co-operative Security, in: *ibid.*, pp. 441-443, here: p. 443.

continued existence of problems that have remained unresolved over the last decade.

Nevertheless, at least the above analysis of the situation made by the OSCE participating States at the 1999 Istanbul Summit coincided with the formulation of a concrete catalogue of instruments and mechanisms – to be further enhanced⁵ and complemented with specific forms of co-operation in the field.⁶ And, of course, there can be no doubt that inter-institutional co-operation does take place. It does so frequently, in a wide variety of ways and at all levels: from the political leadership right down to the working level. This is documented by the OSCE Secretary General in the Annual Report on Interaction Between Organizations and Institutions in the OSCE Area.⁷

Europe's various regional and subregional security institutions overlap in terms of membership. They also resemble each other in the tasks assigned to them, which we can divide into *policy areas* (politics, economics, security), *general functions* (consultation and dialogue; negotiation, decision making and norm setting; implementation; monitoring and harmonization), and *problem areas* (specific tasks or functions) – see the overview on p. 402. It is therefore certainly possible that where we would hope to see co-operation and the division of responsibility, we will instead find competition and duplication; and that instead of synergy and the rational deployment of resources, we will see inefficiency and waste. Instead of “interlocking institutions”, there are numerous cases where institutional co-operation results in practice in “interblocking institutions”.⁸ Nevertheless, given the extent to which institutions do in fact co-operate, it is possible to see the problems that continue to arise as the result of “natural wastage”, i.e. as unavoidable everyday occurrences whose root causes are to be identified and dealt with in each particular case. Four years after the Istanbul Summit, and despite continuing

5 Cf. *ibid.*, p. 442; in para. 4, the following forms of co-operation are mentioned: “Regular contacts, including meetings; a continuous framework for dialogue; increased transparency and practical co-operation, including the identification of liaison officers or points of contact; cross-representation at appropriate meetings; and other contacts intended to increase understanding of each organization’s conflict prevention tools.”

6 Cf. *ibid.*, pp. 442-443; para. 6 mentions: “regular information exchanges and meetings, joint needs assessment missions, secondment of experts by other organizations to the OSCE, appointment of liaison officers, development of common projects and field operations, and joint training efforts.”

7 Cf. e.g. The Organization for Co-operation and Security in Europe, The Secretary General, Annual Report 2001 on Interaction Between Organizations and Institutions in the OSCE Area (1 November 2000-31 October 2001), at: http://www.osce.org/docs/english/misc/anrep01e_org.pdf. On earlier phases of co-operation see e.g.: Ingo Peters, The Relations of the OSCE to Other International Organizations, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 385-399.

8 Cf. Uwe Nerlich, Das Zusammenwirken multilateraler Institutionen: Neue Optionen für kollektive Verteidigung und internationale Friedensmissionen [Co-operation between Multilateral Institutions: New Options for Collective Defence and International Peace Missions], in: Bernard von Plate (ed.), Europa auf dem Wege zur kollektiven Sicherheit? [Europe on the Road to Collective Security?], Baden-Baden 1994, pp. 283-304, here: p. 285, particularly Note 3.

problems in specific cases, practical experience provides a generally positive answer to the original question.

Turning to the institutional development of the various *individual* organizations, a picture emerges that contrasts with the generally positive view presented so far. Organizations do not provide a static foundation for the development of practicable, politically acceptable solutions to the problems of inter-institutional co-operation. Rather, each undergoes its own institutional development processes, and does so at its own pace and by no means always continuously. The member states of Europe's security organizations perceive the problems that face European security policy differently. In most cases, there are also a variety of opinions on how best to respond to collective challenges, i.e. as to which institution(s), resources and instruments are appropriate for the collective resolution of a given problem. Moreover, national governments make decisions on the utilization and development of organizations and institutions according to their own perception of how these bodies serve their goals, values and interests. The network of institutions has therefore developed not simply as a result of the need to find practicable solutions to specific problems, but also through a process of negotiations between states. In this way, responsibilities for policy areas and general functions (associated with specific competencies) for dealing with particular problem areas (specific functions) have come to be assigned to the various institutions (with their overlapping memberships) and have been institutionalized in a range of forms (organs, decision-making procedures, instruments, etc.).⁹ This process has multiplied the degree to which institutional categories overlap and has increased the complexity of the relationships between the institutions themselves. And this, in turn, increases the difficulty of achieving the hoped-for inter-institutional co-operation.

Considering the issues in this way leads us to identify two *guiding questions*: What institutional developments do we see within Europe's largest and most important security organizations, the OSCE, NATO and the EU? And what are the overall consequences of these institutional developments for issues related to inter-institutional co-operation – in particular, for the role of the OSCE within Europe's web of interlocking security institutions? The ostensible division of labour between the various security institutions as declaimed in the Charter for European Security and the Platform for Co-operative Security reserves for the OSCE a "key integrating role" as a "flexible coordinating framework to foster co-operation" and states that there is no inten-

9 On the relationship between institutional form and function, cf.: Helga Haftendorn, *Sicherheitsinstitutionen in den internationalen Beziehungen. Eine Einführung* [Security Institutions in International Relations: An Introduction], in: Helga Haftendorn/Otto Keck (eds), *Kooperation jenseits von Hegemonie und Bedrohung. Sicherheitsinstitutionen in den internationalen Beziehungen* [Co-operation without Hegemony or Threats: Security Institutions in International Relations], Baden-Baden 1997, pp. 11-34.

tion of establishing a “hierarchy of organizations or a permanent division of labour among them”.¹⁰

This contribution will argue, however, that, in the course of the institutional evolution of the various organizations, the declared allocation of roles has in fact been diametrically reversed: NATO and the EU have gained a position of clear dominance; security organizations have come to enjoy greater political flexibility regarding deployment options and actual deployment; and NATO and the EU have taken on new responsibilities – both formally and in terms of actual operations – while the OSCE has increasingly been restricted to specific operational tasks and marginalized in general.

The following sections outline the results (but not the negotiations that led to them) of the institutional evolution since 1995 of Europe’s three largest security organizations, viz. NATO, the EU and the OSCE, in terms of the framework outlined above. The treatment given here makes no claim to being exhaustive.¹¹

NATO’s Institutional Development: Enlargement, Out-of-Area Crisis Management and Co-operative Security Functions

The end of the Cold War and the disintegration of the Soviet Union fundamentally transformed NATO’s security environment and its very *raison d’être*. Despite the elimination of the immediate military threat, numerous security risks remained, so that NATO continued to be an attractive insurance policy for its 16 long-standing members. The new democracies of Central and Eastern Europe (CEE states), in seeking to put in place security mechanisms that would support their newly gained political independence, have also been interested in NATO membership since 1990. Given the USSR’s – and later Russia’s – unfavourable opinion towards the expansion of the Western Alliance¹² – possibly up to its own borders – NATO’s response, while basically positive, remained non-committal: a course of action designed to avoid upsetting Moscow, but seen as a delaying tactic by the new democracies. At first, the only action taken was the institutionalization of political dialogue and security co-operation with CEE states in the form of the

10 Charter for European Security, cited above (Note 2), p. 429.

11 In the overview table and the text itself, the following official abbreviations for European security organizations are used: Economic Commission for Europe (ECE), Commonwealth of Independent States (CIS), United Nations High Commissioner for Refugees (UNHCR), United Nations Commission on Human Rights (UNCHR), Office for Democratic Institutions and Human Rights (ODIHR), Conflict Prevention Centre (CPC), Forum for Security Co-operation (FSC), Euro-Atlantic Partnership Council (EAPC), Partnership for Peace (PfP), Common Foreign and Security Policy (CFSP), European Security and Defence Policy (ESDP), Western European Union (WEU), Council of the Baltic Sea States (CBSS).

12 Cf. Frank Umbach, Rußland und NATO-Osterweiterung – Integration, Kooperation oder Isolation? [Russia and NATO’s Eastward Enlargement – Integration, Co-operation or Isolation?], in: Osteuropa 4-5/2001, pp. 423-440.

North Atlantic Co-operation Council (NACC, founded in December 1991) and the Partnership for Peace programme (PfP, January 1994). These institutions aimed at facilitating political transformation in the post-Communist states and their military apparatuses. Following often heated internal debate, accession talks with Poland, the Czech Republic and Hungary commenced in 1997. These led, at the anniversary summit in Washington in April 1999, to the Alliance's first enlargement following the geopolitical watershed of 1990. Even while it was absorbing this first wave of entrants, NATO remained explicitly open for new members and was holding negotiations with ten further candidates. Of these, seven were invited to join at the Prague summit in 2002 in a process due to be completed by 2004.¹³

In this transformed security environment, NATO's internal reform process led to a reformulation of the "fundamental tasks of the Alliance". While NATO's new strategic concepts from 1990 and 1999 still saw the traditional tasks of deterrence and defence as the Alliance's core functions, the major threats to security were no longer believed to come from direct military confrontation but rather from a range of issues such as migration, terrorism and the proliferation of weapons of mass destruction. Consequently, collective defence was replaced by out-of-area crisis management and co-operative security as the driving force of the Alliance's development.¹⁴

A key aspect of NATO's new crisis-management functions is the concept of Combined Joint Task Forces (CJTF), which was introduced in 1994. The proposed role of CJTFs was to carry out multinational crisis operations out of the NATO area, initially in partnership with the WEU and other interested states, and later with the EU.¹⁵ The ability to form "coalitions of the willing and the able" to operate out of area improved the Alliance's political flexibility in crisis situations. NATO has gathered practical experience of this in Bosnia, Albania and Kosovo. In Bosnia, as the leading power in the Stabi-

13 Cf. Karl-Heinz Kamp, *Die Fortsetzung der NATO-Osterweiterung: Politische Stabilitätsförderung zulasten militärischer Handlungsfähigkeit?* [The Continuation of NATO's Eastward Enlargement: Promoting Political Stability at the expense of Military Maneuverability?], in: *Aus Politik und Zeitgeschichte B* 24/2002, pp. 31-38. The countries invited to join were Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. Albania, Croatia and Macedonia participated in the NATO Membership Action Plan but were not initially invited to join the organization. Cf. Prague Summit Declaration Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Prague on 21 November 2002, para. 2, in: NATO Press Release 2002(127), 21 November 2002, at: <http://www.nato.int/docu/pr/2002/p02-127e.htm>.

14 For the political background cf. Helga Haftendorn, *Herausforderungen an die europäische Sicherheitsgemeinschaft. Vom Harmel-Bericht zur Erklärung von Rom: Ein neuer Konsens über die künftigen Aufgaben der Allianz?* [Challenges for the European Security Community. From the Harmel Report to the Declaration of Rome: A New Consensus on the Future Role of the Alliance?], in: *Schweizer Monatshefte* 6/1992, pp. 473-487; Karl-Heinz Kamp, *Das neue Strategische Konzept der NATO* [NATO's New Strategic Concept], in: *Aus Politik und Zeitgeschichte B* 11/1999, pp. 19-25.

15 Cf. Rafael Estrella, *CJTF and NATO Reform*, in: North Atlantic Assembly, Brussels, Defence and Security Committee General Report, AN 230 DSC (96) 8, and Mario da Silva, *Implementing the Combined Joint Task Force Concept*, in: *NATO review* 4/1998, pp. 16-19.

lization Force (SFOR) – consisting of NATO's 16 members and 19 other states – NATO played the key role in implementing the Dayton Peace Accords of 1995. This was primarily a matter of providing military security to enable the work of reconstruction, democratization and the holding of elections organized by the OSCE.¹⁶

In Kosovo and the Yugoslav rump state (Serbia and Montenegro), NATO – under US leadership – prosecuted a “hot” war for the first time in its history. After Belgrade's defeat, it also assumed leadership of the UN-mandated task of providing military security during reconstruction within the framework of the Kosovo Force (KFOR) multinational peace-enforcement force.¹⁷ In this case, however, the Contact Group – an informal institution, here comprising the USA, Russia, the UK, France, Germany and Italy – played a central role, especially in negotiating and ensuring the implementation of the peace accords.¹⁸ The terrorist attacks on the World Trade Center in New York on 11 September 2001 provided a new litmus test of NATO's relevance, namely by leading to the historically unexpected situation of Article 5 of the NATO Charter being invoked in support of the USA. Washington was, however, very selective in accepting the assistance offered by allies and the Alliance.¹⁹

Important preconditions for NATO's changing role were the rethinking of military strategy (including nuclear strategy), the reduction and restructuring of forces and the adoption of leaner command structures. To this end, new resolutions have been adopted in waves virtually every two years since 1992, without, however, always being implemented in full. The creation of a 21,000-strong, technologically advanced, flexible response force (the NATO Response Force, NRF), was initiated at the urging of the United States in Prague in November 2002, and is to be fully operational by October 2006. The plan is to use the CJTF concept as the basis for creating a permanent response force whose individual components are to be maintained at the national level and which can be deployed “wherever they are needed” upon decision of the North Atlantic Council.²⁰

16 Cf. Sari van Heemskerck Piliš-Duvekot, SFOR: A Transatlantic Coalition for Peace, in: North Atlantic Assembly, Brussels, Defence and Security Committee, October 1997, AP 212 DSC/DC (97) 4.

17 For a critical view see H. Ivo Daalder/Michael O'Hanlon, Unlearning The Lessons of Kosovo, in: *Foreign Policy* 116/1999, pp. 128-139.

18 Cf. Albrecht Schnabel, Political Cooperation in Retrospect: Contact Group, EU, OSCE, NATO, G-8 and UN Working toward a Kosovo Settlement, in: Kurt R. Spillmann/Jochim Krause (eds.), *Kosovo: Lessons Learned for International Cooperative Security*, Berne et al. loc. 2000, pp. 21-44.

19 Cf. For a positive evaluation of NATO co-operation following 9/11: Philip Gordon, NATO After 11 September, in: *Survival* 4/2001, pp. 89-106.

20 Cf. The Prague Summit Declaration, cited above (Note 13), para. 4; cf. also: Eine neue Gestalt der Nato [A New Shape for NATO], in: *Frankfurter Allgemeine Zeitung*, 20 November 2002. See also the articles cited in Note 14, as well as Karl Feldmeyer, Bei der Suche nach einer neuen Struktur des Nato-Bündnisses geht es vor allem um Einfluß [Influence is the Key as NATO Searches for a New Structure], in: *Frankfurter Allgemeine Zeitung*, 5 August 1999.

NATO's second new "specific function", "partnership, dialogue and co-operation," was intensified in May 1997 by the creation of the Euro-Atlantic Partnership Council (EAPC). This replaced the NACC and, as "the overall framework for political and security-related consultations", incorporated the PfP. From its inception, the NACC's agenda had been focused on soft-security issues and peacekeeping missions in particular. The 1998-2000 Action Plan of the 46 EAPC participant states (the 19 NATO states and 27 partners) now covers not only specifically military issues and questions of military policy, but also many topics that are also found on the OSCE's agenda. In contrast, the PfP programme is largely concerned with questions at the intersection of civil and military matters (e.g. defence planning and budgeting, defence policy and strategy, and democratic control of armed forces and defence structures.)²¹

The establishment of the EAPC saw the creation of both a comprehensive committee structure (on the model of NATO) and operational organs such as the Euro-Atlantic Disaster Response Co-ordination Centre (EADRCC) and the Euro-Atlantic Disaster Response Unit (EADRU). The EAPC has thus become an institution in which consultation and expert meetings take place, decisions are taken and additional operational instruments to implement these decisions have been created.²² In one respect, there are structural problems to decision making within the EAPC, since NATO decides on its position before meeting its partners and hence comes to the table with a non-negotiable position (19+1). On the other hand, outside the PfP, the EAPC is a very flexible organization, as the Council may either sit in plenary session or with the participation of only those member states interested in a particular topic or participating in peace-support missions. Here, once more, coalitions of the willing can ensure that progress is not blocked by one or more "unwilling" states.

In the field of co-operative security, NATO is also engaged in activities relating to Russia, the Ukraine, the Mediterranean states (Mediterranean Dialogue) and South-eastern Europe (South East Europe Initiative).²³ The

21 The activities of the EAPC encompass: policy planning, arms control, disarmament and non-proliferation issues, implementation of arms control agreements, international terrorism, peacekeeping, defence-economy issues, science, challenges of modern societies, information, and civil emergency planning and disaster preparedness; cf. Action Plan of the Euro-Atlantic Partnership Council for 1998-2000, NATO Press Release (98)2. Supplementary agenda items that do not appear in the official Action Plan include conflict prevention, confidence-building measures, defence-related environmental issues, Bosnia, Kosovo, SFOR, regional security co-operation in South-eastern Europe and the Caucasus, a framework for co-operation on humanitarian demining and an *ad hoc* group working on control of transfer of small-arms; cf. NATO Parliamentary Assembly, Political Committee, A Better Peace: The Co-operation and Collective Security Fusion of OSCE and NATO in the New Europe, in: Report AS 278 PC/TER (99)2, Brussels 1999, paras. 35 and 36, at: <http://www.nato-pa.int/archivedpub/comrep/1999/as278pcter-e.asp>.

22 Cf. *ibid.*, paras. 35, 38 and 45. It is a sign of the growing political importance of the EAPC/PfP that almost all partners have upgraded their "liaison" offices at NATO headquarters to diplomatic missions. Cf. *ibid.*, para. 36.

23 Cf. <http://www.nato.int/pfp/partners.htm>.

“Founding Act on Mutual Relations, Co-operation and Security between the North Atlantic Treaty Organization and the Russian Federation”, signed in Paris in May 1997, was important not least because it made the start of accession negotiations with Poland, the Czech Republic and Hungary more palatable to Russia. A Permanent Joint Council for consultation, co-ordination and joint decision making and action on security questions of mutual interest was established. Nevertheless, the actual significance of this body did not live up to expectations,²⁴ in particular because Russia was constantly confronted with a fixed position on the part of NATO (19+1 format), which left Moscow no room for manoeuvre when negotiating. Co-operation with Moscow on security policy issues has grown in significance for the USA and Western Europe following 11 September 2001 and the creation of the anti-terrorism coalition. Both sides therefore became interested in reforming the institutional framework within which this co-operation takes place. To this end, the NATO-Russia Council was established in May 2002, allowing individual NATO members and Russia to meet on a consensual basis and “as equal partners” for consultation, decision making and operational co-operation on security issues of mutual interest.

In summary, NATO’s institutional development has been characterized, first, by significant growth in the membership of both the Alliance itself (from 16 to 19 and finally to 26), and the PfP and EAPC, each of which involves 46 states. Second, in problem areas and specific functions, the Alliance’s traditional role of collective defence has shrunk in importance as the significance of co-operative security and out-of-area crisis management have grown. Third, increasing flexibility of decision making and operational co-operation via CJTF, EAPC and the NRF initiative – to the extent that the latter becomes a reality – appears to be a politically and functionally important institutional development – one with a major impact on NATO’s ability to act, and on the Alliance’s relative importance in Europe’s network of interlocking security institutions.

*The Institutional Development of the European Union: New Security Dimensions Arising from “Enlargement and Deepening”*²⁵

For the European Union and its members, the revolutions of 1989/1990 also created a new set of challenges associated with the need for institutional re-

24 Cf. Founding Act on Mutual Relations, Co-operation and Security between the North Atlantic Treaty Organization and the Russian Federation, 27 May 1997, at: <http://www.nato.int/docu/basicxt/fndact-a.htm>. NATO concluded a comparable consultation and co-operation agreement with Ukraine, see: Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine, 9 July 1997, at: <http://www.nato.int/docu/basicxt/ukrchrt.htm>.

25 Discussions on the possible expansion of the CFSP/ESDP in the scope of the European Convention are not considered here as the relevant resolutions and proposals are not yet available as of August 2003.

form. Although the desire of CEE countries to “return to Europe” through integration in the European Community was met with the Community’s established range of economic policy instruments within the framework of economic and financial aid for reconstruction and development (e.g. the PHARE programme), a response on the political level was slow in coming. By the time “Europe Agreements” – linked to democratization measures and explicitly mentioning the possibility of accession to the EC/EU – were negotiated with twelve countries (Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Romania, Bulgaria, Malta and Cyprus) and Agreements on Partnership and Co-operation signed with the successor states of the Soviet Union, two things had become clear: on the one hand, the all-encompassing economic and political nature of the EU’s engagement, and on the other, the restriction of candidature to the CEE and the Baltic states.²⁶ The initial accession of the three previously neutral states, Austria, Sweden and Finland, on 1 January 1995 was accomplished with little difficulty. Negotiations with the new democracies, ten of which received a concrete offer of membership at the Copenhagen European Council in December 2002 (with entry provisionally set for 2004) proved harder. Discussions with Romania and Bulgaria are ongoing and with Turkey they are only due to start in 2005. Consequently, the EU will have a maximum of 25 members in 2004.²⁷

Extensive enlargements to the EU’s responsibilities in the policy area of “security policy” were made step by step by the Treaties of Maastricht (1993), Amsterdam (1997) and Nice (2001). The Common Foreign and Security Policy (CFSP), introduced in 1993, was expanded with the addition of the Petersberg Tasks in 1997²⁸ (covering humanitarian tasks and rescue operations, peacekeeping operations and enforcement operations in the course of crisis management, including peace-enforcement measures). Common defence, however, remained outside the scope of the CFSP. The “gradual definition of a common defence policy that may lead to common de-

26 Cf. Jackie Gower, *EU Policy to Central and Eastern Europe*, in: Karen Henderson (ed.), *Back to Europe*, London 1999, pp. 3-22.

27 Cf. Daniel Brössler, *Schmerzen des Wachstums. Die Beitrittsgespräche gehen in die heiße Phase und werden durch Themen wie Landwirtschaft und Finanzen immer schwieriger* [Growing Pains: Accession Negotiations are Entering a Critical Phase and are Becoming Harder Thanks to Topics such as Agriculture and Financial Affairs], in: *Süddeutsche Zeitung*, 3-4 August 2002; Christian Wernicke, *Von Kopenhagen nach Kopenhagen* [From Copenhagen to Copenhagen], in: *Süddeutsche Zeitung*, 11 December 2002.

28 Cf. Elfriede Regelsberger/Mathias Jopp, *Und sie bewegt sich doch! Die Gemeinsame Außen- und Sicherheitspolitik nach den Bestimmungen des Amsterdamer Vertrags* [And Yet It Does Move! The Common Foreign and Security Policy According to the Provisions of the Treaty of Amsterdam], in: *integration* 4/1997, pp. 255-263. Melanie Piepenschneider, *Die Positionen der Mitgliedstaaten und EU-Organe im Überblick. Standpunkte, Spielmaterial, Sprengsätze* [An Overview of the Positions of Member States and EU Organs. Viewpoints, Bargaining Chips, Explosive Issues], in: Mathias Jopp/Otto Schmuck (eds), *Die Reform der Europäischen Union. Analysen – Positionen – Dokumente zur Regierungskonferenz 1996/97* [The Reform of the European Union. Analyses – Viewpoints – Documents on the Intergovernmental Conference 1996/1997], Bonn 1996, pp. 75-100.

fence” – if the European Council were to adopt such a policy – remained a distant prospect.

The EU announced a new departure at the European Council meetings in Cologne (June 1999) and Helsinki (December 1999) by establishing a European Security and Defence Policy (ESDP) within the CFSP. The impetus for this move was provided by the EU’s negative experiences of its own capabilities in Bosnia and Kosovo. This had already led to the Anglo-French Saint Malo initiative for the strengthening of the CFSP. The British and French governments stressed here that the European Union “[...] needs to be in a position to play its full role on the international stage” and that this requires a “capacity for autonomous action” and “credible military forces” on an “intergovernmental basis” in order to be able to react to international crises. The initiative stressed that the required structures were to be established without unnecessary duplication and envisaged the use of national and multinational European resources outside NATO – although NATO was to remain the “foundation of the collective defence of its members”.²⁹ These principles and goals were adopted by the other member states at Cologne and Helsinki. The military capacities required to implement the Petersberg Tasks are to be created by 2003: A crisis-response force of 60,000 soldiers should be available within 60 days for a deployment period of twelve months (“headline goals”). An important point to note is that the EU crisis-response force is only to be deployed when NATO as a whole is not engaged. In practice this translates into a right of first refusal for the Alliance.³⁰

At subsequent European Council meetings, it was agreed to add a civilian component to the EU’s military crisis-management capabilities. To this end, 5,000 police officers are to be made available, as well as pools of experts to support the establishment of administrative and judicial apparatuses.³¹ These plans backed up the European Commission’s April 2001 document on conflict prevention. This argues explicitly for an “integrated approach”,

29 Franco-British Summit Meeting of the Heads of State and Government on 4 December 1998 in St. Malo, Joint Declaration on European Defence, at: <http://www.iss-eu.org/chaillet/chai47e.html>. This document was a compromise in which the emphasis on the autonomy of the EU and the CFSP from NATO was closer to the French position, while the stress laid on the links between the EU and NATO, and particularly the statement that this option is only to be exercised when “the Alliance as a whole is not engaged”, represented more the British view. Cf. Jolyon Howorth, Britain, France and the European Defence Initiative, in: *Survival* 2/2000, pp. 33-55, here: p. 44.

30 Annex III to the Presidency Conclusions: Cologne European Council, 3 and 4 June 1999: “[...] the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO”, at: http://europa.eu.int/council/off/conclu/june99/annexe_en.htm#a3. Cf. also: The Presidency Conclusions, Helsinki European Council, 10 and 11 December 1999: “The European Council underlines its determination to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises”, at: http://europa.eu.int/comm/external_relations/esdp/chrono.htm.

31 Cf. Annex VI to the Presidency Conclusions, Feira European Council, 19 and 20 June 2000, and the Presidency Conclusions, Gothenburg European Council, 15 and 16 June, 2001, Section V.

which will enable the creation of “structural stability” and will attack the root causes of conflicts by, for example, promoting economic development, democracy, respect for human rights and viable political structures.³²

One problem for the practical relevance of the EU in these new problem areas is posed by the levels of military and civilian resources currently available for crisis-management operations. Insufficient capacity in the defence sector and defence budgets that continue to stagnate or shrink seriously limit the capability of most EU states to go beyond autonomous decision making and actually take autonomous action. One important step towards making up the deficit was the resolution of Greece and Turkey’s deadlock over the question of whether, and under what conditions, the EU can make use of NATO resources. Another is the growing awareness of the problem among European governments, which makes it conceivable that – even if more funds are not made available for procurement – at least the funds that are available may be used more efficiently.³³

By requiring the Council and the Commission to pursue a mutually coherent policy in their various areas of responsibility (CFSP; external trade and development policy, respectively), the Treaty of Amsterdam also played an important role in ensuring the ability of the EU to act effectively. It also formally (i.e. contractually) brought together the intergovernmental and supranational dimensions of this policy area within a “unified institutional framework”. The instrument of “Common Strategies” allows the European Council to define fundamental positions and policies within the EU on the basis of consensus. These can then be used as the basis for adopting “Common Positions” and pursuing “Joint Actions”. While Council resolutions must be passed unanimously, a qualified majority suffices to pass measures needed for their execution or implementation. Although the Luxembourg compromise (1966) does allow a member state to use a veto in matters of vital national interest, abstaining can no longer delay the adoption or implementation of a resolution (“constructive abstention”). By making decision making more flexible, these measures could certainly have a positive effect on the EU’s ability to take action. Similar prospects are also raised by the extension of the instrument of “enhanced co-operation” to the CFSP, as laid down in the Treaty of Nice (December 2001). However, the Treaty does not alter the requirement that consensus is reached for measures related to military and defence policy, i.e. the ESDP. Consequently, although a step has

32 Cf. European Commission, Communication from the Commission on Conflict Prevention, COM (2001) 211 final, Brussels, p. 10.

33 Cf. Christian Wernicke, *Krisentruppe nimmt Gestalt an* [Rapid Response Force Takes Shape], in: *Süddeutsche Zeitung*, 14-15 December 2002; Katia Vlachos-Dengler, *Getting there: building strategic mobility into ESDP*, Paris 2002, Institute for Security Studies, Occasional Papers 38/2002; François Heisbourg, *European Defence: Making it work*, Paris 2000, in: Institute for Security Studies, Chaillot Papers 42/2000.

been taken towards greater flexibility, this is unlikely to have an effect on operational effectiveness in practice.³⁴

The profile and the efficiency of the CFSP were improved by the creation under the Treaty of Amsterdam of the position of Secretary-General of the Council of the European Union, who is simultaneously the High Representative for the CFSP. Although his responsibilities are formally limited to assisting the Council and he is by no means an “EU foreign minister”, the first holder of the post, the former NATO Secretary General Javier Solana has undoubtedly made a major contribution to the effectiveness of the CFSP since taking office in 1999. The Secretary-General is one third of the newly established Troika, alongside the holder of the rotating EU Presidency, and the External Relations Commissioner of the EU and also heads the new Strategic Planning and Early Warning Unit. Overall, the institutional basis of the CFSP has been reinforced, but without establishing a single foreign and security policy for the EU. The introduction of the ESDP involved the creation of a new committee structure (Political and Security Committee, Military Committee, Military Staff, Committee for the Civilian Aspects of Crisis Management, etc.).³⁵

The EC/EU has traditionally used economic and diplomatic means to carry out or support preventive crisis management and post-conflict reconstruction – acting either directly itself or indirectly via the Commission. This is certainly true of First Pillar activities, such as sanctions and aid programmes.³⁶ As early as 1993, in preparation for enlargement, the EU’s then twelve member states created the Pact on Stability in Europe. This brought together the provisions of many interrelated international treaties – bilateral and multilateral – concerned with good relations between neighbouring states and including issues such as minorities and borders. Once more, only the CEE and Baltic states were initially invited to take part in the negotiations, while the other CSCE countries participated as observers to be admitted to the negotiations at a later date. The result was a comprehensive package of treaties, which the OSCE was handed responsibility for monitoring in 1995.³⁷

34 Cf. Elfriede Regelsberger, *Die Gemeinsame Außen- und Sicherheitspolitik nach „Nizza“ – begrenzter Reformeifer und außervertragliche Dynamik* [The Common Foreign and Security Policy after “Nice” – Limited Enthusiasm for Reform and Extra-Contractual Dynamism], in: *Integration* 2/2001, pp. 156-166, here: pp. 159-161; Antonio Missiroli, *CFSP, Defence and Flexibility*, Paris 2000, Institute for Security Studies, Chaillot Papers 38/2000.

35 Cf. Jolyon Howorth, *European Defence and the Changing Politics of the EU: Hanging Together or Hanging Separately?*, in: *Journal of Common Market Studies* 4/2001, pp. 765-789, here: p. 770.

36 On the contribution made by the EU to the OSCE budget and to individual OSCE activities see: Günter Burghardt, *Early Warning and Conflict Prevention as Tasks of the European Union and EU-OSCE Co-operation*, in: *Institute for Peace Research and Security Policy at the University of Hamburg/IFSH* (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 421-428, here: pp. 426-428.

37 Cf. European Union, *Pact on Stability in Europe*, adopted on 20 March 1995 by the 52 States of the OSCE at the Concluding Conference on the Stability Pact in Paris; Florence Benoit-Rohmer/Hilde Hardemann, *The Pact on Stability in Europe: A Joint Action of the*

The Stability Pact for South Eastern Europe, initiated by the EU at the 1999 Cologne Summit, follows the same pattern. Under its provisions, more than 40 states take part in three “Working Tables” (Democratization and Human Rights; Economic Reconstruction, Co-operation and Development; Security Issues). The Pact is an instrument for co-ordination and does not itself implement projects developed under its aegis.³⁸ Examples of civilian crisis management operations carried out by the EU include the administration of Mostar (Bosnia-Herzegovina) from 1993 to 1996, and the assumption of the tasks of the UN’s International Police Task Force (IPTF) by the EU Police Mission (EUPM) in Bosnia and Herzegovina in January 2003.³⁹ The EU’s replacement of NATO as the body responsible for ensuring stability in Macedonia could pose the first real test for the Union’s military components and structures. The EU replaced NATO on 31 March 2003.⁴⁰

In summary, the EU’s institutional development has been characterized, first, by an ongoing process of growth, which will see it expand to include as many as 25 member states by 2004. Second, there has been an enlargement of responsibilities in the policy area of “security policy” and the extension of specific functions in the problem area of military and civilian crisis management. Third, the issue of whether the necessary capacities for these activities exist remains problematic. Fourth, it is remarkable that, although this area of EU policy remains an intergovernmental matter, the new instruments and related decision-making procedures fundamentally enhance the Union’s decision-making and operational capabilities, and include the powerful capabilities of the Commission.

The Institutional Development of the OSCE: Consolidation, Specialization and Marginalization

With the radical transformation of the international political system, the number of states participating in the CSCE/OSCE rose in stages during the first half of the 1990s (from 35) to 55. In contrast to NATO and the EU, the OSCE has since then not faced any further increase in numbers. The only ex-

Twelve in the Framework of the Common Foreign and Security Policy, in: Helsinki Monitor 4/1994, pp. 38-51.

38 Cf. Hans-Georg Ehrhart, The Stability Pact for South Eastern Europe – Strategic Success or Botched-up Bungle?, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 163-177.

39 See on Mostar: Elfriede Regelsberger/Sven Arnschwald, Europäische Außen- und Sicherheitspolitik: Papiertiger oder Ordnungsfaktor? [European Foreign and Security Policy: Paper Tiger or Source of Stability], in: Bundeszentrale für politische Bildung (ed.), Europa an der Schwelle zum 21. Jahrhundert. Reform und Zukunft der Europäischen Union [Europe on the Threshold of the 21st Century. Reform and the Future of the European Union], Bonn 1998, pp. 261-303.

40 Cf. Christian Wernicke, EU-Truppe drängt auf den Balkan [EU Force Heads to the Balkans], in: Süddeutsche Zeitung, 17 December 2002; NATO and the EU – In “Harmony” over Macedonia, in: NATO Notes 2/2003, pp. 2-3.

ception has been Yugoslavia (Serbia and Montenegro), whose participation in the CSCE was suspended in 1992, but which was rehabilitated and restored to active participation in 2000 following the fall of Slobodan Milosevic and the re-establishment of democracy. The OSCE therefore remains the European security organization with the widest coverage in terms of both participants and geographical reach: "Europe from Vancouver to Vladivostok".

Embedded in a comprehensive concept of security, the CSCE/OSCE's traditional policy areas – politics and security (fundamental principles of relations between states; military confidence- and security-building measures); economic relations; and humanitarian matters and human rights issues – remained the Organization's domain following the end of the Cold War. The same is true of the general function of negotiating and setting international norms in these areas, which has been part of the Organization's portfolio since 1975. These have been joined by implementation and monitoring tasks, and there has been more differentiation of specific problem areas and functions: The promotion of democratization processes in OSCE States and the protection of national minorities, as well as work undertaken in the fields of conflict prevention and political crisis management, require on the operational level – above all, monitoring and improving compliance with norms, for instance through observer missions or the holding of seminars.

The institutions and structures of the OSCE and the instruments it uses to perform its new specific functions were largely in place by 1995.⁴¹ Since then, participating States have mostly been content to consolidate the institutions and their operational activities. This has generally been a matter of making organizational changes in the light of practical experience, such as the latest restructuring of the Secretariat in Vienna and the appointment of a Co-ordinator for Economic and Environmental Activities. A new office was also created with the appointment of a Representative on Freedom of the Media, a financial reform process was initiated and a special Contingency Fund was established to enhance the Organization's ability to respond to crises.⁴²

The Charter for European Security of 1999 instigated a further round of institutional fine-tuning: A Preparatory Committee was established under the Permanent Council in order to strengthen the political consultation process and increase internal transparency; with the establishment of Rapid Expert Assistance and Co-operation Teams (REACT) within participating States, a new instrument was created that will be at the disposal of the OSCE. To better "plan and deploy field operations, including those involving REACT resources", an Operation Centre with a small staff was established within the Conflict Prevention Centre. In addition, the position of Gender Officer was

41 Cf. Ingo Peters, *From the CSCE to the OSCE – Institutional Quality and Political Meaning*, in: Ingo Peters (ed.), *New Security Challenges: The Adaptation of International Institutions. Reforming the UN, NATO, EU and CSCE since 1989*, Münster/New York 1996, pp. 85-122.

42 Cf. Secretary General Rationalizes Secretariat, in: *OSCE Newsletter* 11/1998, p. 9.

created, to be based at the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw.⁴³

At the operational level, the frequently arduous everyday work of the OSCE in conflict prevention and the promotion of democracy, the rule of law and human rights remains largely unreported.⁴⁴ For example, the OSCE Office for Democratic Institutions and Human Rights (frequently in co-operation with the Council of Europe) has been involved in training members of the executive, judicial and legislative branches of government in the new democracies of Central and Eastern Europe. International seminars have been held with the aim of improving participants' theoretical and practical knowledge of forms of democratic political behaviour. Fact-finding and monitoring missions serve to examine standards in political life and can be the basis for suggestions on how to eliminate deficits. The OSCE High Commissioner on National Minorities (HCNM) plays a key role in pursuing these goals and receives considerable recognition. Long-term OSCE missions attempt to head off potential crisis situations and to eliminate deficits in the application of OSCE principles and norms. OSCE field operations in – currently – 17 countries employ some 4,000 people. The mandates of OSCE field missions range across concrete conflict-management efforts, the promotion of human and minority rights, democratization, and the monitoring of ceasefires and peacekeeping forces.⁴⁵

The OSCE faced a new challenge in being given responsibilities related to the implementation of the Dayton Peace Accord (1995) for Bosnia and Herzegovina. The OSCE's tasks were in the area of post-conflict rehabilitation, covering a) holding negotiations on arms reduction and military confidence building, b) (together with the UN High Commissioner for Human Rights and the Council of Europe) monitoring and improving the human rights situation and c) organizing and supervising the presidential elections in 1996 and the local elections in 1997 (also jointly with other international organizations). The OSCE's operational workload was increased once again in the autumn of 1998 when, as part of the crisis management activities being carried out in Kosovo, it assumed responsibility for verifying adherence to UN Resolutions 1160 and 1199. The Kosovo Verification Mission (KVM) was responsible for monitoring the ceasefire and troop movements, facilitating the return of refugees and displaced persons, supervising elections and helping to form institutions of self-government and police forces and pro-

43 Cf. Charter for European Security, cited above (Note 2), paras 35, 37f., 42 and 43. On the Charter's origins and the compromises reflected in the text, see: Victor-Yves Ghebali, *The Contribution of the Istanbul Document 1999 to European Security and Co-operation*, in: *OSCE Yearbook 2000*, cited above (Note 2), pp. 289-305. On the Gender Officer and the Action Plan on Gender Issues see the OSCE's website: www.osce.org/secretariat/gender.

44 Cf. Peters, cited above (Note 7).

45 Cf. *Annual Report 2001*, cited above (Note 7), pp. 27-88; Berthold Meyer, *Mit unendlicher Geduld für den Frieden. Zwischenbilanz der OSZE-Langzeitmissionen* [With Inexhaustible Patience for Peace. Progress Report on OSCE Long Term Missions], in: *Aus Politik und Zeitgeschichte B 16-17/1998*, pp. 23-30.

moting human rights and the building of democratic structures.⁴⁶ The KVM was withdrawn shortly before the outbreak of hostilities in March 1999 without ever having reached its full complement of personnel. After the Kosovo war, the OSCE Mission in Kosovo (OMIK) took a leading role in institution building, which involved police training, media development, the protection of human rights and the rule of law, democratization and elections. In this, it worked closely with the UN.⁴⁷

Following the terrorist attacks of 11 September 2001, the areas in which the OSCE is engaged have taken on new significance with regard to the prevention of terrorism and international co-operation in anti-terrorism activities. The Plan of Action adopted in this respect comprises largely declarations of political intent and assigns the Permanent Council the role of forum for dialogue and clearinghouse. Agreement was also reached on developing plans for police-related OSCE activities which “at the request of participant states and with their agreement” concern for the most part the creation and co-ordination of training capabilities.⁴⁸

In summary, the key elements of the OSCE’s institutional development are the unchanging large number of participating States and the continuity of the broad concept of security as the basis for operational tasks. The few institutional reforms carried out since 1995 have been of limited impact. They are largely concerned with optimizing the Organization’s operational capabilities in the following problem areas while also limiting the OSCE’s activities to these areas: building civil society, conflict prevention and (non-military) crisis management, democratization, human and minority rights.

The Consequences of Parallel Institutional Development: Hierarchization, Flexibilization, Marginalization

The enlargement of NATO and the EU has significantly increased the degree of overlap among members/participants of Europe’s various security organizations. This trend is set to grow with the forthcoming further enlargement of both organizations. Alongside the OSCE with its 55 participating States, we will then likely see a 25 member EU, a 28 member NATO, and a Euro-Atlantic Partnership Council of 46 states. As a consequence, the EU and NATO will increasingly join the OSCE in facing the “weakness in numbers” that exacerbates the general difficulties of collective action: With growing member numbers, it becomes increasingly difficult to achieve consensus in questions

46 Cf. Full Establishment of the KVM Expected by Mid-January, in: OSCE Newsletter 11/1998, pp. 1ff.

47 Cf. Annual Report 2001, cited above (Note 7), p. 41.

48 Cf. Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2002, Baden-Baden 2003, pp. 391-417 (Decision No. 1, Combating Terrorism, pp. 393-402; Decision No. 9, Police-Related Activities, pp. 413-416).

of security policy, i.e. to remain capable of making decisions and taking action – especially important in crisis situations. The political response to these problems has been for each organization to carry out its own programme of institutional reform in the area of general functions, in other words, the internal creation of more flexible decision-making mechanisms. The OSCE had already agreed before 1995 to allow the application of exceptional rules (consensus minus one) for clearly defined special cases – mostly in the application of OSCE mechanisms⁴⁹ – in order to remain capable of effective decision making and action when faced with a state that violates OSCE norms and rules. NATO, the EAPC and the EU have gone even further down this road: NATO with the concept of the CJTF; the EAPC with its extremely flexible methods of negotiating and decision making; the CFSP/ESDP with different decision-making rules for adopting Common Strategies and Joint Actions, and the instrument of enhanced co-operation; and the ESDP again with the option of constructive abstention.

NATO and the EU have greatly expanded their competencies in a variety of problem areas and other fields of activity within the policy area of “security”. NATO’s responsibility in the problem area of military crisis management (non-article 5/out-of-area operations) and tasks relating to co-operative security has been significantly strengthened relative to its traditional role of collective defence. In accordance with the resolutions adopted in Cologne in June 1999 and at subsequent European Council meetings, the EU is creating a “military arm” for military crisis management. The EU’s established practice of performing civilian crisis management via the provision of economic aid has also been expanded and formalized to encompass preventive conflict management and post-conflict rehabilitation. In both NATO and the EU, these new general and specific functions have led to the creation and expansion of specialized institutional structures.

In the case of the OSCE, the increase in membership, the creation of more flexible decision-making processes, the assumption of new responsibilities and the creation of new military and civilian organs and instruments were completed in the mid-1990s. In contrast, NATO and the EU have largely carried out such institutional changes since then, while the OSCE has

49 The OSCE mechanisms in question are: the mechanism for consultation and co-operation as regards unusual military activities, the human dimension mechanism, the mechanism for consultation and co-operation with regard to emergency situations and the Valetta mechanism for the peaceful settlement of disputes. For more details of the individual mechanisms see also: Ingo Peters, Normen- und Institutionenbildung der KSZE im Widerstreit politischer Interessen: Die Durchsetzung des Gewaltverzichts als Prüfstein für die KSZE [The CSCE’s Work of Norm and Institution Building in the Midst of Conflicting Political Interests: The Achievement of Non-Violence as the Touchstone of CSCE Success], in: Bernard von Plate (ed.), *Europa auf dem Wege zur kollektiven Sicherheit* [Europe on the Road to Collective Security], Baden-Baden 1994, pp. 155-186; Heinz Vetschera, Die Rolle der KSZE als Einrichtung kooperativer Sicherheit im Rahmen des „*Interlocking institutions*“-Konzepts [The Role of the CSCE as a Co-operative Security Institution in the Framework of the “Interlocking Institutions” Model], in: *ibid.*, pp. 95-154.

more or less stagnated in terms of institutional development, and its activities in this area have been restricted to consolidation.

What do these institutional developments within the various security organizations mean for inter-institutional co-operation?

It is no accident that the Istanbul Document's 1999 description of the OSCE's "key integrating role" in the co-operation of European security organizations is couched in tentative language.⁵⁰ So far at least, the key role envisaged for the OSCE has not been reflected in the political reality of the "interlocking network of European security institutions". In contrast to the OSCE's decision "not [...] to create a hierarchy of organizations or a permanent division of labour among them",⁵¹ a *de facto* hierarchy has emerged, with NATO in the dominant position, although, formally, it remains merely "first among equals".⁵² The origins of this dominance are largely to be found in the area of military security policy with the central position of the USA and its military capacity. The right of "first refusal" in acute crises, which was reserved for NATO by the EU states at the Helsinki summit, amounts to a veto whose impact extends beyond the EU and NATO to Europe's other security organizations. The NATO member states have a blocking minority in the other security organizations and largely determine which organizations are given responsibility for collective security tasks in each case, as well as when and how they are carried out. The expansion of NATO's and the EU's competencies, structures and instruments, and the increased flexibility of their internal decision-making processes, are reducing the problems associated with taking collective action (entrapment and abandonment) by increasing the range of political options available, thereby reducing the influence of "unwilling" states and governments and making blocking tactics impossible. These reforms also increase external flexibility, since their newly created capabilities enable NATO and the EU to take action, such as sending a police

50 Charter for European Security, cited above (Note 2), p. 429: "Recognizing the key integrating role that the OSCE *can* play, we offer the OSCE, when appropriate, as a flexible co-ordinating framework to foster co-operation, through which various organizations can reinforce each other drawing on their particular strengths." (para. 12 section 2: emphasis added).

51 Ibid.; see also: *ibid.*, p. 428: "Within the OSCE no State, group of States or organization can have any pre-eminent responsibility for maintaining peace and stability in the OSCE area or can consider any part of the OSCE area as its sphere of influence." (para. 8).

52 For a similar view, see: Ernst-Otto Czempel, Europa und die Atlantische Gemeinschaft [Europe and the Atlantic Community], in: *Aus Politik und Zeitgeschichte B 1-2/1999*, pp. 12-21; Werner Link, Die NATO im Geflecht internationaler Organisationen [NATO in the Network of International Organizations], in: *Aus Politik und Zeitgeschichte B 11/1999*, pp. 9-18; Ingo Peters, Die NATO als „Primus inter Pares“? Die Weiterentwicklung der Europäischen Sicherheitsinstitutionen [NATO as "First Among Equals"? The Evolution of European Security Institutions], in: Wolfgang Wagner et. al. (eds), *Jahrbuch Internationale Politik 1997-1998*, Munich 2000, pp. 124-135.

contingent, either unilaterally or within a broader multilateral framework such as the OSCE or the UN.⁵³

At the operational level of European security-policy, hierarchization and flexibilization are evident in the concrete division of labour between the organizations. Here, the dominance of NATO and the EU is clearly evident, while the OSCE continues to toil at a wide range of thankless tasks that generally do not impact upon public awareness. The expansion of NATO and the EU in various policy areas, general functions and specific functions/problem areas means that even the “niche of co-operative security”,⁵⁴ which was, until the mid-1990s largely the preserve of the OSCE, has been claimed and colonized by the other organizations. This is illustrated clearly, for example, by the new civilian crisis management capabilities established within NATO and the EU, or by a comparison of the OSCE and EAPC’s agendas or work programmes. Thus, for instance, the EAPC rather than the OSCE is the forum preferred by NATO countries and the USA to address issues related to peacekeeping missions, as these require operational military capacities. This has happened despite the fact that the NATO states also explicitly delegated this function to the OSCE in the Helsinki Document of 1992.⁵⁵

Contrary to the expectations of some states and governments in the early 1990s, the OSCE has not been expanded to become the central clearinghouse of European security. It has instead been forced into a niche of operational specialization focused on the promotion of democracy, human and minority rights and conflict management *excluding* military engagement and dependent in each case to a large extent on the resolutions of NATO and the EU: The OSCE is only granted responsibility when NATO and the EU (or, more accurately, their member states) so wish. Nevertheless, a new impetus for further institutional and operational development of the OSCE may come out of the decision of the OSCE Ministerial Council meeting at Porto to develop an OSCE strategy to counter threats to security and stability in the 21st century.⁵⁶

By expanding their memberships, increasing the (internal) flexibility of decision making, and broadening their responsibilities to include co-operative security and civilian crisis management – areas where the OSCE has traditionally been active – NATO and the EU have undergone a functional “despecialization” or generalization, thereby becoming “OSCE-ified”. With

53 Cf. Michal Olejarnik/Bonnie Landry, The EU and the OSCE – working together to prevent crisis and conflict; Javier Solana delivers key address to Permanent Council, in: OSCE Newsletter 2/2001, pp. 1-2.

54 Ingo Peters, Von der KSZE zur OSZE: Überleben in der Nische kooperativer Sicherheit [From the CSCE to the OSCE: Surviving in the Niche of Co-operative Security], in: Haftendorn/Keck, cited above (Note 9), pp. 57-100.

55 Cf. NATO Parliamentary Assembly, cited above (Note 21), paras 35, 38 and 42.

56 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, see pp. 421-455 of this volume, especially: Decision No. 2, Development of an OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century, pp. 443-445.

the EU's adoption of a military crisis management role and the creation of the appropriate organs and instruments, that organization can also be said to be undergoing NATO-ization – excluding, however, a collective defence component. These developments create the need for a higher degree of harmonization between the EU and NATO, as is evident in the transatlantic dispute over “duplication, decoupling, and discrimination”.⁵⁷ Even the December 2002 agreement over the question of the EU's access to NATO resources requires close institutional co-operation and will likely mean additional co-ordination activities are required on an *ad hoc* basis with every major crisis.⁵⁸ The need for organizations to co-ordinate their activities is particularly high in the case of civilian crisis management, where the “OSCE-ification” of NATO and the EU has led to significant overlaps between the functions and instruments of all three organizations.

Measured against the dynamic development of NATO and the EU, the OSCE's progress appears retrograde: Having found its final institutional form some time ago, the OSCE has since stagnated to the extent that one can speak of a “forgotten transatlantic security organization”⁵⁹ which, while in absolute terms it still performs vital work in the niche of co-operative security, has been largely marginalized compared to the other major European security organizations. The institutions with the necessary capacities – NATO and the EU – dominate those with the task of mandating operational activities and which – in terms of policy and even international law – are formally dominant: *viz.* the OSCE and the UN.

However, the political importance of an organization depends not on its stage of institutional development or its formal competencies but rather on the willingness of the organization's member/participating States to make use of it for its intended function. For instance, the OSCE's various mechanisms and highly differentiated powers of conciliation and arbitration are impressive on paper, but, since they have been used very rarely if at all, they have remained politically insignificant. Even, NATO, despite its dominant position relative to the other organizations, is not unaffected by this discrepancy between supposed institutional powers and political reality. In view of the debate within NATO over the correct strategy for combating international terrorism, and the unilateral course pursued by the USA in relation to this crisis, even convinced NATO supporters see the Western Alliance – whose history could be seen as a series of internal conflicts and crises – as facing an unprecedented existential crisis.⁶⁰ At the same time, NATO's central role in the

57 Stanley R. Sloan, *The United States and European Defence*, Paris 2000, Institute for Security Studies, Chaillot Paper 39, pp. 16f.

58 For some details of the agreements between NATO and the EU, see: NATO and the EU – In “Harmony” over Macedonia, cited above (Note 40), pp. 2-3.

59 Robert Barry, *The OSCE: A Forgotten Transatlantic Security Organization?*, BASIC Research Report 3/2002, London 2002.

60 Cf. Peter van Ham, *Security and Culture, or, Why NATO Won't Last*, in: *Security Dialogue* 4/2001, pp. 393-406; Helga Haftendorn, *Das Ende der alten NATO* [The End of the

handling of acute crisis situations is being eclipsed by more informal “institutions” – the Contact Group, the Quint, the Quad, etc. – which are acting as an informal “European security council” on an *ad hoc* basis.⁶¹

The informal pre-eminence of NATO and the EU and the central role played by informal structures in the “network of interlocking European security institutions” amount in practice to – at best – a “solution” to the problem of inter-institutional co-operation that is based on power. It is, however, a solution whose viability must be examined on a case-by-case basis, and one where – depending on the concrete conflict situation – “softer” forms of power than mere military force may also play a role, allowing those organizations which appear to have been sidelined also to make meaningful contributions to European security – assuming that their member/participating States make use of their capabilities for this purpose.

Old NATO], in: *Internationale Politik* 4/2002, pp. 49-54; Klaus Naumann, Crunch time for the Alliance, in: *NATO Review* 2/2002.

61 Cf. Catherine Gegout, The Quint: Acknowledging the Existence of a Big Four-US Directorate at the Heart of the European Union's Foreign Policy Decision-Making Process, in: *Journal of Common Market Studies* 2/2002, pp. 331-344; Helga Haftendorn, The “Quad”: Dynamics of Institutional Change, in: Celeste A. Wallander/Helga Haftendorn/Robert O. Keohane (eds), *Imperfect Unions. Security Institutions over Time and Space*, Oxford 1999, pp. 162-194, here: p. 162; Vera Klauer, Bedingungen institutioneller Leistungsfähigkeit am Beispiel des Konfliktes im ehemaligen Jugoslawien [The Conditions of Institutional Performance Capabilities: The Example of the Conflict in the Former Yugoslavia], in: Haftendorn/Keck, cited above (Note 9), pp. 233-252, here: p. 245f.

An overview of European Security Organizations (international organizations only) Responsibilities according to mandate of member/participating States								
Organization Responsibility	UN+	OSCE	CoE	NATO+	EU	(Rump-) WEU	CBSS	CIS
Policy Areas								
Politics	X	X	X	X	X	(X)	X	X
Economics	X ECE	X Eco- nomic Forum			X		X	X
Security	X	X	X	X	X	(X)	<i>soft secu- rity</i>	X
General Functions								
Consultation/ Dialogue	X	X	X	X	X	X	X	X
Negotiations/ Establishing Norms	X	X	X		X		X	
Implementation	X	X	X	X	X	X	X	
Monitoring and Harmonization	X	X	X		X			
Problem Areas (Security Policy)	UN+	OSCE	CoE	NATO+	EU	(Rump-) WEU	CBSS	CIS
Public Administra- tion and Civil Soci- ety	X	X	X		X		X	
Democratization	X	X	X	X EAPC	X		X	
Human and Minor- ity Rights	X UN- HCR UN- CHR	X ODIHR	X				X	
Conflict Prevention and Crisis Manage- ment	X	X CPC		X EAPC PfP	X CFSP & ESVP			X
Peaceful Conflict Resolution	X	X						
Disarmament/ Arms Control	X	X FSC		X EAPC				X
Collective Defence				X		X (Art. 5)		

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Co-operation, Rivalry or Insignificance? Five Scenarios for the Future of Relations between the OSCE and the EU

Since 1990, we have been witnessing the “OSCE-fication” of European security architecture.¹ Paradoxically, this has occurred at the expense of the OSCE rather than benefiting it. However, while the OSCE, by assuming operative tasks in, for example, Bosnia and Herzegovina, Albania and Kosovo, has raised its profile considerably, demonstrating thereby its value and effectiveness, this demonstration of success could nevertheless not be converted into greater political support from the participating States. In fact, at the beginning of this 21st century, the Organization is being threatened with marginalization. On the one hand, it appears to be true that the substance of participating States’ OSCE policy, which, according to Ingo Peters, consists of the leftovers from their EU, NATO and UN policies, is becoming increasingly meagre.² On the other, the OSCE is suffering due to the simultaneous enlargement of both NATO and the EU: These institutions have not only been growing geographically, but have taken on functions that originally belonged to the OSCE (for example, democratic control of the armed forces, police-related activities and the building of democratic institutions).³

Against this background, it is unclear what role the OSCE will play in the future. The present contribution is an attempt to clarify this by introducing five scenarios for the development of European security architecture between now and 2020 and examining their consequences for the OSCE. In the following, we first briefly address the basic principles of scenario building, we then introduce the five scenarios and analyse the consequences resulting from each. In doing so, we concentrate on the spectrum of risk emerging from these scenarios, the willingness of the states to co-operate within the framework of international organizations and the tasks of the OSCE.

1 Cf. Emanuel Adler, *Seeds of peaceful change: the OSCE’s security community-building model*, in: Emanuel Adler/Michael Barnett (eds), *Security Communities*, Cambridge 1998, pp. 119-160.

2 Cf. Ingo Peters, *Von der KSZE zur OSZE: Überleben in der Nische kooperativer Sicherheit* [From the CSCE to the OSCE: Survival in the Niche of Co-operative Security], in: Helga Haftendorn/Otto Keck (eds), *Kooperation jenseits von Hegemonie und Bedrohung. Sicherheitsinstitutionen in den internationalen Beziehungen* [Co-operation without Hegemony or Threats. Security Institutions in International Relations], Baden-Baden 1997, pp. 57-100, here: p. 99.

3 A similar view is found in Reinhard Bettzuege, *The OSCE of the 21st century – A Departure for New Horizons?*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 39-45, here: pp. 42f.

Relations between the OSCE and the EU are our central concern.⁴ This is the outcome of three considerations. *First*, the spectrum of tasks in EU foreign and security policy is becoming increasingly similar to that of the OSCE. Consequently, the two organizations and their members must inevitably deal with questions of the division of labour, co-operation and institutional rivalry. *Second*, through its enlargement to the East, the EU is advancing towards potential crisis regions in which the OSCE is already active today.⁵ However, the resulting stabilization function, which the OSCE could perform for the EU, can *third*, only bear fruit if the EU and its members develop a clear understanding of their relationship to the OSCE. In this regard, Javier Solana recently emphasized the “natural-born partnership” between the two organizations, promising that intensified relations following EU enlargement would enable a stronger partnership whose potential has only just started to be realized.⁶

The Basic Principles of Scenario Building

The scenario technique is an approach for dealing with the unpredictability of future developments. Scenarios illustrate possible futures and the developments that may lead to them. They are created by identifying key factors in a particular area and analysing interdependencies between these factors to arrive at alternative descriptions of the future. They thus differ from prognoses, which merely project developments into the future on the basis of current trends.⁷

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- 4 On this see Günter Burghardt, Early Warning and Conflict Prevention as Tasks of the European Union and EU-OSCE Co-operation, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 421-428; Marc Otte, ESDP and Multilateral Security Organizations: Working with NATO, the UN, and the OSCE, in: Esther Brimmer (ed.), *The EU's Search for a Strategic Role: ESDP and Its Implications for Transatlantic Relations*, Washington, D.C., 2002, pp. 35-56; Adam Daniel Rotfeld, For a New Partnership in the New Century: The Relationship between the OSCE, NATO and the EU, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 377-390; Monika Wohlfeld, Developing Ways of Cooperation and Mutual Reinforcement between the EU and the OSCE, in: Frida Blom, *EU Civilian Crisis Management Capability*, Conference Report, Stockholm 2001, pp. 30-32, at: <http://www.Svenska-freds.se/sakerhetspolitik/eufakta>.
 - 5 Cf. Oliver P. Richmond, Emerging Concepts of Security in the European Order: Implications for “Zones of Conflict” at the Fringes of the EU, in: *European Security* 1/2000, pp. 41-67.
 - 6 Cf. Javier Solana, The European Union and the Organization for Security and Cooperation in Europe: The Shape of Future Cooperation, Address to the Permanent Council of the OSCE, Vienna, 25 September 2002, at: http://www.osce.org/press_rell/documents/2002-503-ec_solana-speech.pdf.
 - 7 Cf. Hans Georg Graf, *Globale Szenarien – Megatrends im weltweiten Kräftespiel* [Global Scenarios – Megatrends in Global Dynamics], Zurich 2000; Ute von Reibnitz, *Szenariotechnik. Instrumente für die unternehmerische und persönliche Erfolgsplanung* [Scenario Technique. Instruments for Entrepreneurial and Personal Performance Planning], Wiesbaden 1991.

The following five scenarios were developed based on a good three dozen influential factors. These comprise, first, various vital parameters for European security, such as the role of European security organizations and the conduct of important states (including the USA, Russia and Turkey) and non-state actors (such as non-governmental organizations). A second group of factors encompasses EU-specific features, such as the Union's geographic scope, European special-interest regions, the EU's institutional evolution, co-operation with non-EU states and organizations and the development of military and non-military tasks. In addition, long-term developments relevant to security policy have been taken into consideration. These consist of elements such as cross-border co-operation on armaments, the difference in rates of force modernization and transformation in the USA and Europe and the resulting consequences for interoperability, demographic changes and their effect on recruitment models for the armed forces as well as the shift in political priorities from security to health, social and education policy.

Scenario 1: Trilateral Co-operation and the Triumph of Multilateralism

The central characteristics of this scenario are the clear commitment of the relevant states to multilateralism and to its active implementation. This underlying attitude strengthens international institutions. The essential prerequisite for this is close co-operation between the USA, the EU and Russia. These three major players join forces to guarantee global stability and prosperity by amalgamating NATO and the OSCE to create the *Northern Hemisphere Alliance* (NHA). The United Nations profits from the fruitful co-operation of nations within the NHA. It is reformed extensively so that it may conduct its global tasks efficiently and effectively. As an important forum for co-ordination between the members of the NHA and other countries and regional organizations, the UN contributes to strengthening global co-operation through regional multilateralism.

International relations are characterized by stability. Through the NHA and the UN, the USA, the EU and Russia are capable of having a preventive effect on conflict and largely impeding the emergence of war. In addition, the active role of non-governmental actors contributes to the strengthening of conflict prevention efforts. Non-governmental actors can play a particularly effective part in moderating the behaviour of parties before the outbreak of actual hostilities. They also provide the international community with important early-warning information.

There is a relatively high degree of political integration within the EU. While the Council of Ministers dominates, the Commission and the European Parliament have extensive powers of co-decision. In the Council, decisions on Common Foreign and Security policy (CFSP) are made by a qualified majority, and decisions on European Security and Defence Policy (ESDP) are

made by a selective majority, i.e. different majorities are needed for different issues. The EU is represented on all international bodies by a permanent President of the Council. Geographically, the Union includes the Baltic states, Malta and Cyprus and has a total of 35 member states. It maintains close economic relations in the Mediterranean region, in particular with Turkey, Israel, Egypt and Algeria. Moreover, the EU attaches a great deal of importance to the Middle East, the Caucasus and Central Asia. Thanks to effective trilateral co-operation, substantial political progress is being achieved in these regions.

In the area of security policy, the EU understands itself as a force for peace that maintains a balance between non-military and military capacities and is politically and militarily integrated in the Northern Hemisphere Alliance. Militarily, it has a force of 200,000 troops at its disposal, which can be deployed globally for humanitarian tasks and rescue missions, crisis management, peacekeeping and peace enforcement as well as for defence. It also assists civilian authorities within the EU (for example, with emergency aid and border-protection tasks). The EU pools resources to perform security-related tasks in the civilian sector in the areas of institutional reconstruction, police forces, the rule of law and civil administration. Activities in these areas are funded by the Union's own security budget. The EU also co-operates closely with the UN on development policy.

Consequences

The strong multilateral framework produces a highly stable international environment, in particular by strengthening the preventive component. International organizations play the central role in this, most impressively illustrated by the creation of the NHA.⁸ Through the fusion of NATO and the OSCE, the NHA is able to make use of a comprehensive spectrum of instruments for crisis prevention and post-conflict rehabilitation. Furthermore, seamless co-operation with the EU opens up the possibility of systematically incorporating economic elements into prevention and peacebuilding, enabling the successful realization of the vision of an integrated peace policy.

The NHA will presumably continue to perform the tasks currently undertaken by the OSCE. The strong emphasis on multilateralism strengthens the rule-oriented aspect of international politics, thereby changing the importance of confidence building and peaceful conflict settlement. In view of the fundamentally co-operative character of relations in the NHA's transatlantic core region, such measures are likely to decline in importance there. In other regions of the NHA such as the Caucasus and Central Asia, and in dealings with non-NHA states and other regional organizations, they will

8 On this concept, see also Martti Ahtisaari, *The United States, the European Union, and Russia: Essential partners for the 21st Century*, East-West Institute Policy Brief, April 2002.

continue to be important. The value of preventive diplomacy, peacekeeping operations and peacebuilding will increase. Because the primary actors enjoy the necessary mutual trust and share the same interests, they can co-operate successfully. Through this, institutional rivalries are reduced, while combined planning and joint missions strengthen the operational effectiveness of international organizations.

Scenario 2: Pax Americana and the Fragile Unipolar World Order

In this scenario, US supremacy is decisive. As a hegemonic power enjoying solid economic growth and comprehensive military capabilities, the USA dominates the international scene. Washington follows a policy of “velvet-glove unilateralism”, that is, its foreign policy takes international and regional organizations into consideration only so long as they serve US interests. Washington relies on a fully developed global network of bilateral relations and alliances for specific situations. In Europe, the UK, Spain, Italy and Turkey count as the closest US allies. The strategic partnership with Moscow supports Russian economic reform (including admission to the WTO), ensures that Washington has access to Russian energy sources and serves to counterbalance China.

Relations between the USA and the EU states are strained as regards security matters. The USA’s great military strength, the increase in its defence budget and progress in military technology allows it to conduct wars from a distance and reduces its dependency on third states (for example, for military bases). US unilateralism is provoking criticism worldwide and resulting in terrorist attacks against US establishments, to which Washington responds with pre-emptive strikes. This conduct puts the Europeans to a real test and impairs the ability of the EU to take action. Although the Europeans criticize the USA, the Union is too weak to form an effective counterweight.

The 60,000-man EU rapid-reaction force can only be deployed to perform humanitarian, rescue and peacekeeping tasks. The EU thus remains dependent on NATO, which, through the transformation of the US armed forces is, however, being converted into a global intervention force. The USA is the only power capable of carrying out robust military operations. In contrast, the EU has a civilian police pool and the EU, the UN and the OSCE are amalgamating their experts databases. This makes it easier to prepare and implement joint missions, whose effectiveness, however, is hampered by a lack of agreement with Washington – for example, on the question of how to proceed in the Middle East.

After a delay, the EU admits the ten current accession candidates. The second pillar of the EU remains organized on an intergovernmental basis and is dominated by the Council of Ministers. The Council makes decisions with a qualified majority on issues relating to the CFSP. Questions of a military

nature, however, must still be decided unanimously. The President of the Council, elected by EU members, is responsible for foreign policy and represents the EU before the UN, though not before NATO. While this artificial division weakens EU security policy, it does correspond with the wishes of most EU members, as they see both NATO and the maintenance of good bilateral relations with Washington as guarantees of security and stability.

Consequences

Compared to the first scenario, the potential for international action in the scenario “*Pax Americana*” is considerably limited. The dominance of the USA and its tendency to take unilateral action not only lead to transatlantic differences of opinion, thereby impairing co-operation, but US unilateralism also increases – in particular – asymmetric risks, which threaten Washington and its allies equally. The lack of agreement between the leading states paralyzes international organizations. In addition, as the Iraq war in the spring of 2003 made clear, there is the danger of such organizations being instrumentalized by the USA to implement its own goals, or by other states aiming to oppose Washington.

In this scenario, the classical OSCE domain of confidence and security building will only retain the importance it had up to now if the USA agrees to engage in at least a minimal dialogue with other states. Peaceful settlement of disputes loses its importance as an OSCE task because the US hegemon has the role of maintaining order. Preventive diplomacy and peacebuilding could, however, gain importance where these activities contribute to implementing specific interests of the hegemon and/or legitimizing its conduct through a multilateral body. One thinks, in particular, of Central Asia, where Washington could employ the OSCE to stabilize and balance the interests of regional powers. In this scenario, peacekeeping operations are organized by “coalitions of the willing”, leaving no room for the OSCE.

Scenario 3: Euro-power and the Triumph of Balanced Security

In this scenario, the EU becomes a leading international political, economic and military power, which supports multilateralism and rule orientation. Other important state actors are the USA, Russia and China. Apart from occasional tensions, for example on economic issues, relations between these actors are characterized by co-operation. Transatlantic differences that prevail at the start of the period under consideration are settled during its second half following substantial and visible successes for the ESDP (military operations in the Balkans and in Africa).

The EU engages in active co-operation with the UN and the OSCE, for example, by running a joint mission to Central Asia. The UN concentrates on

conflict prevention and development assistance while the OSCE commitment to the democratization process contributes decisively to the region's political development. NATO declines in importance from the position it currently enjoys. This is because, for one, the initial differences between the transatlantic partners have a negative effect on NATO's ability to act. In addition, the Alliance's enlargement makes decision making more difficult. At the same time, successful EU prevention work in co-operation with the UN, the OSCE and non-governmental actors makes a major contribution to stopping conflicts from escalating into violent hostilities and finding peaceful resolutions.

Institutionally, the EU is developing into a supranational community with its own Constitution. The complicated three-pillar construction has been abolished. The EU has a Commissioner for Foreign and Security Affairs, who represents the Union and heads the newly established Council for Foreign and Security Affairs, responsible for the CFSP and the ESDP. The European Parliament elects an EU President with a largely symbolic role and the Commission President has become the "European Head of Government". The Commission is the central institution, and in all bodies, decisions are made through a simple or qualified majority.

In addition to today's accession candidates, the Union has expanded geographically to include Norway and Iceland, all the states of the Balkans and Turkey. Moreover, the EU, Russia and Ukraine have formed a "Trilateral Security Council" and the EU has Common Strategies for the Middle East and North Africa. To do justice to its increased global responsibility, the EU defines itself as a force for peace with a balanced range of civilian and military capabilities at its disposal. In the area of civilian security policy, the focus is on comprehensive prevention and on the deployment of economic instruments for sanctions and reconstruction. The 300,000-strong intervention force is under the control of the EU Council for Foreign and Security Affairs, is fully integrated and assists civilian authorities within the EU upon request – as well as performing Petersberg tasks and defence operations. The EU headquarters is responsible for planning and conducting civilian and military operations. The Union's capabilities are completed by a procurement agency and, thanks to the participation of Great Britain and France, access to nuclear weapons.

Consequences

In this scenario, the EU guarantees security. Co-operative relations between Brussels and Moscow and the fact of Turkey's EU membership are of decisive importance in addressing the smouldering conflicts in the Caucasus, Central Asia and the Middle East. As expected, the EU is committed to a rule-oriented international politics – one that strengthens multilateral bodies.

Moreover, it has all the necessary political, economic, civilian and military means to be active and successful throughout the entire conflict cycle.

The consequences for the OSCE can be evaluated in various ways. The pessimistic point of view has it that the EU is like a sponge “sucking the OSCE dry” of the tasks it has performed up to now. From this perspective, the relationship between the OSCE and the EU represents a zero-sum game that Brussels wins and Vienna loses.⁹ In contrast, we hold a considerably more optimistic view, which is based on, among other things, Javier Solana’s speech cited at the beginning of this contribution. It is our opinion that the EU will not act like a “Machiavellian wolf in sheep’s clothing”, but that through co-operation with the OSCE, it will make use of the OSCE’s core competencies to achieve specific prevention and stabilization goals.¹⁰ This is true, above all, for regions such as the Caucasus and Central Asia, which have become strategically more important for Brussels since the beginning of Eastward enlargement.¹¹ In dealing with these regions, the significance of OSCE activities in the areas of confidence and security building, preventive diplomacy and peacebuilding is increasing. This is particularly true of the activities of the Office for Democratic Institutions and Human Rights, the work of the High Commissioner on National Minorities and the Rapid Expert Assistance and Co-operation Teams (REACT), which supplement and complete the civilian aspects of ESDP. In view of the EU’s preference for rule orientation, the peaceful settlement of disputes will lose importance as a “reserve instrument”. As peacekeeping operations will presumably be conducted by the EU, the OSCE will not be active in this area either.

Scenario 4: Resurgent National Sovereignty and Europe at a Standstill

A long-lasting global economic crisis, the near-catastrophic failure of an EU military operation in the Balkans (and the loss of credibility associated with this) and fundamental tensions within the EU bring the integration process to a standstill. These developments lead to a general weakening of the international order. Support for international organizations dwindles to mere lip service as both the will and the means for common international action are lacking. The isolationist behaviour of the United States is particularly problematic. Terrorist attacks lead to increased feelings of vulnerability and re-

9 For example, Kurt P. Tudyka, *Auswirkungen der ESDP auf die OSZE: Stärkung oder Schwächung* [The Effects of the ESDP on the OSCE: Do They Strengthen or Weaken It?], in: Hans-Georg Ehrhart (ed.), *Die Europäische Sicherheits- und Verteidigungspolitik. Positionen, Perzeptionen, Probleme, Perspektiven* [The European Security and Defence Policy. Positions, Perceptions, Problems, Prospects], Baden-Baden 2002, pp. 295-303.

10 A similar position is taken by: Jolyon Howorth, *European integration and defence: the ultimate challenge*, Paris 2000; Hans-Georg Ehrhart, *What model for CFSP?*, Paris 2002.

11 In dealing with these regions, the EU’s planning remains deficient. See also: S. Neil MacFarlane, *Caucasus and Central Asia: Towards a Non-Strategy*, Geneva Centre for Security Policy, Occasional Paper No. 38, August 2002.

duce the USA's willingness to take risks or fulfil a leadership role. Emerging problems in Southeast Asia and the economic crisis in South America draw Washington's attention to these regions. Other states attempt to use this situation to strengthen their regional position.

The EU is weak. The European Council annuls the Growth and Stability Pact and allows an increase in the level of new debt to combat the economic crisis and to improve the military capabilities of the European armed forces. In addition, the Council decides to postpone the Union's Eastward enlargement, provoking protest in the candidate countries, increasing their distance from Brussels and contributing to the strengthening of right-wing nationalist movements. The postponement of the accession of the current candidates puts a stop to any further enlargement. Against this background, the failure of the EU military operation in the Balkans is only prevented by the intervention of US troops at the urging of the new NATO members. This causes lasting damage to the credibility of the EU as a crisis manager. In the second decade of the 21st century, the EU countries have just as much trouble agreeing on a US proposal for the stabilization of Latin America through the International Monetary Fund and the World Bank. Consequently, the USA deems it necessary to proceed unilaterally.

As a result of this, the EU's leading states take control of the Union's foreign and security policy. France, the UK, Germany and Italy form the new G4 Directorate. They set out to reduce the power of the Commission and the European Parliament while strengthening the Council of Ministers and to replace majority decisions with unanimity. Under these circumstances, the CFSP reverts back to the earliest days of European Political Co-operation (EPC) with member states using the Council of Ministers as an informal and non-binding setting for exchanging information and co-ordinating policy. Security- and defence-policy issues are discussed in the G6, which includes Spain and Poland. Military tasks thus no longer belong to the EU's sphere of competence, but are to be implemented through the G6 and/or *ad hoc* alliances.

Consequences

"Resurgent national sovereignty" increases insecurity in international relations as the lack of international order restores a situation that resembles the classic prisoner's dilemma. Although the risk spectrum will probably not change substantially compared to today, the effects will be felt far more strongly. This is primarily due to the long-lasting global economic crisis, which doubly limits the potential for political action: On the one hand, politics has fewer resources at its disposal, on the other, decreasing resources must initially be deployed in those political fields that contribute to mitigating the effects of the global economic crisis (such as unemployment) at the national level. The foreign and security policy of states thus becomes funda-

mentally more reactive, which increases the potential for smouldering conflicts to endanger stability.

The OSCE, like all other international organizations, loses significance in this scenario. The importance of rule-oriented international politics decreases, as does the peaceful settlement of disputes. This is also true of preventive diplomacy, which is rendered irrelevant due to the lack of international agreement. Placing foreign and security policy in the hands of the G6 will lead to peacekeeping and peacebuilding operations being carried out – at best – by *ad hoc* alliances; it will almost certainly leave no role for the OSCE. Thus, in this scenario, the only area in which OSCE will be able to gain importance is in confidence and security building, namely by reassuming the role it had during the Cold War as a platform for dialogue.

Scenario 5: The Unstable Periphery and “Fortress Europe”

The instability on the European periphery is a consequence of underdevelopment, demographic pressure, economic mismanagement and ethnic or religious tensions, including the effects of fundamentalism. These forces lead to the outbreak of various conflicts in North Africa, the Caucasus and the Middle East. Lacking political support and resources, international organizations remain ineffective. The loss of confidence in the UN resulting from cases of corruption and gross mismanagement turns into a distrust of international institutions in general. The OSCE participating States put conflict-prevention measures on ice and freeze their funding.

Washington is not concerned with the conflicts on Europe’s periphery, but concentrates on the Asia-Pacific area. Major disagreements between non-EU states and EU/NATO members lead to the reciprocal use of blocking tactics. This destroys the very core of the transatlantic partnership. NATO is only of use to the USA inasmuch as it contributes to defending Washington’s interests in the Pacific. Russia is in a difficult position as it must simultaneously address serious domestic and economic problems as well as the political hot spots near its borders (Ukraine, Moldova, South Caucasus, Central Asia). However, Moscow is able to capitalize politically on its energy reserves. Russia and the USA give each other mutual assurances that they will not intervene in the other’s sphere of interest.

In Europe, pressure arising from migration, especially from the Mediterranean region, is increasing. Governments have not found adequate ways to overcome this problem. Ethnic and religious minorities form well-organized interest groups, but are badly integrated into society. Within the EU, the danger of social instability as a consequence of riots and terrorist attacks are thus growing. Because the EU states are not in a position to combat the root causes they limit themselves to intensifying border and immigration controls. “Fortress Europe” becomes a reality.

In this environment, EU integration is limited. After the accession of the current candidate countries, the enlargement process comes to a standstill. The second pillar is still organized intergovernmentally and the Council of Ministers dominates. Decisions on ESDP are reached unanimously. In contrast, a qualified majority is sufficient for CFSP issues. However, the strengthened ability to act, which should result from this in theory, is undermined by the fact that EU does not present a single face to the world. This suboptimal solution reveals the desire of EU members to shape their own individual foreign policies.

The fear of ordinary citizens, the growing strength of the political right and terrorist attacks in Europe turn European integration towards the creation of a “security state” that threatens fundamental civil liberties. The EU’s economic instruments and non-military crisis mechanism remain ineffective due to the lack of preventive action to stabilize the periphery. In contrast, through the establishment of a European police headquarters and police academy, the powers of the police are strengthened at the European level. By the same token, Europe enhances its military capabilities. The EU has its own defence budget and has a 200,000-man intervention troop at its disposal, which is not only being deployed for the Petersberg tasks, but also to combat terrorism and guarantee domestic security.

Consequences

The “unstable periphery” is the most risky scenario. The causes are in this case of mixed inter- and intra-state origin (proliferation, migration, terrorism, for example), giving the risk spectrum both symmetrical and asymmetrical features. Combating risk is complicated by the fact that transatlantic co-operation has come to a standstill and confidence in international organizations has dwindled away. Only the EU can profit from the consequences of this scenario, inasmuch as the conflicts spilling over into Europe cause “integration through fear” and strengthen the range of security tasks – primarily defined as police and military matters – carried out by the Union.

For the OSCE, the consequences are without exception negative. While the Organization will continue to exist, the new stress laid on military and police security means it is hardly ever utilized. In this scenario, in particular, preventive measures could be effective in addressing the causes of conflict. However, there is no consensus for this. This is also the case for the other areas of the OSCE’s work. The only exception is confidence and security building, where the OSCE remains useful as a mediator. The high level of escalation, however, limits the effect of diplomatic measures considerably so that – in contrast to the “resurgent national sovereignty” scenario – the OSCE does not have any increased importance in this area.

These five scenarios (see also Table pp. 416-417) illustrate the spectrum of possible futures for the OSCE. This ranges from insignificance or the withdrawal to niche functions in the scenarios “unstable periphery” and “resurgent national sovereignty”, the danger of instrumentalization in “*Pax Americana*” through systematic co-operation with the EU in the case of “Euro-power”, to transformation into the Northern Hemisphere Alliance, which successfully assumes the role of the regional arrangement foreseen in the Charter of the United Nations, in the “trilateral co-operation” scenario.

The events surrounding the Iraq war may lead one to dismiss the two scenarios that are most favourable to the OSCE, “trilateral co-operation” and “Euro-power”, as over-ambitious – even hopelessly so. To this negative assessment we reply that the key to realizing these two versions of the future is held by the actors: International politics is not structurally predetermined, but can be actively shaped and changed.¹² The USA and Europe have a special responsibility for this. The scenarios make clear that the way the USA pursues its foreign policy determines the character of international relations in a fundamental manner. The Europeans, for their part, can influence Washington if they can reach agreement on their aims and the means they should use to achieve them. Expanding and consolidating European foreign, security and defence policy is the best way to avoid the scenarios associated with negative consequences. At the same time, strengthening the EU’s civilian and military capabilities creates the basis for achieving both positive scenarios. It is crucial for relations between the OSCE and the EU that this is done in a way that builds on the OSCE’s strengths.

Both organizations are committed to the ideal of co-operative and multilateral foreign and security policy. In expanding the ESDP, therefore, it does not seem very sensible to strengthen its civilian components at the expense of the OSCE by, for example, encouraging the EU to expand into the areas of media freedom, the treatment of ethnic and religious minorities or the return of refugees.¹³ It makes far more sense to design and implement cross-organizational conflict-prevention and post-conflict-rehabilitation processes that combine the EU’s efforts to establish a “union of freedom, security and justice”¹⁴ with the OSCE’s endeavours to strengthen democracy “at the roots”. To this end, *first*, the OSCE’s various instruments should, for maximum effectiveness, be systematically integrated into the EU’s country-specific programmes. In this connection, the OSCE Annual Security Review Conferences adopted in Porto could be used for joint planning and evaluation

12 Cf. Alexander Wendt, Anarchy is what states make of it: the social construction of power politics, in: *International Organization* 1/1992, pp. 391-425.

13 Reinhardt Rummel argues for this in: *Wie zivil ist die ESVP?* [How Civilian is ESDP?], SWP-Aktuell, March 2003, p. 4, at: www.swp-berlin.org/common/get_document.php?id=115.

14 Decisions of the Tampere European Council, 15-16 October 1999.

of missions and other field activities.¹⁵ *Second*, the amalgamation of civilian-experts databases and the establishment of civilian resource pools, as suggested in the scenarios, should be carried out. *Third*, the EU must be prepared to deal with those regions that are brought closer to it by in the course of enlargement. For this reason, we recommend the development of Common Strategies for the Caucasus and Central Asia. With its unique international expertise in both these regions, the OSCE – and, in particular, its presence in the field – should be an integral part of these strategies.

15 Cf. Organization for Security and Co-operation in Europe, Tenth Ministerial Council, Porto, 6 and 7 December 2002, reprinted in this volume, pp. 421-455; here: Decision No. 3, Annual Security Review Conference, pp. 445-447.

The Five Scenarios and Their Consequences for the OSCE

	Trilateral Co-operation	Pax Americana
Driving Force	<ul style="list-style-type: none"> • USA supports multilateralism • Russia is internationally active, Western-oriented and co-operative • Successful EU reforms 	<ul style="list-style-type: none"> • USA pursues “velvet-glove unilateralism” through bilateral relations and <i>ad hoc</i> alliances • Transatlantic differences
Key Features	<ul style="list-style-type: none"> • Strong multilateralism • USA, EU and Russia co-operate in the Northern Hemisphere Alliance (NHA) • UN plays central role, effective co-operation with NGOs • EU enlargement by current candidates plus Bulgaria, Croatia, Iceland, Norway, remaining Balkan states; economic agreements with other Mediterranean states • EU has 200,000-man force for Petersberg tasks, defence and aid missions. Civilian aspects of ESDP include creation of resource pool for reconstruction, police, judiciary and public sector reform 	<ul style="list-style-type: none"> • USA dominates international relations, unilateralism increases risks • NATO becomes a globally active, flexibly deployable intervention force • EU enlargement delayed, limited to current candidates • Artificial division between CFSP and ESDP: EU develops non-military crisis management capabilities, but these remain ineffective. Military engagement lags behind expectations, actions restricted to the lower level Petersberg tasks
Consequences for the OSCE		
<i>Confidence/Security Building</i>	<ul style="list-style-type: none"> • Same significance as today, but carried out by the NHA rather than the OSCE 	<ul style="list-style-type: none"> • Same significance as today
<i>Peaceful Settlement of Disputes</i>		<ul style="list-style-type: none"> • Less significant than today (US hegemon is the guarantor of order)
<i>Preventive Diplomacy</i>	<ul style="list-style-type: none"> • More important than today, but carried out by NHA rather than the OSCE 	<ul style="list-style-type: none"> • More important than today, but danger of instrumentalization
<i>Peacekeeping Operations</i>		<ul style="list-style-type: none"> • Not an OSCE task (conducted by “coalitions of the willing”)
<i>Peacebuilding</i>		<ul style="list-style-type: none"> • More important than today, but danger of instrumentalization

Euro-power	Resurgent National Sovereignty	Unstable Periphery
<ul style="list-style-type: none"> • NATO less capable of taking action • ESDP successes strengthen European self-confidence • EU Constitutional Convention leads to institutional breakthrough 	<ul style="list-style-type: none"> • Global economic crisis • US troops relocated from Europe to the Pacific • ESDP failure in the Balkans • Tensions within the EU 	<ul style="list-style-type: none"> • Global economic crisis • Transatlantic relation fundamentally damaged • “Integration through fear”
<ul style="list-style-type: none"> • Transatlantic differences settled by substantial progress of ESDP • Good Russian-EU relations • Successful ESDP operations • Accession of the current candidates to the EU plus Bulgaria, Croatia, Norway, Iceland, the remaining Balkan states and Turkey • EU strengthens conflict-prevention capabilities. European army (300,000 strong) controlled by EU Foreign and Security Council and used for Petersberg tasks, aid missions and defence 	<ul style="list-style-type: none"> • US feeling of vulnerability leads to selective international engagement • Chinese-American differences on supremacy in the Pacific • Economic problems and drug-related crime threaten the stability of the Americas • EU enlargement delayed and restricted to current candidates • CFSP reverts back to the beginnings of EPC • Security and defence are no longer EU tasks but are carried out by the G6 	<ul style="list-style-type: none"> • Loss of confidence in international organizations • Serious economic and political problems in Russia • EU states cannot overcome the problems of migration flows and trafficking in human beings. • EU enlargement limited to the current candidates • Civilian component of ESDP is for the most part ineffective. Military component (200,000-strong force for Petersberg tasks, defence, combating terrorism and EU-internal aid missions) and police are strengthened
<ul style="list-style-type: none"> • More significant than today, especially in the Caucasus and Central Asia • Same significance as today 	<ul style="list-style-type: none"> • More significant than today, especially in areas of former CSCE activity • Less important than today 	<ul style="list-style-type: none"> • Same significance as today • International measures ineffective so that these tasks completely lose importance and/or are not implemented internationally at all
<ul style="list-style-type: none"> • More significant than today, especially in the Caucasus and Central Asia • Not an OSCE task (carried out by the EU) 	<ul style="list-style-type: none"> • Less important than today • Not an OSCE task (if solved internationally, then <i>ad hoc</i>) 	
<ul style="list-style-type: none"> • More significant than today, especially in the Caucasus and Central Asia 	<ul style="list-style-type: none"> • Not an OSCE task (if solved internationally, then <i>ad hoc</i>) 	

Annexes

Tenth Meeting of the Ministerial Council¹

Porto, 6 and 7 December 2002

- I. Porto Ministerial Declaration
- II. OSCE Charter on Preventing and Combating Terrorism
- III. Declaration on Trafficking in Human Beings
- IV. Statements by the Ministerial Council
- V. Decisions of the Porto Ministerial Council Meeting

¹ MC.DOC/1/02, 7 December 2002.

1. Porto Ministerial Declaration

Responding to Change

1. We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe, have met in Porto and reaffirmed our determination to work together to protect our peoples from existing and emerging threats to security. The evolving political, security and economic environment creates new challenges for the OSCE. As we advance in the new century, we see these challenges more clearly and the OSCE's unique contribution to an international community in which all nations and individuals can feel secure becomes ever more valuable. We have a historic opportunity to consolidate lasting peace, prosperity and democracy throughout a Europe which is becoming ever more united.
2. We reaffirm our commitment to promote security and co-operation throughout an OSCE area with no dividing lines, by building mutual confidence and working together to resolve security issues in a spirit of transparency and partnership. Our efforts will be complemented by those of other international organizations and institutions with which we will co-operate closely, on the basis of the Platform for Co-operative Security.
3. At the same time, our Organization must develop new responses to the changing nature of the threats to our security, embracing and enhancing all three dimensions of our comprehensive approach. Our efforts to promote peace and stability must go hand in hand with our determination to ensure full respect for human rights, fundamental freedoms and the rule of law, and to reinforce the conditions essential for sustainable development in all our States.
4. Terrorism, as recent terrorist acts like the hostage-taking in Moscow demonstrate, remains a threat to individual and global security. The Charter on Preventing and Combating Terrorism which we have adopted today sets out the principles of our common approach to terrorism. Last year, in Bucharest, following the events of 11 September, we adopted a Plan of Action for Combating Terrorism, and today we have decided to further intensify our efforts to implement it.
5. In order to ensure that the OSCE can effectively respond to present and future demands, we have concluded that it should continue to develop during 2003 a strategy to address threats to security and stability in the twenty-first century. The OSCE Annual Security Review Conference, on which we have decided today, will provide a framework for enhancing security dialogue and for reviewing security work undertaken by the OSCE and its participating States. We have also decided to review the OSCE role in peacekeeping operations, with a view to assessing the OSCE's capacity and identifying options for its involvement in this field.

6. Good policing can make a major contribution to security and stability. We confirm that the OSCE should continue to develop its capacity to assist participating States wishing to strengthen their policing skills and we encourage participating States to provide the necessary resources.

7. Today we have decided to develop a new strategy during 2003 to enhance the OSCE's Economic and Environmental Dimension that will set out the objectives, principles, criteria and methods of OSCE activities in this area, including improved co-operation on environmental issues.

Security and stability can be threatened by economic and environmental factors. The catastrophe caused by the loss of the oil tanker *Prestige* a hundred miles offshore from our meeting place painfully reminds us of the need to protect the marine environment against oil pollution and its consequences for the local population. We call on participating States, the International Maritime Organization and other relevant international organizations to enhance their efforts to ensure the protection of the marine environment against such disasters by strengthening co-operation on the prevention, reduction and control of pollution by oil on the basis of full respect for international law.

8. The Human Dimension remains at the core of the activities of the Organization. The new modalities for the OSCE Human Dimension Implementation meetings adopted this year will further enhance the effectiveness of the work of the Organization and its institutions. We have agreed to revise and update the OSCE Plan of Activities to Combat Trafficking in Human Beings. The promotion of tolerance and non-discrimination, on which we have adopted a separate decision, is a high priority. We have also adopted a decision on election commitments and we will co-operate further in this field.

9. We recognize the significant contribution of our institutions and field operations, through their dedicated staff, in putting into practice the goals and principles of our Organization, in co-operation with host States. We task the Permanent Council to consider, as appropriate, ways of further improving the functioning and effectiveness of field operations.

10. Not all the challenges facing the OSCE are new. We remain concerned over the persistence of conflicts in various regions in the OSCE area that threaten the observance of the OSCE principles and have an impact on peace and stability. We commit ourselves to intensify our efforts to resolve these conflicts.

11. We welcome the significant progress made towards the fulfilment of the commitments undertaken at the 1999 Istanbul Summit, and look forward to early full implementation of these commitments by all the parties concerned.

12. We commend the work done this year on improving the management of the Organization. We task the Permanent Council, through the working group on OSCE reform, to continue consideration of the remaining issues as set out in the relevant Chairmanship's report and to take appropriate decisions in 2003. We also task the Permanent Council to continue its work on OSCE legal status and privileges and immunities.

13. Arms control and confidence- and security-building measures remain indispensable to our comprehensive approach to security. We welcome the decisions of the Forum for Security Co-operation on enhancing implementation of the OSCE Document on Small Arms and Light Weapons; on dealing with the risks arising from stockpiles of surplus ammunition and explosives; and on strengthening the role of the Code of Conduct on Politico-Military Aspects of Security in the fight against terrorism. We task the Forum to contribute to common responses to existing and emerging security challenges.

14. We welcome the first year of successful implementation of the Treaty on Open Skies. We recall that all OSCE participating States may apply for accession to the Treaty. We take note that the applications of a number of OSCE participating States have already been approved by the States Parties or are on the agenda of the Open Skies Consultative Commission.

15. We will continue to foster co-operation and dialogue with our Mediterranean Partners for Co-operation and with Japan, the Republic of Korea and Thailand. We look forward to their continued active and goal-oriented participation in the work of the OSCE on subjects of common concern.

16. The OSCE has a unique role in promoting democracy, peace and stability throughout its region. It builds confidence through dialogue and transparency, strengthens civil society, addresses the root causes of threats to stability, establishes principles and commitments and promotes their implementation. It also provides practical assistance for States to reinforce their institutions to face new challenges. This role is more important than ever in the new security environment. Today, we express our determination to strengthen the Organization and to adapt it to changing circumstances.

*Attachment to Porto Ministerial Declaration
Interpretative Statement under Paragraph 79 (Chapter 6)
of the Final Recommendations of the Helsinki Consultations*

By the Delegation of the Netherlands (also on behalf of Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom and the United States of America):

“In relation to paragraph 11 of the Ministerial Declaration and the Statements of the Ministerial Council on Moldova and Georgia, we would like to read out paragraph 15 of the Prague Summit Declaration of NATO countries on 21 November 2001.

‘We remain committed to the CFE Treaty and reaffirm our attachment to the early entry into force of the Adapted Treaty. The CFE regime provides a fundamental contribution to a more secure and integrated Europe. We welcome the approach of those non-CFE countries, which have stated their intention to request accession to the Adapted CFE Treaty upon its entry into force. Their accession would provide an important additional contribution to

European stability and security. We welcome the significant results of Russia's effort to reduce forces in the Treaty's Article V area to agreed levels. We urge swift fulfilment of the outstanding Istanbul commitments on Georgia and Moldova, which will create the conditions for Allies and other States Parties to move forward on ratification of the Adapted CFE Treaty.”

II. OSCE Charter on Preventing and Combating Terrorism

The OSCE participating States, firmly committed to the joint fight against terrorism,

1. Condemn in the strongest terms terrorism in all its forms and manifestations, committed no matter when, where or by whom and reiterate that no circumstance or motive can justify acts of or support for terrorism;
2. Firmly reject identification of terrorism with any nationality or religion and reaffirm that action against terrorism is not aimed against any religion, nation or people;
3. Recognize that terrorism requires a co-ordinated and comprehensive response and that acts of international terrorism, as stated in the United Nations Security Council resolution 1373 (2001), constitute a threat to international and regional peace and security;
4. Declare that acts, methods and practices of terrorism, as well as knowingly providing assistance to, acquiescing in, financing, planning and inciting such acts, are contrary to the purposes and principles of the United Nations and the OSCE;
5. Consider of utmost importance to complement the ongoing implementation of OSCE commitments on terrorism with a reaffirmation of the fundamental and timeless principles on which OSCE action has been undertaken and will continue to be based in the future, and to which participating States fully subscribe;
6. Reaffirm their commitment to take the measures needed to protect human rights and fundamental freedoms, especially the right to life, of everyone within their jurisdiction against terrorist acts;
7. Undertake to implement effective and resolute measures against terrorism and to conduct all counter-terrorism measures and co-operation in accordance with the rule of law, the United Nations Charter and the relevant provisions of international law, international standards of human rights and, where applicable, international humanitarian law;
8. Reaffirm that every State is obliged to refrain from harbouring terrorists, organizing, instigating, providing active or passive support or assistance to, or otherwise sponsoring terrorist acts in another State, or acquiescing in organized activities within its territory directed towards the commission of such acts;

9. Will co-operate to ensure that any person who wilfully participates in financing, planning, preparing or perpetrating terrorist acts, or in supporting such acts, is brought to justice and, to that end, 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;
10. Will take appropriate steps to ensure that asylum is not granted to any person who has planned, facilitated or participated in terrorist acts, in conformity with relevant provisions of national and international law, and through the proper application of the exclusion clauses contained in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;
11. Recognize that the relevant United Nations conventions and protocols, and United Nations Security Council resolutions, in particular United Nations Security Council resolution 1373 (2001), constitute the primary international legal framework for the fight against terrorism;
12. Recognize the importance of the work developed by the United Nations Security Council Counter-Terrorism Committee and reaffirm the obligation and willingness of participating States and the OSCE to co-operate with this Committee;
13. Recall the OSCE's role as a regional arrangement under Chapter VIII of the United Nations Charter, and its obligations in this context to contribute to the global fight against terrorism;
14. Recall their Decision on Combating Terrorism and its Plan of Action for Combating Terrorism, adopted at the Ninth Meeting of the OSCE Ministerial Council in Bucharest and reaffirm the commitments contained therein;
15. Take note with satisfaction of the Declaration and the Programme of Action adopted at the Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism, held on 13 and 14 December 2001;
16. Reiterate the commitment undertaken in the framework of the Charter for European Security, including the Platform for Co-operative Security, adopted at the Istanbul Summit, to co-operate more actively and closely with each other and with other international organizations to meet threats and challenges to security;
17. Underscore that the prevention of and fight against terrorism must be built upon a concept of common and comprehensive security and enduring approach, and commit to using the three dimensions and all the bodies and institutions of the OSCE to assist participating States, at their request, in preventing and combating terrorism in all its forms;
18. Undertake to fulfil their obligation, in accordance with the United Nations conventions, protocols and Security Council resolutions, as well as other international commitments, to ensure that terrorist acts and activities that support such acts, including the financing of terrorism, are established as serious criminal offences in domestic laws;

19. Will work together to prevent, suppress, investigate and prosecute terrorist acts, including through increased co-operation and full implementation of the relevant international conventions and protocols relating to terrorism;
20. Are convinced of the need to address conditions that may foster and sustain terrorism, in particular by fully respecting democracy and the rule of law, by allowing all citizens to participate fully in political life, by preventing discrimination and encouraging intercultural and inter-religious dialogue in their societies, by engaging civil society in finding common political settlement for conflicts, by promoting human rights and tolerance and by combating poverty;
21. Acknowledge the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as for raising awareness of the threat of terrorism;
22. Commit themselves to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law and OSCE commitments;
23. Will prevent the movement of terrorist individuals or groups through effective border controls and controls relating to the issuance of identity papers and travel documents;
24. Recognize the need to complement international co-operation by taking all necessary measures to prevent and suppress, in their territories through all lawful means, assistance to, and the financing and preparation of, any acts of terrorism, and to criminalize the wilful provision or collection of funds for terrorist purposes, in the framework of their obligations under the International Convention for the Suppression of the Financing of Terrorism and relevant Security Council resolutions;
25. Reaffirm their commitment to fulfil their international obligations, as set out in United Nations Security Council resolutions 1373 (2001) and 1390 (2002), and in particular to freeze the assets of those designated by the Committee established pursuant to United Nations Security Council resolution 1267 (1999);
26. Note with concern the links between terrorism and transnational organized crime, money laundering, trafficking in human beings, drugs and arms, and in this regard emphasize the need to enhance co-ordination and to develop co-operative approaches at all levels in order to strengthen their response to these serious threats and challenges to security and stability;
27. Declare their determination to use in good faith all relevant instruments available within the politico-military dimension of the OSCE, as represented by the Forum for Security Co-operation, and emphasize the importance of fully implementing these instruments in particular, the Code of Conduct on Politico-Military Aspects of Security and the OSCE Document on Small Arms and Light Weapons;

28. Reaffirm that arms control, disarmament and non-proliferation remain indispensable elements of co-operative security between States; that they can also make an essential contribution by reducing the risk of terrorists gaining access to weapons and materials of mass destruction and their means of delivery;

Express determination to combat the risk posed by the illicit spread of and access to conventional weapons, including small arms and light weapons;

Will make every effort to minimize those dangers through national efforts and through strengthening and enhancing the existing multilateral instruments in the fields of arms control, disarmament and non-proliferation including the OSCE Principles Governing Non-Proliferation and to support their effective implementation and, where applicable, universalization.

III. Declaration on Trafficking in Human Beings

I.

We, the members of the Ministerial Council of the OSCE, declare that trafficking in human beings represents a dangerous threat to security in the OSCE area and beyond.

We declare that trafficking in human beings and other modern forms of slavery constitute an abhorrent violation of the dignity and rights of human beings.

We recognize that trafficking in human beings represents a serious and rapidly expanding area of transnational organized crime, generating huge profits for criminal networks that may also be associated with criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants.

We recall and reaffirm our full adherence to the OSCE's commitments to combating trafficking in human beings, as reflected in the Moscow Document of 1991, the Charter for European Security adopted in Istanbul in 1999, Ministerial Council Decision No. 1 adopted in Vienna in 2000, Permanent Council Decision No. 426 and Ministerial Council Decision No. 6 adopted in Bucharest in 2001, and declare our determination to strengthen co-operation in addressing trafficking in human beings in countries of origin, transit and destination.

We reaffirm our determination to combat all forms of trafficking in human beings and call on States that have not done so to consider ratifying or acceding to the United Nations Convention Against Transnational Organized Crime and to its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and to take into account the definition of trafficking in human beings given in the said Protocol. We declare that ratification and full implementation of both these instruments would enhance the international and national legal framework and enforcement capacities for combating trafficking in human beings. We strongly en-

courage States to consider concurrent ratification and full implementation of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, also supplementing the above-mentioned Convention.

We reaffirm our support for the ODIHR's Anti-Trafficking and Gender Issues units and favour an increased involvement of the ODIHR's Contact Point for Roma and Sinti Issues. We also reaffirm our support for OSCE field operations and the OSCE Secretariat, especially the OSCE Adviser on Gender Issues. We commend them for their comprehensive approach and for facilitating national efforts in prevention of trafficking in human beings, prosecution of its perpetrators and protection and assistance to victims.

We also support the work of the Stability Pact Task Force on Trafficking in Human Beings under the auspices of the OSCE. We commend its role as a driving force for the promotion of regional co-operation and the development of relevant initiatives.

II.

We recognize the need to address root causes of trafficking and to reduce the

economic and social inequalities and disadvantages, which also provoke illegal migration, and which may be exploited by organized criminal networks for their profit. We also recognize the need to fight corruption, which facilitates the operation of such networks. We recommend that the Office of the Co-ordinator of OSCE Economic and Environmental Activities play an increased role in addressing all economic aspects of trafficking in human beings.

We recognize that, in countries of destination, demand for the activities of persons trafficked for the purposes of sexual exploitation, forced labour, slavery or other practices similar to slavery is an integral factor in trafficking in human beings. We urge countries of destination to take measures to effectively address such a demand as a key element in their strategy for effectively preventing and combating trafficking in human beings, and to exercise zero tolerance towards sexual exploitation, slavery and all forms of exploitation of forced labour, irrespective of its nature.

We are deeply concerned about reports of involvement by some mission members of international organizations in activities related to trafficking in human beings, particularly in post-conflict countries. We reiterate the importance of Permanent Council Decision No. 426, of 12 July 2001, on trafficking in human beings and encourage the adoption and implementation of relevant measures such as the OSCE Code of Conduct for Mission Members.. We will not tolerate international staff members being involved in any illegal activities, inciting this criminal trade or behaving in contravention of this Code of Conduct. We commit ourselves to take all practicable measures to ensure the accountability of international staff members to their respective national, and when appropriate local, authorities for such activities.

We express our concern about the increase in trafficking in minors and, recognizing the special needs of children, we support more research and exchange of information on trafficking in children and, with due regard to the best interest of the child as the primary consideration in all actions concerning children, call for the elaboration of special measures to protect trafficked minors from further exploitation, mindful of their psychological and physical well-being.

We will strive for adequate measures to prevent trafficking in human beings in our countries, taking the form, *inter alia*, of target-oriented awareness raising campaigns and education in countries of origin and transit, directed in particular towards youth and other vulnerable groups, and will seek to develop appropriate campaigns in countries of destination, to organize training for relevant officials and government employees in the areas of law enforcement, border control, criminal justice and social services, and to recommend full co-operation with NGOs in this field.

We will strive to render assistance and protection to the victims of trafficking, especially women and children, and to this end, when appropriate, to establish effective and inclusive national referral mechanisms, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked. The dignity and human rights of victims must be respected at all times. We will consider adopting appropriate measures, such as shelters, and establishing appropriate repatriation processes for the victims of trafficking, with due regard to their safety, including the provision of documents; and developing policies concerning the provision of economic and social benefits to victims, as well as their rehabilitation and reintegration in society.

We recognize that intensified co-operation among relevant actors in countries of origin, transit and destination plays a critical role in the return programmes for victims of trafficking and facilitates their reintegration. Therefore, we encourage all organizations providing assistance to victims, including NGOs, to further develop such co-operation.

We will consider adopting legislative or other measures that permit victims of trafficking to remain in our territory, temporarily or permanently, in appropriate cases, and giving consideration to humanitarian and compassionate factors.

We call on participating States to enhance international co-operation in combating transnational organized crime, including criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants. Such co-operation should include international law enforcement bodies, such as Europol and Interpol, as well as the Southeast European Co-operative Initiative (SECI), with a view to investigating and prosecuting those responsible for trafficking in human beings in accordance with domestic law and, where applicable, international obligations. In this regard, we ask that the Senior Police Adviser should devote increased attention to the fight against trafficking in human beings.

We reiterate the need for national strategies in order to unite efforts directed towards combating trafficking in human beings and to enhance co-ordination among national, international and regional organizations in this field. This need could be met through measures such as appointing inter-ministerial bodies and national co-ordinators or, as appropriate, other relevant bodies or mechanisms.

III.

We agree to intensify co-operation, based on a multidimensional approach, among the relevant OSCE structures and institutions, as well as among the OSCE and other relevant international organizations and actors, including the United Nations and its specialized agencies, the Council of Europe, the European Union and the International Organization for Migration, and task the Permanent Council with examining how better to assure such a co-operation with a view to combating trafficking in human beings.

We task the Permanent Council, through the informal Working Group on Gender Equality and Anti-Trafficking in Human Beings, with revising the Proposed OSCE Action Plan 2000 for Activities to Combat Trafficking in Human Beings and to elaborate a new draft for further appropriate action by 25 July 2003.

We task the Chairmanship-in-Office and the Permanent Council with using existing OSCE bodies and fora to exchange information, review commitments and share best practices on combating trafficking in human beings, as well as with promoting regular participation by experts representing relevant national institutions and bodies, as well as representatives of partner international organizations and NGOs.

IV. Statements by the Ministerial Council

(1)

1. Reviewing OSCE involvement in South-Eastern Europe in 2002, we commend the countries of the region for their endeavours to further consolidate security, stability and democracy and we welcome positive developments in this regard. The OSCE has continued to assist in fostering peace and stability in the region and we reiterate our commitment to support the countries of the region in their path towards peace and prosperity. We also take note of their firm commitment for integration into European and Euro-Atlantic structures. We recognize that responsibility for political and economic progress rests mainly with the authorities and people of the region, and in this regard we welcome improved good neighbourly relations and enhanced regional co-operation. We will continue to work to make progress irreversible and self-sustaining and to realize common goals, based on common commitments and values.

2. Reiterating our adherence to the Helsinki Final Act, the Charter of Paris and the 1999 Istanbul Charter for European Security, we fully support the territorial integrity and the inviolability of borders of the States in South-Eastern Europe. We welcome the efforts displayed by the governments, together with the OSCE and other international organizations to maintain peace and enhance security and stability in former crisis areas. We expect full compliance with all international obligations and reaffirm our commitment to the full implementation of United Nations Security Council resolution 1244. We stand ready to continue to play an active role in the United Nations Interim Administration Mission in Kosovo and to assist the Provisional Institutions of Self-Government in Kosovo, Federal Republic of Yugoslavia. We look forward to a rapid adoption of the Constitutional Charter of Serbia and Montenegro and subsequent implementation. We commend and encourage further sustained efforts by the international community and the authorities of Bosnia and Herzegovina aimed at increasing local ownership of the reform process in the country through implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton/Paris Peace Accords).
3. We reiterate our support for the efforts of the countries of the region to build multiethnic societies based on the strengthening of democratic institutions and the rule of law, respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities. We encourage concerned countries in the region to adopt and implement legislation on national minorities consistent with their international commitments and with the recommendations of the OSCE/High Commissioner on National Minorities. We believe that the development of an effective, non-discriminatory educational system is an essential tool for reconciliation, and welcome an enhanced role of the OSCE in this area in Bosnia and Herzegovina.
4. We welcome the development of and look forward to the implementation of initiatives aimed at enhancing regional co-operation on issues related to refugees and internally displaced persons and encourage additional steps by the countries concerned to facilitate sustainable solutions to their plight, including the full exercise of their rights to return home and to repossess their properties throughout the region.
5. We welcome progress towards establishing stable and democratic institutions in the region. We are pleased that elections, monitored by the OSCE/Office for Democratic Institutions and Human Rights, were conducted largely in accordance with international standards. The OSCE has successfully organized elections in Kosovo, Federal Republic of Yugoslavia. We encourage the countries concerned to take further steps to amend their electoral legislation in line with OSCE/ODIHR recommendations.
6. The OSCE, through its institutions, field operations and other co-operative instruments, will continue to do its part to strengthen international co-operation in the region, in accordance with the Platform for Co-operative Security, and to provide assistance to the countries of the region in their efforts to

meet current and new challenges to security and stability. We welcome initiatives by the countries in the region towards increased regional co-operation and encourage them to strengthen efforts in this respect. We remain committed to working together with the countries in the region in tackling the threats of terrorism, organized crime, corruption, illegal immigration and trafficking in arms, narcotic drugs and human beings. We reiterate our support for the work of the Stability Pact Task Force on Trafficking in Human Beings. The OSCE stands ready to co-operate with the countries of the region and other institutions or organizations to enhance border security.

7. We welcome the enhanced engagement of the OSCE in police activities as requested by the countries of the region, including developing tools in the fight against organized crime in its regional dimension. We are pleased in particular with the progress that has been made in the implementation of joint programmes of multiethnic police training and community policing. We welcome the establishment of a European Union Police Mission in Bosnia and Herzegovina, in succession of the United Nations International Police Task Force.

8. While remaining committed to assist the countries in tackling the challenges of economic transition and modernization, we recognize that the main vehicles for external support to the region are the European Union's Stabilization and Association Process and the Stability Pact for South Eastern Europe, which works in complementarity to it and is under the auspices of the OSCE. We welcome the closer, mutually reinforcing co-operation between the OSCE and the European Union in the region. We confirm our commitment to the Stability Pact and welcome the activities carried out by the South-East European Co-operation Process and other regional initiatives and organizations and we encourage closer links between them and the Stability Pact.

9. We welcome the commitment of the countries in the region to fulfil their international obligations. We expect full and comprehensive co-operation by all with the International Criminal Tribunal for the former Yugoslavia (ICTY) and encourage the countries concerned to take all necessary steps in this regard. All those indicted by the Tribunal must, without exception, be turned over to the ICTY authorities to stand trial, and access to witnesses and archives should be guaranteed. We welcome the involvement of local courts in processing war crimes as envisaged by the ICTY.

10. We welcome the continued work of the OSCE in assisting in the implementation of Articles II and IV of Annex 1-B of the Dayton/Paris Peace Accords. We encourage the parties of Article II to continue their voluntary activities, particularly in developing procedures allowing the entity armed forces to assist one another in cases of man-made or natural disaster. While welcoming progress made under Article IV, we encourage the parties to resolve issues related to the amount of heavy weapons held in exempted categories that allows them to have equipment above permitted ceilings. We wel-

come the first meeting of the Commission implementing the Concluding Document of the Negotiations under Article V of Annex 1-B of the Dayton/Paris Peace Accords, and stand ready to support its future work.

11. We call on the countries of the region to develop and implement effective arms exports regimes in line with OSCE principles and documents, including the OSCE Document on Small Arms and Light Weapons. We welcome the co-operation with the Stability Pact in addressing problems such as those posed by the excessive and destabilizing accumulation and uncontrolled spread of small arms and light weapons.

(2)

1. The OSCE welcomes the valuable contributions made by the Central Asian participating States to strengthen stability and security in the region through their efforts undertaken together with the international community to stabilize the situation in Afghanistan. In this context, the Central Asian countries play an indispensable role in countering the specific security issues in the region and in promoting political and economic development.

2. We share the concerns of the Central Asian participating States about the security situation in the region including threats such as international terrorism, organized crime, drugs and arms trafficking. We will continue to work together with Central Asian participating States to address these concerns. In 2002, the OSCE has been steadily working towards implementation of the Bucharest Plan of Action and the Bishkek Programme of Action adopted in December 2001. The OSCE, its institutions and field operations, support the determined efforts of the Central Asian participating States to combat and prevent terrorism, on the basis of the principles contained in those documents.

3. We welcome the efforts by the Central Asian States to develop their co-operation with the OSCE. While maintaining the attention paid to the human dimension, we will strive to achieve a better balance among the three dimensions of the OSCE's approach to security, both at policy and project levels. In this respect, we acknowledge the crucial importance of strengthening our activities in the economic and environmental dimension as a basis also for effective political and social reforms. We will enhance co-ordination with other international organizations and institutions active in the region, including the European Union, as an essential factor in this. Further support by the OSCE for political, economic, ecological and social reforms will contribute to stability and prosperity in the region. We note in particular that the ecological crisis of the Aral Sea has a negative effect on sustainable development and creates a threat to stability and security in the wider region.

4. We encourage the efforts of the Central Asian participating States to pursue reforms aimed at political and economic development in their respective countries in the fulfilment of all OSCE commitments in the three dimensions. Efforts by the OSCE, its bodies and institutions to support the endeav-

ours of the Central Asian participating States in strengthening democracy and its institutions, reinforcing the rule of law and promoting prosperity through the development of market economies will continue.

(3)

1. We are deeply concerned that in spite of the efforts undertaken by the Republic of Moldova and mediators from the OSCE, the Russian Federation and Ukraine no progress was achieved in 2002 towards negotiation of a comprehensive political settlement of the Transnistrian problem. We reaffirm that in the resolution of this conflict the sovereignty and territorial integrity of the Republic of Moldova must be ensured. In this context, we underline the important role of the mediators in facilitating resumption of the negotiation process within the existing five-sided format and we especially welcome their settlement proposal, known as the Kiev Document, which has been adopted as the basis for the negotiation on the status of the Transnistrian region of the Republic of Moldova.

2. We regret that, notwithstanding all these efforts, the Transnistrian side continues to obstruct the negotiation process. In this respect, we welcome the readiness of all relevant parties to promote a lasting political settlement.

3. We welcome timely completion of withdrawal of the Russian CFE Treaty limited equipment from Transnistrian region of the Republic of Moldova.

4. We also welcome the efforts made by the Russian Federation to fulfil the commitments undertaken at the OSCE Istanbul Summit in 1999 to complete the withdrawal of Russian forces from the territory of Moldova by the end of 2002. We note that some progress was achieved in 2002 in the withdrawal/disposal of a certain amount of ammunition and other military equipment belonging to the Russian Federation.

5. We are however concerned about the delay in the full and transparent withdrawal/disposal of Russian ammunition and military equipment due in part to the fact that the Transnistrian authorities have systematically created difficulties and obstacles, which are unacceptable.

6. We appreciate the efforts of all participating States of the OSCE which have contributed to the Voluntary Fund to allow the OSCE to assist the Russian Federation in the fulfilment of its 1999 OSCE Istanbul Summit commitments. We welcome the Russian Federation's commitment to complete the withdrawal of Russian forces as early as possible and its intention to do so by 31 December 2003, provided necessary conditions are in place. We encourage the participating States of the OSCE to continue their support for withdrawal/disposal of ammunition and other military equipment by the Russian Federation by appropriate political measures and by making initial or additional contributions to the Voluntary Fund established for that purpose, based on regular reports by the OSCE Mission to Moldova.

(4)

1. We remain deeply concerned at the failure to achieve a settlement of the Nagorno-Karabakh conflict despite the intensified dialogue between the parties and the active support of the Minsk Group Co-Chairmen. 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.
3. We welcome the commitment of the parties to the ceasefire and to achieving a peaceful and comprehensive settlement. We welcome in particular the continued meetings of the Presidents of Armenia and Azerbaijan and of their Special Representatives. We encourage the parties to continue their efforts, with the active support of the Co-Chairmen, aimed at reaching a just and enduring settlement.

(5)

1. We reiterate our firm commitment to support the independence, sovereignty and territorial integrity of Georgia and reaffirm previous OSCE Summit and Ministerial Council documents concerning Georgia.
2. We state with regret that in recent months the positive dynamics of the peaceful process in the Tskhinvali Region/South Ossetia have been considerably disturbed for a number of reasons, and note the importance of adherence to the principles of peaceful settlement of the Georgian-Ossetian conflict as set forth in the Sochi Agreement of 24 June 1992. We support the efforts of the Joint Control Commission on stabilization of the situation, and commend the constructive meeting of expert groups within the framework of the continuation of the political settlement process, held from 27 to 29 October 2002 in Castelo Branco and Lisbon on the initiative of the OSCE acting Chairman, with a mediatory role played by the Russian Federation and with the participation of the OSCE Mission to Georgia. We note that all sides reaffirmed the role of previous expert groups meetings and of the discussion of various aspects of the political settlement, in particular of the draft intermediary document, in broadening the basis for the search of mutually acceptable ways of settling the conflict. We encourage the sides to promote dialogue and increase efforts at all levels to facilitate political negotiations and the return of refugees and internally displaced persons (IDPs), which makes a speedy adoption of a legal framework for refugees' and displaced persons' housing and property restitution essential. We commend the EU financial support in sustaining the negotiations dynamics and its desire to participate in the economic rehabilitation which is imperative in achieving progress towards a full-scale settlement. We support allocation of large-scale economic assistance

into key areas and are in favour of sending an international needs assessment mission to the region.

3. We commend the establishment of the Special Co-ordination Centre on interaction between law enforcement bodies of the parties aimed at combating criminality, and call for continued support of its activities by the international community.

4. We commend the activities of the Joint Peacekeeping Force (JPKF) Command and the OSCE Rapid Reaction Programme addressing basic Georgian and Ossetian communities' needs in exchange for arms and munitions, voluntarily handed over to the JPKF. We look forward to further progress in 2003, building on the greater understanding between the parties particularly on defining the political status of the Tskhinvali region/South Ossetia within the State of Georgia.

5. We commend and support the efforts of the United Nations in Abkhazia, Georgia, and its leading role in the negotiations aimed at peaceful settlement of the conflict on the basis of preservation of the territorial integrity of Georgia and protection of rights of all those involved in this conflict.

6. We regret that no substantial progress has been noted in overcoming the precarious stalemate that remains on the core issue of the Georgian-Abkhazian conflict - the future status of Abkhazia within the State of Georgia. In this context we call upon the parties in the conflict to resume constructive dialogue and, without predetermining their final agreements, we hope both parties, in particular the Abkhazian side, will accept the document on the distribution of constitutional competencies between Tbilisi and Sukhumi that has been elaborated under United Nations auspices and should become the basis for substantive negotiations. The OSCE stands ready to actively participate in all efforts of the international community aimed at reaching a peaceful settlement of the conflict.

7. We welcome the signs of reducing tension and enhancing stability in the region, particularly facilitated by the joint UNOMIG-CISPKF patrolling of the Kodory Gorge. To enhance this positive trend the parties should implement in good faith all existing agreements, including particularly the Moscow Agreement on Ceasefire of 14 May 1994, and mutual confidence between them should be restored. The general security and human rights situation in Abkhazia, Georgia, remains fragile, particularly in the Gali District. In this respect, the OSCE stands ready to actively support efforts to promote respect for human rights and fundamental freedoms, monitoring a future agreement on the return of refugees and IDPs which have been forced to move from places of their permanent residence as a result of mass destruction and forcible expulsion.

8. We urge the implementation of the recommendations of the United Nations-led Joint Assessment Mission concerning, *inter alia*, the opening of a branch office in the Gali District, with the same mandate and modalities as the existing United Nations Human Rights Office in Sukhumi, to which a

OSCE human rights officer is seconded. In this context, the OSCE is ready to further its projects in Abkhazia, Georgia, in the field of human dimension.

9. In accordance with the 1999 OSCE Istanbul Summit commitments, we support the desire of the parties to complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki and the Russian military facilities within the territory of Georgia. We take note of the transparent visit of the OSCE military experts to the Gudauta base in Abkhazia, Georgia, which was a milestone on the way to a speedy and legal transfer of the Gudauta facilities. We commend the successful conclusion of the Melange Project - aimed at neutralization of missile fuel into fertilizer for the acid soil in Western Georgia, administered by the OSCE. We urge the participating States to continue to contribute to the voluntary fund.

10. Taking into account security concerns in the region, 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 and the Ingush Republics of the Russian Federation. We direct the Permanent Council to examine proposals to extend the Border Monitoring Operation to the Georgian border with the Dagestan Republic of the Russian Federation.

Attachment 1 to Statements

*Interpretative Statement under Paragraph 79 (Chapter 6)
of the Final Recommendations of the Helsinki Consultations*

By the Delegation of Moldova:

“The Delegation of the Republic of Moldova would like to state at this stage that it has accepted the text of this document in order to obtain the necessary consensus, thus confirming again its willingness to co-operate with all participating states in promoting our Organization’s goals.

We consider that the provisions of the Ministerial statement contain the engagement of the whole OSCE community to ensure full and thorough implementation of the Istanbul Summit decisions on the Republic of Moldova. We urge the Russian Federation to honour the commitments it undertook in Istanbul in 1999 to complete the withdrawal of its forces from the territory of the Republic of Moldova and expect it to prove its political will in this regard in 2003, as the text of the present document stipulates. As it was agreed by all parties involved in the negotiation of this statement, the mentioning of the ‘necessary conditions’ in the context of withdrawal refers solely to eventual technical arrangements and may in no way be applied to any political circumstances.

We regret that there is no tangible progress to be reported on the issue of the Transnistrian conflict settlement. In this respect, our recognition that the responsibility for it lies entirely with the Transnistrian leaders enables us

to apply in the nearest future a more tougher stand and a set of concrete measures towards the Tiraspol regime, in order to ensure the facilitation of the conflict settlement process. In this context, the Republic of Moldova welcomes the EU Declaration of 4 December 2002 regarding the Transnistrian conflict and the already expressed willingness of other concerned countries to contribute to this common effort.

The Republic of Moldova reiterates its commitments to co-operate with all OSCE participating states, in particular the European Union members, the United States, the Russian Federation and Ukraine in view of ensuring that our common decisions are finally materialized. The credibility and authority of this Organization are dependent on our capacity to do so.”

Attachment 2 to Statements

*Interpretative Statement under Paragraph 79 (Chapter 6)
of the Final Recommendations of the Helsinki Consultations*

By the Delegation of Georgia:

“The Delegation of Georgia has agreed to join the consensus on the draft statement on Georgia, though it would like to make an official clarification of Georgia’s position on the part of the statement where it touches upon the fulfilment of the international commitments of the Russian Federation under the Istanbul Joint Statement.

We remain confident that the Russian Federation has not fulfilled its commitments to the full, *inter alia*, the question of the closure and disbanding of the Gudauta base remains open and will remain open until sufficient transparency measures are taken by the Russian Federation and until the base is legally transferred to the Georgian side.

Together with CFE community we also call on the Russian Federation for the immediate resumption of negotiations and reaching agreement regarding the duration and modalities of the termination of functioning of the Russian military bases at Batumi and Akhalkalaki and the Russian military facilities on the territory of Georgia. In this regard the sovereign rights of Georgia and *basis principle of the CFE Treaty on necessity of free consent of State on any foreign military deployment on its territory* must be taken into account. We expect the Russian Federation to modify its positions according the sovereign demands of host State that will allow us to finalize in constructive manner the resolution of this problem. Otherwise Georgia reserves the right to act according to the requirements of its national interests.”

By the Delegation of Azerbaijan:

“With regard to the just adopted decision of the 10th meeting of the OSCE Ministerial Council, I would like to make an interpretative statement in accordance with paragraph 79, Chapter 6 of the Final Recommendations of the Helsinki Consultations.

The Republic of Azerbaijan has joined the consensus over the statement on the conflict between Armenia and Azerbaijan, proceeding from the following principles of the OSCE according to which:

‘The participating States will respect the territorial integrity of each of the participating States.

Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force.

The participating States will likewise refrain from making each other’s territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal.’

The Republic of Azerbaijan would also like to stress that the principle of the right of peoples to self-determination shall be exercised in conformity with the following principle of the Helsinki Final Act:

‘The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of states.’

Further on, the Republic of Azerbaijan states that the conflict between Armenia and Azerbaijan may be solved only on the basis of full respect of the territorial integrity of Azerbaijan, which implies:

- unequivocal recognition by Armenia of the territorial integrity of Azerbaijan, an inalienable part of which is the Nagorno-Karabakh region;
- immediate and unconditional withdrawal of occupying Armenian forces from all territories of Azerbaijan including the Nagorno-Karabakh region;
- creation of all favourable conditions for the safe return of forcibly expelled Azerbaijani population to their lands.

Furthermore, the Republic of Azerbaijan states that whatever status of self-rule for the Armenian community living in the Nagorno-Karabakh region

of Azerbaijan will be elaborated, it is only possible on the basis of full respect to the territorial integrity of Azerbaijan.

I request you to attach this statement to the journal of the day.”

Attachment 4 to Statements

*Interpretative Statement under Paragraph 79 (Chapter 6)
of the Final Recommendations of the Helsinki Consultations*

By the Delegation of Denmark on behalf of the European Union:

“On the issue of Moldova, the EU would like to recall the Declaration by the Presidency on behalf of the European Union regarding the Transnistria [sic!] conflict in Moldova issued in Brussels and Copenhagen on 4 December 2002:

‘The EU is deeply concerned with the situation regarding the Transnistria [sic!] conflict in Moldova. The EU underlines that a solution to the conflict must be found which fully respects the territorial integrity of the Moldovan state. The EU urges the parties to the conflict to further the negotiations with a view to finding a solution as soon as possible.

The EU regrets the limited progress in the fulfilment of the Istanbul commitments.

The EU has consistently supported efforts by international mediators to facilitate a solution to the conflict and seriously regrets the lack of co-operation by the Transnistrian [sic!] side in the negotiation process.

The EU expresses its concern at the illegal activities linked to the conflict. The EU calls on all relevant parties to bring an end to these activities, and is ready to examine measures contributing to the fulfilment of this aim, as well as helping to promote a political settlement.

The EU expects all partners in the region to co-operate constructively with international efforts to break the political deadlock and move the negotiations process forward.”

Attachment 5 to Statements

*Interpretative Statement under Paragraph 79 (Chapter 6)
of the Final Recommendations of the Helsinki Consultations*

By the Delegation of the Netherlands (also on behalf of Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom and the United States of America):

“In relation to paragraph 11 of the Ministerial Declaration and the Statements of the Ministerial Council on Moldova and Georgia, we would like to read out paragraph 15 of the Prague Summit Declaration of NATO countries on 21 November 2001.

‘We remain committed to the CFE Treaty and reaffirm our attachment to the early entry into force of the Adapted Treaty. The CFE regime provides a fundamental contribution to a more secure and integrated Europe. We welcome the approach of those non-CFE countries, which have stated their intention to request accession to the Adapted CFE Treaty upon its entry into force. Their accession would provide an important additional contribution to European stability and security. We welcome the significant results of Russia’s effort to reduce forces in the Treaty’s Article V area to agreed levels. We urge swift fulfilment of the outstanding Istanbul commitments on Georgia and Moldova, which will create the conditions for Allies and other States Parties to move forward on ratification of the Adapted CFE Treaty.’”

V. Decisions of the Porto Ministerial Council Meeting

Decision No. 1

Implementing the OSCE Commitments and Activities on Combating Terrorism²

The Ministerial Council,

Notes the Secretary General's comprehensive report on the actions of OSCE bodies and institutions to combat terrorism, including implementation of the Bucharest Plan of Action for Combating Terrorism and the Bishkek Programme of Action;

Decides that all OSCE participating States, bodies and institutions shall continue on an urgent basis to implement and ensure the effectiveness of their Bucharest commitments;

Reaffirms the commitment of all participating States to become parties as soon as possible to all 12 United Nations conventions and protocols related to terrorism and welcomes the steps undertaken by participating States that have already completed these procedures;

Commit themselves to work towards the successful conclusion of negotiations on new universal instruments in this field, presently under way within the United Nations and confirms their readiness to consider, in co-ordination with the United Nations Security Council Counter-Terrorism Committee, requests for technical assistance and capacity building with a view to advancing the ratification and implementation of United Nations and other relevant instruments on terrorism;

Recognizing the danger posed by weapons of mass destruction in the hands of terrorists, urges all States to co-operate on negotiations underway at the United Nations on an International Convention for the Suppression of Acts of Nuclear Terrorism, and at the International Atomic Energy Agency

2 MC(10).DEC/1.

on a protocol to the United Nations Convention on the Physical Protection of Nuclear Material;

Welcomes the activities undertaken by the Forum for Security Co-operation, as reported by its Chairperson, in line with its Road Map and urges the Forum for Security Co-operation to continue to be seized with the matter of combating terrorism within its mandate and competencies;

Encourages the Co-ordinator for OSCE Economic and Environmental Activities to continue to pursue programmes in co-operation and co-ordination with the United Nations Office on Drugs and Crime to support participating States' efforts to strengthen their ability to prevent and suppress terrorist financing;

Welcomes the decision in July 2002 (PC.DEC/487) that all participating States will complete the Financial Action Task Force (FATF) self-assessments on compliance with the Eight Special Recommendations on Terrorist Financing and notes with approval the OSCE's 88 per cent response rate to date. Commits to take steps towards speedy implementation of the Financial Action Task Force's Eight Special Recommendations on terrorist financing;

Recalls the Personal Representative of the Chairman-in-Office for Preventing and Combating Terrorism's recommendation that the OSCE pursue activities *inter alia* in policing, border security, anti-trafficking and suppressing terrorist financing. Requests that interested donors consider providing the necessary resources to implement OSCE projects for combating terrorism;

Decides that the OSCE participating States, bodies and institutions will intensify their efforts and their collective commitment to combat terrorism and the conditions that may foster and sustain it by exploiting its strengths and comparative advantages: its comprehensive approach to security; its expertise in early-warning, conflict prevention, crisis management and post-conflict rehabilitation; its wide ranging repertoire of proven confidence- and security-building measures and its expertise in capacity building.

Decision No. 2

*Development of an OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century*³

The Ministerial Council,

Guided by the Bucharest Ministerial Declaration (2001) and, in particular, paragraph 8 on the development of an OSCE strategy to address threats to security and stability in the twenty-first century,

Recalling OSCE documents and decisions, including the Charter for European Security adopted at the Istanbul Summit, which identify risks and challenges to security, and reaffirming the commitment of the participating

3 MC(10).DEC/2.

States to co-operate in a spirit of solidarity in countering them on the basis of the United Nations Charter, norms and principles of international law and commitments taken upon within the OSCE,

Bearing in mind the need to further the concept of the common comprehensive and indivisible security, based on sovereign equality and solidarity of the States,

Reconfirming the importance of the OSCE role in setting up effective co-operative mechanisms to address threats to security and stability in the Euro-Atlantic area and in broadening to this end the dialogue within the OSCE as well as its co-operation and partnership with other international, regional and subregional organizations and institutions on the basis of the Platform for Co-operative Security,

Committed to reinforcing the effectiveness of security-related activities across all three dimensions of the OSCE in line with developing European and global processes,

Taking into account the discussions initiated by the Portuguese Chairmanship on developing a future OSCE Strategy and the contributions of the participating States,

Has decided as follows:

- To task the Permanent Council to continue its work to develop, during the year of 2003, a comprehensive OSCE Strategy to address threats to security and stability in the twenty-first century and to request the Forum for Security Co-operation to make its own contribution to this work, within its competencies and mandate.
- This Strategy will, *inter alia*:
- Identify threats to our common security and stability and analyse their changing nature and main causes;
 - Address the role of the OSCE bodies, institutions and field operations and their co-ordinated approach to countering threats to security and stability;
 - Set out how the OSCE can prevent or counter threats to security and stability and contribute to relevant international efforts. It should in particular:
 - Adapt or supplement, where necessary, the existing instruments and mechanisms of co-operation within the OSCE;
 - Establish enhanced forms of co-operation with other organizations and institutions in this area;
 - Improve the OSCE's response to participating States' needs in capacity building relevant to countering threats to security and stability, taking into account the interests of all participating States.

In this context the participating States will use the OSCE Annual Security Review Conference, *inter alia*, to review the implementation of this Strategy.

The Ministerial Council also decides:

- That the work on the Strategy will be carried out in a special working group of the Permanent Council in close co-operation with the Forum for Security Co-operation and in accordance with the Bucharest Ministerial Decision No. 3 on Fostering the Role of the OSCE as a Forum for Political Dialogue. The progress on the work will be reviewed, when necessary, at the special meetings of the Permanent Council and the Forum for Security Co-operation, including their joint meetings.

Attachment to MC(10).DEC/2

*Interpretative Statement under Paragraph 79 (Chapter 6)
of the Final Recommendations of the Helsinki Consultations*

By the Chairperson of the Tenth Meeting of the Ministerial Council:

“Regarding the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, the Chair wants to recognize the very valuable contribution provided by the Russian Federation and the United States for the elaboration of such a Strategy. Unfortunately, it was not possible to make this recognition in the text adopted, but I am sure to represent a vast majority of participating States in expressing our gratitude to those two countries for the work accomplished on this important matter.”

Decision No. 3

*Annual Security Review Conference*⁴

The Ministerial Council,

Restating the OSCE’s concept of common, comprehensive, and indivisible security,

Acknowledging the requirement to reinforce the effectiveness of security activities across all three dimensions of the OSCE,

Reaffirming the OSCE’s role as a primary organization for the peaceful settlement of disputes within its region and as a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation, as well as its nature as an inclusive and comprehensive organization for consultation, decision-making and co-operation in its region,

Taking into account the Bucharest Plan of Action for Combating Terrorism and the Bishkek Programme of Action, the OSCE Charter on Preventing and Combating Terrorism, as well as the Charter for European Security adopted at the Istanbul Summit and ongoing work to elaborate an OSCE strategy to address threats to security and stability in the twenty-first century,

Emphasizing the increased importance of international co-operation and political dialogue among participating States and with other international, re-

4 MC(10).DEC/3.

gional and subregional organizations in response to threats to our common security,

Mindful of the danger conflicts in various regions in the OSCE area pose to all participating States,

Recalling the Bucharest Ministerial Decision No. 3 on Fostering the Role of the OSCE as a Forum for Political Dialogue,

Acknowledging the role of the Forum for Security Co-operation as the OSCE body for, *inter alia*, negotiation of arms control, disarmament and confidence- and security-building and for the assessment of the implementation of agreed measures,

Considering the role of the annual Economic Forum and its preparatory and follow-up seminars for reviewing OSCE activities in the economic and environmental dimension of security,

Taking into account the role of the Human Dimension Implementation Meetings, Review Conferences, the Supplementary Human Dimension Meetings and the annual Human Dimension Seminar for reviewing the implementation of commitments in the human dimension of security,

Stressing the need to strike a proper balance among the three dimensions of the OSCE,

Determined to complement and not to duplicate or replace the activities of other OSCE bodies and institutions, including the Annual Implementation Assessment Meeting,

Decides to establish an Annual Security Review Conference, with the following purpose and modalities:

I. Purpose

To provide a framework for enhancing security dialogue and for reviewing security work undertaken by the OSCE and its participating States, *inter alia*:

- Implementation of an OSCE strategy to address threats to security and stability in the twenty-first century;
- Implementation of OSCE commitments in combating terrorism;
- Politico-military aspects of security;
- Implementation of OSCE decisions and activities in the area of early warning, conflict prevention, crisis management, and post-conflict rehabilitation;
- The security-related activities in OSCE institutions and field operations;
- OSCE police-related activities;
- Other security-related issues, including regional issues, which are dealt with by the OSCE.

The Conference may also provide an opportunity to exchange views on issues related to arms control and confidence- and security-building measures, including the CFE and Open Skies treaties.

In addition, the Conference should also promote the exchange of information and co-operation with relevant international and regional organizations and institutions.

II. Modalities

The Security Review Conference will meet annually, in Vienna unless otherwise decided. The meeting will last for 2 to 3 days, and will be held before the summer recess. Delegations of participating States will be encouraged to be reinforced at senior level from capitals.

The Conference will be chaired by a representative of the Chairmanship-in-office, with Forum for Security Co-operation involvement as appropriate.

The date, agenda and meeting-specific modalities of the Conference will be annually decided by the Permanent Council, taking into account the recommendation of the Forum for Security Co-operation.

The Conference can formulate recommendations to be provided to the Permanent Council and, as appropriate, to the Forum for Security Co-operation, for further consideration.

The contribution of the Forum for Security Co-operation to this Conference will be made in accordance with its procedures, mandate and competences.

Relevant officials of OSCE bodies and institutions shall be invited by the Permanent Council to report to the Conference on their security-related activities and areas for further action.

Relevant international and regional organizations and institutions will be invited to participate as determined by the Permanent Council.

The OSCE established rules of procedure shall apply in the Annual Security Review Conference.

Decision No. 4

Reviewing the OSCE Role in the Field of Peacekeeping Operations⁵

The Ministerial Council,

Taking into account the OSCE role in early warning, conflict prevention, crisis management and post-conflict rehabilitation in the area of its responsibility, as well as the task of elaborating an OSCE strategy to address threats to security and stability in the twenty-first century,

Recalling Decision No. III of the CSCE Helsinki Summit of 1992 as well as provisions of paragraph 46 of the Charter for European Security, and recognizing the significant changes in peacekeeping doctrines and practices since then,

5 MC(10).DEC/4.

Tasks the Permanent Council to conduct a review of peacekeeping, with a view towards assessing OSCE capacity to conduct peacekeeping operations and identifying options for potential OSCE involvement in peacekeeping in the OSCE region, to be completed by the end of 2003. The Forum for Security Co-operation will make its own contribution to this work within its competencies and mandate and in accordance with the Bucharest Ministerial Decision No. 3 on Fostering the Role of the OSCE as a Forum for Political Dialogue.

Decision No. 5

*Enhancing the Role of the OSCE Economic and Environmental Dimension*⁶

The Ministerial Council,

Reaffirming the importance of strengthening the OSCE Economic and Environmental Dimension, making full use of the Organization's comprehensive approach to security, in order to promote stability and respond to threats and challenges to security caused by economic and environmental factors,

Reaffirming the commitments related to the Economic and Environmental Dimension contained in the Helsinki Final Act, Concluding Document of the Conference on Economic Co-operation in Europe (Bonn 1990), Charter of Paris for a New Europe, Charter for European Security adopted at the 1999 OSCE Istanbul Summit and other CSCE/OSCE documents,

Emphasizing the need to improve economic and environmental co-operation throughout the entire OSCE region *inter alia* by means of increased project activities,

Underscoring the need to enhance co-operation in the economic and environmental field between the OSCE and other international organizations and institutions working in this field, in accordance with the Platform for Co-operative Security, in a way which exploits as effectively as possible the strengths and advantages of each and recognizes their respective mandates and expertise,

Recalling the Johannesburg Declaration on Sustainable Development, and recognizing that the OSCE has a role to play in encouraging participating States' implementation of the Johannesburg Programme of Action,

Noting the relevance of the themes of previous Economic Forum meetings as constituting building blocks of the OSCE's approach to the Economic and Environmental Dimension, their contribution to the strengthening of the OSCE work in this dimension, as well as the importance of further improvement of efficiency and effectiveness and follow-up modalities of the OSCE Economic Forum,

6 MC(10).DEC/5.

Reaffirming the importance of effective implementation, efficient review thereof as well as further development of the OSCE commitments in the Economic and Environmental Dimension,

Decides:

- To task the Permanent Council to develop through its Economic and Environmental Sub-Committee a new OSCE strategy document in the Economic and Environmental Dimension including recommendations and proposals for additional commitments, and to present it at the next OSCE Ministerial. This new document, complementing the Bonn Document, should set out the main objectives, principles and methods of co-operation. It should be based on an assessment of the current situation and of existing economic and environmental threats to security and stability in the OSCE region. It should provide recommendations for addressing such problems and develop criteria for activities and projects as well as guidance for further enhancement of the OSCE capabilities in the Economic and Environmental Dimension, taking account of the OSCE's comparative strengths and role as catalyst for action by other organizations and institutions;
- To invite the United Nations Economic Commission for Europe and other partner organizations and specialized agencies to co-operate in elaborating the new strategy;
- That the document should recommend ways to improve the review of implementation of commitments, which takes place annually in the framework of the Economic Forum in Prague, building as much as possible on the positive experience and achievements of the OSCE and other international organizations and institutions.

Decision No. 6

*Tolerance and Non-Discrimination*⁷

The Ministerial Council,

Recalling the principles of human rights and the inherent dignity of the human being, freedom of thought, conscience, religion or belief that underpin the general provisions of the OSCE human dimension commitments,

Recalling the Charter for European Security, Istanbul Summit 1999, which reaffirms full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris and all other OSCE documents,

Recalling Decision No. 5 by the Ministerial Council at its Ninth Meeting in Bucharest reaffirming its concern about manifestation of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, wherever they may occur,

⁷ MC(10).DEC/6

Reiterating that democracy and protection of human rights and fundamental freedoms are essential safeguards of tolerance and non-discrimination and constitute important factors for stability, security, co-operation and peaceful development throughout the entire OSCE region, and that conversely tolerance and non-discrimination are important elements in the promotion of human rights,

Reaffirming the internationally recognized prohibition of discrimination, without adverse distinction of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status,

Recalling the continuing work of the OSCE structures and institutions in the field of promoting human rights, tolerance, non-discrimination and multiculturalism, in particular by the human dimension meetings and activities, projects and programmes including those of participating States,

Stressing the positive role of multicultural and inter-religious dialogue in creating better understanding among nations and peoples,

Noting that promoting tolerance and non-discrimination can also contribute to eliminating the basis for hate speech and aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism,

Recognizing the responsibility of participating States for promoting tolerance and non-discrimination,

- 1.(a) Condemns in strongest terms all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as hate speech and occurrences of discrimination based on religion or belief;
- (b) Undertakes to further promote multicultural, interethnic and inter-religious dialogue in which governments and civil society will be encouraged to participate actively;
- (c) Also undertakes to further promote the rights of persons belonging to national minorities;
2. Decides to intensify efforts to maintain and strengthen tolerance and non-discrimination, with the assistance of OSCE institutions and in co-operation with relevant international organizations and civil society, by such means as the exchanges of information and best practice;
3. Calls on participating States, which have not yet done so, to consider ratifying the international instruments, which address the problem of discrimination and calls for full compliance with the obligations assumed therein;
4. Commits to take appropriate measures, in conformity with respective constitutional systems, at national, regional and local levels to promote tolerance and non-discrimination as well as to counter prejudices and misrepresentation, particularly in the field of education, culture and information;

5. Condemns, in particular, discrimination on religious grounds and undertakes to endeavour to prevent and protect against attacks directed at any religious group, whether on persons or on places of worship or religious objects;
6. Condemns in particular the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom;
7. Also condemns the recent increase in acts of discrimination and violence against Muslims in the OSCE area and rejects firmly the identification of terrorism and extremism with a particular religion or culture;
8. Decides to take strong public positions against hate speech and other manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as occurrences of discrimination based on religion or belief;
9. Calls on relevant authorities of participating States to investigate promptly and impartially acts of violence, especially where there are reasonable grounds to suspect that they were motivated by aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as attacks motivated by hatred against a particular religion or belief, and to prosecute those responsible in accordance with domestic law and consistent with relevant international standards of human rights;
10. Tasks the Permanent Council to consider further enhancement of the Contact Point on Roma and Sinti Issues in the Office for Democratic Institutions and Human Rights (ODIHR);
11. Urges the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia;
12. Tasks the Chairmanship-in-Office and the Permanent Council in close co-operation with the ODIHR, the High Commissioner on National Minorities and the Representative on Freedom of the Media to ensure an effective follow-up of the present decision, through increased use of tools already available to the OSCE, including the annual human dimension meetings and seminars.

Decision No. 7
*Election Commitments*⁸

The Ministerial Council,

Recalling the provisions of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE,

Noting that additional commitments, reflected in the 1996 Lisbon Summit Declaration, the 1999 Istanbul Summit Declaration and the 2001 Bucharest Ministerial Declaration, have supplemented those provisions,

⁸ MC(10).DEC/7.

Reaffirming the determination to implement these commitments,
Acknowledging that democratic elections can be conducted under a variety of electoral systems,

Recognizing the ODIHR's expertise in assisting participating States in the implementation of election-related commitments,

Taking into account PC Decision No. 509, on international standards and commitments: a practical guide to democratic elections best practice,

Calls upon participating States to strengthen their response to the ODIHR's recommendations following election observations,

Tasks the Permanent Council to consider the need to elaborate additional commitments on elections, in the spirit of enhanced co-operation with other international organizations, as well as among participating States, and to report to the next Ministerial Council meeting.

Decision No. 8

*Role of the OSCE Chairmanship-in-Office*⁹

The Ministerial Council,

Reaffirming the Final Recommendations of the 1973 Helsinki Consultations and the 1992 Helsinki Document,

Further reaffirming all subsequent decisions of the Meetings of Heads of State or Government of the OSCE participating States (hereinafter referred to as "Summit Meetings"), the OSCE Ministerial Council and the Permanent Council concerning the role and functions of the OSCE Chairman-in-Office,

Wishing to streamline the working methods of the Chairmanship-in-Office in order to make them consistent with new practices and experience acquired over the past decade,

Decides to adopt the following guidelines for the activities of the Chairmanship-in-Office:

1. The OSCE Chairmanship-in-Office shall be held for one calendar year by the participating State designated as such by a decision of the Summit Meeting or the Ministerial Council, as a rule two years before the Chairmanship's term of office starts.

The functions of the Chairmanship-in-Office shall be exercised by the Minister for Foreign Affairs of the participating State so designated (hereinafter referred to as the "Chairman-in-Office") together with his/her staff, including the Chair of the Permanent Council.

2. Ensuring that its actions are not inconsistent with positions agreed by all the participating States and that the whole spectrum of opinions of participating States is taken into account, the Chairmanship-in-Office:

⁹ MC(10).DEC/8.

- a) Shall preside over, co-ordinate and report on its activities to the Summit Meetings, the Ministerial Council, the Permanent Council and their subsidiary bodies;
- b) Shall be responsible on behalf of the Ministerial Council and the Permanent Council for the co-ordination of, and consultations on, current OSCE business. To maximize transparency the Chairmanship-in-Office shall consult with the participating States through formal and informal consultations and dialogue. In fulfilling this responsibility, it shall make extensive use of open-ended groups. The Preparatory Committee of the Permanent Council shall be used for focused, informal political consultations on topical issues of interest to the participating States, including regular briefings by the Chairmanship-in-Office on its activities. Discussions in the Preparatory Committee shall cover issues arising in other subsidiary bodies as well as preparation of decisions to be taken in the Permanent Council;
- c) Shall provide the Permanent Council with the required drafts, reports and overviews for its consideration;
- d) Shall provide the Permanent Council with recommendations on specific issues requiring particular attention or decisions;
- e) Shall communicate the views and decisions of Summit Meetings, the Ministerial Council and the Permanent Council to the OSCE Secretariat, institutions and field operations and as such provide them with advice and guidance on their activities as may be required;
- f) Shall carry out its responsibilities for appointments and assignments;
- g) Shall be responsible for the external representation of the OSCE. In pursuing this task the Chairmanship-in-Office shall consult with the participating States on the process and shall act in accordance with the outcome of these consultations. The Chairmanship-in-Office shall, especially in order to ensure effective and continuous working contacts with other international organizations and institutions, be assisted by the Secretary General, to whom representational tasks are delegated as appropriate;
- h) May, when dealing with a crisis or a conflict or in order to ensure better co-ordination of participating States' efforts on specific areas, appoint personal representatives for the duration of the Chairmanship with a clear and precise mandate:
 - (i) When appointing a personal representative to deal urgently with a crisis or conflict, the Chairmanship-in-Office shall, as time permits, consult with the participating States in advance through the Preparatory Committee as well as, on bilateral bases, with any participating State having interests related to the issues covered by the mandate, regarding the creation, the designation and the mandate of such a representative;

- (ii) When appointing a personal representative related to a specific issue, the Chairmanship-in-Office shall consult with the participating States in advance through the Preparatory Committee regarding the creation, the designation and the mandate of such a representative.
3. In performing its duties, the Chairmanship-in-Office shall be assisted by the preceding and succeeding Chairmanships-in-Office, operating together as a Troika, and by the Secretary General. The Chairmanship-in-Office draws upon the expert, advisory, material, technical and other support of the Secretariat, which may include background information, analysis, advice, draft decisions, draft statements, summary records and archival support as required. Such support in no way diminishes the responsibilities of the Chairmanship-in-Office.

The Chairmanship-in-Office shall provide the Secretariat with the necessary information in order to enable it to provide institutional memory and to promote continuity in the handling of OSCE business from one Chairmanship-in-Office to the next.

Attachment to MC(10).DEC/8

*Interpretative Statement under Paragraph 79 (Chapter 6)
of the Final Recommendations of the Helsinki Consultations*

By the Delegation of Belarus:

“In connection with the adoption of the decision on the role of the OSCE Chairmanship-in-Office, I should like to make the following interpretative statement on behalf of the Republic of Belarus.

Belarus is proceeding on the assumption that the provisions of paragraph 2(h) of the decision adopted apply equally to arrangements for the appointment of all personal representatives of the Chairman-in-Office, including personal envoys, special representatives, special envoys, special advisers and so on.

We ask that this interpretative statement be attached to the journal of the meeting.”

Decision No. 9

*New Premises of The OSCE Secretariat and the Representative on Freedom of the Media*¹⁰

The Ministerial Council,

Welcoming the readiness of the Austrian Government to make a centrally-located building in Vienna available to the OSCE Secretariat and the Representative on Freedom of the Media,

¹⁰ MC(10).DEC/9.

Noting with appreciation that the building will be renovated and enlarged at the cost of the host country,

Recognizing that a distinct building for the OSCE will improve the working conditions of the Secretariat and of the Representative on Freedom of the Media and enhance the visibility and effectiveness of the Organization as a whole,

Decides:

- That the building Wallnerstraße 6/6a in Vienna will be the headquarters for the OSCE Secretariat and the Representative on Freedom of the Media after its renovation and enlargement by the Austrian government, to be undertaken in consultation with the OSCE;
- That any additional office space requirements will have to be negotiated with the host country;
- To task the Secretary General to work out with the host country as soon as possible detailed provisions concerning the handing over, maintenance, occupancy and use of the new headquarters, which will grant to the OSCE terms and conditions not less favourable than those accorded by the host country to other international organizations having their seat in Vienna, said provisions to be agreed upon by the Permanent Council; and
- To request the Secretary General to investigate further with the Austrian authorities the possibility of providing co-located office and meeting space for the OSCE Chairmanship.

Decision No. 10

*OSCE Chairmanship in the Years 2004 and 2005*¹¹

The Ministerial Council,

Decides that Bulgaria will exercise the function of the OSCE Chairmanship in the year 2004;

Decides that Slovenia will exercise the function of the OSCE Chairmanship in the year 2005.

Decision No. 11

*Time and Place of the Next Meeting of the OSCE Ministerial Council*¹²

The Eleventh Meeting of the OSCE Ministerial Council will be convened in the Netherlands on 1 and 2 December 2003.

11 MC(10).DEC/10.

12 MC(10).DEC/11.

Forms and Forums of Co-operation in the OSCE Area

G7/G8 (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)

EU Accession Negotiations

EU Candidate Countries

EU Association Agreements

Stabilization and Association Process (SAP)

Stabilization and Association Agreements (SAA)

Western European Union (WEU)

Associate Members of the WEU²

Associate Partners of the WEU

WEU Observers³

Eurocorps

Commonwealth of Independent States (CIS)

Baltic Defence Council

Barents Euro-Arctic Council

Observers to the Barents Euro-Arctic Council

Nordic Council

Council of the Baltic Sea States (CBSS)

Stability Pact for South Eastern Europe

Observers to the Stability Pact for South Eastern Europe

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 The WEU does not differentiate between associate and full members.

3 Observer status confers privileges restricted to information exchange and attendance at meetings in individual cases and on invitation.

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)

Sources:

OECD: www.oecd.org
Council of Europe: www.coe.int
NATO: www.nato.int
EU: www.europa.eu.int
WEU: www.w eu.int
Barents Euro-Arctic Council: www.beac.st
Nordic Council: www.norden.org
CBSS: www.cbss.st
Stability Pact for South Eastern Europe: www.stabilitypact.org
CEFTA: www.cefta.org
CEI: www.ceinet.org
SECI: www.secinet.org
BSEC: www.bsec.gov.tr
NAFTA: www.nafta-sec-alena.org

The 55 OSCE Participating States – Facts and Figures¹

1. Albania

Date of accession: June 1991

Scale of distribution: 0.19 per cent (OSCE ranking: 32)²

Area: 28,748 km² (OSCE ranking: 45)³

Population: 3,582,205 (OSCE ranking: 41)⁴

*GDP per capita in US dollars at PPP rates*⁵: 4,500 (OSCE ranking: 43)⁶

GDP growth: 5.0 per cent (OSCE ranking: 10)⁷

Armed forces (active): 27,000 (OSCE ranking: 30)⁸

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), SAP, Stability Pact for South Eastern Europe, CEI (1995), SECI, SEECP, BSEC.

2. Andorra

Date of accession: April 1996

Scale of distribution: 0.125 per cent (43)

Area: 468 km² (50)

Population: 69,150 (51)

GDP per capita in US dollars at PPP rates: 19,000 (22)⁹

GDP growth: 3.8 per cent (23)¹⁰

Armed forces (active): none

Memberships and forms of co-operation: CoE (1994).

3. Armenia

Date of accession: January 1992

Scale of distribution: 0.11 per cent (49)

Area: 29,800 km² (44)

Population: 3,326,448 (42)

GDP per capita in US dollars at PPP rates: 3,800 (45)

GDP growth: 9.6 per cent (4)

Armed forces (active): 44,610 (23)

1 Compiled by Jochen Rasch.

2 Out of 55 registered countries.

3 Out of 55 registered countries.

4 Out of 55 registered countries.

5 PPP: Purchasing Power Parity. 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 dollars 1 would buy in the United States. See The World Bank, World Development Report 2002, Washington, D.C., 2002.

6 Out of 53 registered countries.

7 Out of 52 registered countries.

8 Out of 49 registered countries.

9 2000 (estd.).

10 2000 (estd.).

Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994), CIS (1991), BSEC.

4. Austria

Date of accession: November 1972

Scale of distribution: 2.3 per cent (13)

Area: 83,858 km² (29)

Population: 8,188,207 (24)

GDP per capita in US dollars at PPP rates: 27,700 (10)

GDP growth: 0.6 per cent (46)

Armed forces (active): 34,600 (26)

Memberships and forms of co-operation: OECD (1961), CoE (1956), EAPC, PfP (1995), EU (1995), WEU Observer (1995), Stability Pact for South Eastern Europe, CEI (1989).

5. Azerbaijan

Date of accession: January 1992

Scale of distribution: 0.11 per cent (49)

Area: 86,600 km² (28)

Population: 7,830,764 (25)

GDP per capita in US dollars at PPP rates: 3,500 (46)

GDP growth: 6.1 per cent (8)

Armed forces (active): 72,100 (15)

Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994), CIS (1991), BSEC.

6. Belarus

Date of accession: January 1992

Scale of distribution: 0.51 per cent (28)

Area: 207,600 km² (19)

Population: 10,322,151 (18)

GDP per capita in US dollars at PPP rates: 8,200 (36)

GDP growth: 4.1 per cent (17)

Armed forces (active): 79,800 (13)

Memberships and forms of co-operation: EAPC, PfP (1995), CIS (1991), CEI (1995).

7. Belgium

Date of accession: November 1972

Scale of distribution: 3.55 per cent (10)

Area: 30,510 km² (43)

Population: 10,289,088 (19)

GDP per capita in US dollars at PPP rates: 29,000 (8)

GDP growth: 0.6 per cent (46)

Armed forces (active): 39,260 (25)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Eurocorps (1992), Stability Pact for South Eastern Europe.

8. Bosnia and Herzegovina

Date of accession: April 1992

Scale of distribution: 0.19 per cent (32)

Area: 51,129 km² (36)

Population: 3,989,018 (38)

GDP per capita in US dollars at PPP rates: 1,900 (52)

GDP growth: 6.0 per cent (9)

Armed forces (active): 19,800 (34)¹¹

Memberships and forms of co-operation: CoE (2002), SAP, Stability Pact for South Eastern Europe, CEI (1992), SECI, SEECP Observer.

9. Bulgaria

Date of accession: November 1972

Scale of distribution: 0.55 per cent (26)

Area: 110,910 km² (23)

Population: 7,537,929 (26)

GDP per capita in US dollars at PPP rates: 6,600 (39)

GDP growth: 3.4 per cent (27)

Armed forces (active): 68,450 (16)¹²

Memberships and forms of co-operation: CoE (1992), EAPC, PfP (1994), EU Accession Negotiations (1999), EU Association Agreement (1993), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEFTA, CEI (1995), SECI, SEECP, BSEC.

10. Canada

Date of accession: November 1972

Scale of distribution: 5.45 per cent (7)

Area: 9,976,140 km² (2)

Population: 32,207,113 (11)

GDP per capita in US dollars at PPP rates: 29,400 (7)

GDP growth: 3.4 per cent (27)

Armed forces (active): 52,300 (19)

Memberships and forms of co-operation: G7/G8 (1976), OECD (1961), NATO (1949), EAPC, Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, NAFTA.

11 OSCE ranking based on the total sum of the armed forces (active) of the Muslim-Croat Federation (13,200) and the Republika Srpska (6,600).

12 Approximately 10,000 construction troops not included.

11. Croatia

Date of accession: March 1992

Scale of distribution: 0.19 per cent (32)

Area: 56,542 km² (35)

Population: 4,422,248 (37)

GDP per capita in US dollars at PPP rates: 8,800 (33)

GDP growth: 3.0 per cent (30)

Armed forces (active): 51,000 (20)

Memberships and forms of co-operation: CoE (1996), EAPC, PfP (2000), SAA (2001), Stability Pact for South Eastern Europe, CEI (1992), SECI, SEECP Observer.

12. Cyprus

Date of accession: November 1972

Scale of distribution: 0.19 per cent (32)

Area: 9,250 km² (48)¹³

Population: 771,657 (47)¹⁴

GDP per capita in US dollars at PPP rates: Greek sector: 15,000¹⁵, Turkish sector: 6,000¹⁶

GDP growth: Greek sector: 1.7 per cent¹⁷, Turkish sector: 2.6 per cent¹⁸

Armed forces (active): Greek sector: 10,000, Turkish sector: 5,000

Memberships and forms of co-operation: CoE (1961), EU Accession Negotiations (1997), EU Association Agreement (1972), Observer to the Stability Pact for South Eastern Europe.

13. Czech Republic

Date of accession: January 1993

Scale of distribution: 0.67 per cent (24)

Area: 78,866 km² (30)

Population: 10,249,216 (20)

GDP per capita in US dollars at PPP rates: 15,300 (27)

GDP growth: 2.6 per cent (33)

Armed forces (active): 49,450 (22)

Memberships and forms of co-operation: OECD (1995), CoE (1993), NATO (1999), EAPC, EU Accession Negotiations (1997), EU Association Agreement (1993), Associate Member of the WEU (1999), Stability Pact for South Eastern Europe, CEFTA, CEI (1990/1993).

13 Greek sector: 5,895 km², Turkish sector: 3,355 km².

14 Total of Greek and Turkish sectors.

15 2001 (estd.).

16 2002 (estd.).

17 2001 (estd.).

18 2002 (estd.).

14. Denmark

Date of accession: November 1972

Scale of distribution: 2.05 per cent (15)

Area: 43,094 km² (39)

Population: 5,384,384 (30)

GDP per capita in US dollars at PPP rates: 29,000 (8)

GDP growth: 1.8 per cent (38)

Armed forces (active): 22,700 (33)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), WEU Observer (1992), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

15. Estonia

Date of accession: September 1991

Scale of distribution: 0.19 per cent (32)

Area: 45,226 km² (38)

Population: 1,408,556 (46)

GDP per capita in US dollars at PPP rates: 10,900 (30)

GDP growth: 4.4 per cent (15)

Armed forces (active): 5,510 (45)

Memberships and forms of co-operation: CoE (1993), EAPC, PfP (1994), EU Accession Negotiations (1997), EU Association Agreement (1995), Associate Partner of the WEU (1994), Baltic Defence Council, CBSS (1992).

16. Finland

Date of accession: November 1972

Scale of distribution: 2.05 per cent (15)

Area: 337,030 km² (13)

Population: 5,190,785 (31)

GDP per capita in US dollars at PPP rates: 26,200 (14)

GDP growth: 1.1 per cent (43)

Armed forces (active): 31,850 (29)

Memberships and forms of co-operation: OECD (1969), CoE (1989), EAPC, PfP (1994), EU (1995), WEU Observer (1995), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

17. France

Date of accession: November 1972

Scale of distribution: 9.1 per cent (1)

Area: 547,030 km² (7)

Population: 60,180,529 (5)

GDP per capita in US dollars at PPP rates: 25,700 (15)

GDP growth: 1.1 per cent (43)
Armed forces (active): 260,400 (6)
Memberships and forms of co-operation: G7/G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Eurocorps (1992), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

18. Georgia

Date of accession: March 1992
Scale of distribution: 0.11 per cent (49)
Area: 69,700 km² (32)
Population: 4,934,413 (32)
GDP per capita in US dollars at PPP rates: 3,100 (47) ¹⁹
GDP growth: 4.0 per cent (18)
Armed forces (active): 17,500 (35)
Memberships and forms of co-operation: CoE (1999), EAPC, PfP (1994), CIS (1993), BSEC.

19. Germany

Date of accession: November 1972
Scale of distribution: 9.1 per cent (1)
Area: 357,021 km² (12)
Population: 82,398,326 (3)
GDP per capita in US dollars at PPP rates: 26,600 (13)
GDP growth: 0.4 per cent (48)
Armed forces (active): 296,000 (5)
Memberships and forms of co-operation: G7/G8 (1975), OECD (1961), CoE (1950), NATO (1955), EAPC, EU (1958), WEU (1954), Eurocorps (1992), Observer to the Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe.

20. Greece

Date of accession: November 1972
Scale of distribution: 0.85 per cent (20)
Area: 131,940 km² (22)
Population: 10,665,989 (16)
GDP per capita in US dollars at PPP rates: 19,000 (22)
GDP growth: 3.5 per cent (25)
Armed forces (active): 177,600 (10)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU (1981), WEU (1995), Stability Pact for South Eastern Europe, SECI, SEEC, BSEC.

¹⁹ 2001 (estd.).

21. The Holy See

Date of accession: November 1972

Scale of distribution: 0.125 per cent (43)

Area: 0.44 km² (55)

Population: 911 (55)

GDP per capita in US dollars at PPP rates: n/a

GDP growth: n/a

Armed forces (active): none (110 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 (22)

Area: 93,030 km² (26)

Population: 10,045,407 (22)

GDP per capita in US dollars at PPP rates: 13,300 (28)

GDP growth: 3.2 per cent (29)

Armed forces (active): 33,400 (28)

Memberships and forms of co-operation: OECD (1996), CoE (1990), NATO (1999), EAPC, PfP (1994), EU Accession Negotiations (1997), EU Association Agreement (1991), Associate Member of the WEU (1999), Stability Pact for South Eastern Europe, CEFTA, CEI (1989), SECI.

23. Iceland

Date of accession: November 1972

Scale of distribution: 0.19 per cent (32)

Area: 103,000 km² (24)

Population: 280,798 (50)

GDP per capita in US dollars at PPP rates: 25,000 (18)

GDP growth: -0.7 per cent (52)

Armed forces (active): none

Memberships and forms of co-operation: OECD (1961), CoE (1950), NATO (1949), EAPC, EU Association Agreement (1996), Associate Member of the WEU (1992), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992).

24. Ireland

Date of accession: November 1972

Scale of distribution: 0.65 per cent (25)

Area: 70,280 km² (31)

Population: 3,924,140 (39)

GDP per capita in US dollars at PPP rates: 30,500 (6)

GDP growth: 3.9 per cent (22)

Armed forces (active): 10,460 (41)

Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PfP (1999), EU (1973), WEU Observer (1992), Stability Pact for South Eastern Europe.

25. Italy

Date of accession: November 1972

Scale of distribution: 9.1 per cent (1)

Area: 301,230 km² (16)

Population: 57,998,353 (7)

GDP per capita in US dollars at PPP rates: 25,000 (18)

GDP growth: 0.4 per cent (48)

Armed forces (active): 216,800 (7)

Memberships and forms of co-operation: G7/G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, CEI (1989).

26. Kazakhstan

Date of accession: January 1992

Scale of distribution: 0.42 per cent (29)

Area: 2,717,300 km² (4)

Population: 16,763,795 (14)

GDP per capita in US dollars at PPP rates: 6,300 (40)

GDP growth: 12.2 per cent (1)

Armed forces (active): 60,000 (17)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991).

27. Kyrgyzstan

Date of accession: January 1992

Scale of distribution: 0.11 per cent (49)

Area: 198,500 km² (20)

Population: 4,892,808 (33)

GDP per capita in US dollars at PPP rates: 2,800 (48)

GDP growth: 5.0 per cent (10)

Armed forces (active): 10,900 (40)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991).

28. Latvia

Date of accession: September 1991

Scale of distribution: 0.19 per cent (32)

Area: 64,589 km² (34)

Population: 2,348,784 (43)

GDP per capita in US dollars at PPP rates: 8,300 (35)

GDP growth: 4.5 per cent (13)

Armed forces (active): 5,500 (46)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), EU Accession Negotiations (1999), EU Association Agreement (1995), Associate Partner of the WEU (1994), Baltic Defence Council, CBSS (1992).

29. Liechtenstein

Date of accession: November 1972

Scale of distribution: 0.125 per cent (43)

Area: 160 km² (52)

Population: 33,145 (52)

GDP per capita in US dollars at PPP rates: 25,000 (18)²⁰

GDP growth: 11.0 per cent (2)²¹

Armed forces (active): none

Memberships and forms of co-operation: CoE (1978), EU Association Agreement (1995), since 1923 Community of Law, Economy and Currency with Switzerland.

30. Lithuania

Date of accession: September 1991

Scale of distribution: 0.19 per cent (32)

Area: 65,200 km² (33)

Population: 3,592,561 (40)

GDP per capita in US dollars at PPP rates: 8,400 (34)

GDP growth: 4.5 per cent (13)

Armed forces (active): 13,510 (38)

Memberships and forms of co-operation: CoE (1993), EAPC, PfP (1994), EU Accession Negotiations (1999), EU Association Agreement (1995), Associate Partner of the WEU (1994), Baltic Defence Council, CBSS (1992)

31. Luxembourg

Date of accession: November 1972

Scale of distribution: 0.55 per cent (26)

Area: 2,586 km² (49)

Population: 454,157 (48)

GDP per capita in US dollars at PPP rates: 44,000 (1)

GDP growth: 2.3 per cent (34)

Armed forces (active): 900 (49)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Eurocorps (1992), Stability Pact for South Eastern Europe.

20 1999 (estd.).

21 1999 (estd.).

32. Former Yugoslav Republic of Macedonia

Date of accession: October 1995

Scale of distribution: 0.19 per cent (32)

Area: 25,333 km² (46)

Population: 2,063,122 (44)

GDP per capita in US dollars at PPP rates: 5,000 (42)

GDP growth: 3.8 per cent (23)

Armed forces (active): 12,300 (39)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1995), SAP, SAA (2001), Stability Pact for South Eastern Europe, CEI (1993), SECI, SEECP.

33. Malta

Date of accession: November 1972

Scale of distribution: 0.125 per cent (43)

Area: 316 km² (51)

Population: 400,420 (49)

GDP per capita in US dollars at PPP rates: 17,000 (26)

GDP growth: 2.2 per cent (35)

Armed forces (active): 2,140 (48)

Memberships and forms of co-operation: CoE (1965), EU Accession Negotiations (1999), EU Association Agreement (1971).

34. Moldova

Date of accession: January 1992

Scale of distribution: 0.11 per cent (49)

Area: 33,843 km² (42)

Population: 4,439,502 (36)

GDP per capita in US dollars at PPP rates: 2,500 (49)

GDP growth: 4.0 per cent (18)

Armed forces (active): 7,210 (43)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), CIS (1991), Stability Pact for South Eastern Europe, CEI (1996), SECI, BSEC.

35. Monaco

Date of accession: November 1972

Scale of distribution: 0.125 per cent (43)

Area: 1.95 km² (54)

Population: 32,130 (53)

GDP per capita in US dollars at PPP rates: 27,000 (11)²²

GDP growth: n/a

Armed forces (active): none

22 1999 (estd.).

Memberships and forms of co-operation: Member of the European Economic and Monetary Space by special agreement with France.

36. Netherlands

Date of accession: November 1972

Scale of distribution: 3.8 per cent (9)

Area: 41,526 km² (40)

Population: 16,150,511 (15)

GDP per capita in US dollars at PPP rates: 26,900 (12)

GDP growth: 0.3 per cent (50)

Armed forces (active): 49,580 (21)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

37. Norway

Date of accession: November 1972

Scale of distribution: 2.25 per cent (14)

Area: 324,220 km² (14)

Population: 4,546,123 (35)

GDP per capita in US dollars at PPP rates: 31,800 (4)

GDP growth: 1.6 per cent (40)

Armed forces (active): 26,600 (31)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU Association Agreement (1996), Associate Member of the WEU (1992), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

38. Poland

Date of accession: November 1972

Scale of distribution: 1.4 per cent (17)

Area: 312,685 km² (15)

Population: 38,622,660 (10)

GDP per capita in US dollars at PPP rates: 9,500 (31)

GDP growth: 1.2 per cent (42)

Armed forces (active): 163,000 (11)

Memberships and forms of co-operation: OECD (1996), CoE (1991), NATO (1999), EAPC, EU Accession Negotiations (1997), EU Association Agreement (1991), Associate Member of the WEU (1992), Observer to the Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe, CEFTA, CEI (1991).

39. Portugal

Date of accession: November 1972

Scale of distribution: 0.85 per cent (20)

Area: 92,391 km² (27)

Population: 10,102,022 (21)

GDP per capita in US dollars at PPP rates: 18,000 (24)

GDP growth: 0.8 per cent (45)

Armed forces (active): 43,600 (24)

Memberships and forms of co-operation: OECD (1961), CoE (1976), NATO (1949), EAPC, EU (1986), WEU (1990), Stability Pact for South Eastern Europe.

40. Romania

Date of accession: November 1972

Scale of distribution: 0.7 per cent (22)

Area: 237,500 km² (18)

Population: 22,271,839 (13)

GDP per capita in US dollars at PPP rates: 7,400 (37)

GDP growth: 4.8 per cent (12)

Armed forces (active): 99,200 (12)

Memberships and forms of co-operation: CoE (1993), EAPC, PfP (1994), EU Accession Negotiations (1999), EU Association Agreement (1993), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEFTA, CEI (1995), SECI, SEECP, BSEC.

41. Russian Federation

Date of accession: November 1972

Scale of distribution: 9.0 per cent (5)

Area: 17,075,200 km² (1)

Population: 144,526,278 (2)

GDP per capita in US dollars at PPP rates: 9,300 (32)

GDP growth: 4.0 per cent (18)

Armed forces (active): 988,100 (2)

Memberships and forms of co-operation: G8 (1998), CoE (1996), EAPC, PfP (1994), NATO-Russland-Rat (2002), CIS (1991), Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe, BSEC.

42. San Marino

Date of accession: November 1972

Scale of distribution: 0.125 per cent (43)

Area: 61 km² (53)

Population: 28,119 (54)

GDP per capita in US dollars at PPP rates: 34,600 (3)²³

23 2001 (estd.).

GDP growth: 7.5 per cent (7)²⁴
Armed forces (active): none
Memberships and forms of co-operation: CoE (1988).

43. Serbia and Montenegro²⁵

Date of accession: November 1972
Scale of distribution: 0.19 per cent (32)
Area: 102,350 km² (25)
Population: 10,655,774 (17)
GDP per capita in US dollars at PPP rates: 2,370 (51)
GDP growth: 3.5 per cent (25)
Armed forces (active): 74,500 (14)
Memberships and forms of co-operation: CoE (2003), SAP, Stability Pact for South Eastern Europe, CEI (1989/2000), SECI, SEECP.

44. Slovakia

Date of accession: January 1993
Scale of distribution: 0.33 per cent (31)
Area: 48,845 km² (37)
Population: 5,430,033 (29)
GDP per capita in US dollars at PPP rates: 12,200 (29)
GDP growth: 4.0 per cent (18)
Armed forces (active): 26,200 (32)
Memberships and forms of co-operation: OECD (2000), CoE (1993), EAPC, PfP (1994), EU Accession Negotiations (1999), EU Association Agreement (1993), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEFTA, CEI (1990/1993).

45. Slovenia

Date of accession: March 1992
Scale of distribution: 0.19 per cent (32)
Area: 20,273 km² (47)
Population: 1,935,677 (45)
GDP per capita in US dollars at PPP rates: 18,000 (24)
GDP growth: 3.0 per cent (30)
Armed forces (active): 9,000 (42)
Memberships and forms of co-operation: CoE (1993), EAPC, PfP (1994), EU Accession Negotiations (1997), EU Association Agreement (1996), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEFTA, CEI (1992), SECI.

²⁴ 2001 (estd.).

²⁵ The Federal Republic of Yugoslavia was renamed Serbia and Montenegro in February 2003.

46. Spain

Date of accession: November 1972

Scale of distribution: 4.0 per cent (8)

Area: 504,782 km² (8)

Population: 40,217,413 (9)

GDP per capita in US dollars at PPP rates: 20,700 (21)

GDP growth: 2.0 per cent (36)

Armed forces (active): 177,950 (9)

Memberships and forms of co-operation: OECD (1961), CoE (1977), NATO (1982), EAPC, EU (1986), WEU (1990), Eurocorps (1992), Stability Pact for South Eastern Europe.

47. Sweden

Date of accession: November 1972

Scale of distribution: 3.55 per cent (10)

Area: 449,964 km² (10)

Population: 8,878,085 (23)

GDP per capita in US dollars at PPP rates: 25,400 (16)

GDP growth: 1.8 per cent (38)

Armed forces (active): 33,900 (27)

Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PfP (1994), EU (1995), WEU Observer (1995), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

48. Switzerland

Date of accession: November 1972

Scale of distribution: 2.45 per cent (12)

Area: 41,290 km² (41)

Population: 7,318,638 (27)

GDP per capita in US dollars at PPP rates: 31,700 (5)

GDP growth: 2.0 per cent (36)

Armed forces (active): 3,500 (47)²⁶

Memberships and forms of co-operation: OECD (1961), CoE (1963), EAPC, PfP (1996), EU Association Agreement (rejected in a referendum), Stability Pact for South Eastern Europe.

49. Tajikistan

Date of accession: January 1992

Scale of distribution: 0.11 per cent (49)

Area: 143,100 km² (21)

Population: 6,863,752 (28)

GDP per capita in US dollars at PPP rates: 1,250 (53)

26 A total of 24,110 conscripts in 2001, recruited for 15 weeks.

GDP growth: 8.3 per cent (6)
Armed forces (active): 6,000 (44)
Memberships and forms of co-operation: EAPC, PfP (2002), CIS (1991).

50. Turkey

Date of accession: November 1972
Scale of distribution: 1.0 per cent (18)
Area: 780,580 km² (5)
Population: 68,109,469 (4)
GDP per capita in US dollars at PPP rates: 7,000 (38)
GDP growth: 4.2 per cent (16)
Armed forces (active): 514,850 (3)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU Candidate Country (1987), EU Association Agreement (1973), Associate Member of the WEU (1992), Stability Pact for South Eastern Europe, SECI, SEECP, BSEC.

51. Turkmenistan

Date of accession: January 1992
Scale of distribution: 0.11 per cent (49)
Area: 488,100 km² (9)
Population: 4,775,544 (34)
GDP per capita in US dollars at PPP rates: 5,500 (41)
GDP growth: 10.0 per cent (3)
Armed forces (active): 14,500 (37)
Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991).

52. Ukraine

Date of accession: January 1992
Scale of distribution: 0.95 per cent (19)
Area: 603,700 km² (6)
Population: 48,055,439 (8)
GDP per capita in US dollars at PPP rates: 4,500 (43)
GDP growth: 9.0 per cent (5)
Armed forces (active): 302,300 (4)
Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), NATO-Ukraine-Charta (1997), CIS (1991), Observer to the Stability Pact for South Eastern Europe, CEI (1995), BSEC.

53. United Kingdom

Date of accession: November 1972
Scale of distribution: 9.1 per cent (1)
Area: 244,820 km² (17)
Population: 60,094,648 (6)

GDP per capita in US dollars at PPP rates: 25,300 (17)
GDP growth: 1.6 per cent (40)
Armed forces (active): 210,450 (8)
Memberships and forms of co-operation: G7/G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), WEU (1954), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

54. USA

Date of accession: November 1972
Scale of distribution: 9.0 per cent (5)
Area: 9,629,091 km² (3)
Population: 290,342,554 (1)
GDP per capita in US dollars at PPP rates: 37,600 (2)
GDP growth: 0.3 per cent (50)
Armed forces (active): 1,414,000 (1)
Memberships and forms of co-operation: G7/G8 (1975), OECD (1961), NATO (1949), EAPC, Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, SECI, NAFTA.

55. Uzbekistan

Date of accession: January 1992
Scale of distribution: 0.41 per cent (30)
Area: 447,400 km² (11)
Population: 25,981,647 (12)
GDP per capita in US dollars at PPP rates: 2,500 (49)
GDP growth: 3.0 per cent (30)
Armed forces (active): 55,000 (18)²⁷
Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991).

Sources:

Scale of Distribution: OSCE, Permanent Council, Decision No. 468, Revised Standard Scale of Contributions (PC.DEC/468), at:
<http://www.osce.org/docs/english/pc/2002/decisions/pced468.pdf>

Area: CIA World Factbook 2003, at:
<http://www.cia.gov/cia/publications/factbook/rankorder/2147rank.txt>.

Population (estimated as of July 2003): CIA World Factbook 2003, at:
<http://www.cia.gov/cia/publications/factbook/rankorder/2119rank.txt>.

²⁷ Approximately 50-55,000.

GDP *per capita* in US dollars at PPP rates: CIA World Factbook 2003.

GDP growth (estimated as of 2002, unless stated to the contrary): CIA World Factbook 2003, at:
<http://www.cia.gov/cia/publications/factbook/rankorder/2003rank.txt>.

Armed forces: International Institute for Strategic Studies (ed.), *The Military Balance 2002-2003*, London 2002.

OSCE Conferences, Meetings and Events 2002/2003¹

2002

1 August	The OSCE opens a new Political Resource Centre in Brcko, Bosnia and Herzegovina.
5 August	The OSCE Mission to Tajikistan and the United Nations Tajikistan Office of Peace-Building (UNTOP) organize a round table on gender equality in Tajikistan, Dushanbe.
11-25 August	The OSCE Mission to Tajikistan, the German Embassy and the Embassy of the United Kingdom run a summer school programme for students of law and international relations in Shahrinav, western Tajikistan.
12-24 August	ODIHR and the Association of Women with University Education organize a workshop for 30 future gender-issue trainers from Armenian local authorities, universities and secondary schools, in Tsakhadzor.
August	The OSCE Mission to Tajikistan organizes several youth summer camps on civic education in different regions in Tajikistan with the financial support of the US government.
19-20 August	The OSCE Centre in Almaty and the International Foundation for Protection of Freedom of Speech (Adil Soz) host a workshop comparing international legislation on criminal slander, libel and related concepts with juridical practice in Kazakhstan.
22 August	First meeting of the so-called “Chişinău Round” of negotiations on Transdniestrian settlement takes place in the offices of the OSCE Mission to Moldova at the invitation of the mediators of the conflict: the Russian Federation, the Ukraine and the OSCE.
22-23 August	ODIHR round table on civil and political rights of Roma, Sibiu.
26 August	The OSCE Mission to the Federal Republic of Yugoslavia ² (FRY) hosts the first meeting of representatives of the governments of Serbia, Montenegro and Yugoslavia on the fight against trafficking in human beings, Belgrade.

¹ Compiled by Mirko Guth and translated from the German by Veronica Trespalacios.

² The designation “Federal Republic of Yugoslavia” (FRY) is used for events that occurred before that country was renamed “Serbia and Montenegro” on 4 February 2003.

26-29 August	ODIHR, the Ministry of the Interior of Kazakhstan and the NGO Penal Reform International organize two training seminars for staff of pre-trial detention facilities in the northern and eastern regions of Kazakhstan, Astana and Almaty.
29 August	At the initiative of the OSCE Mission to the FRY, a cross-border network of NGOs that provide refugees with legal aid is launched.
6 September	The OSCE organizes a meeting of high-level representatives from the Council of Europe, NATO and the EU with representatives from regional and sub-regional organizations and initiatives from South-eastern Europe, the Baltic and the Black Sea regions and Central Asia on the co-ordination of their counter-terrorism activities, Vienna.
9-19 September	Seventh OSCE/ODIHR Human Dimension Implementation Meeting, Warsaw.
12-13 September	The OSCE Office in Yerevan and the State Commission on the Protection of Economic Competition organize a seminar on good governance in economic policy development in Armenia.
18-24 September	The OSCE Mission to Tajikistan and ODIHR implement a human-rights training workshop for employees of law-enforcement agencies, Kurghon-Teppa.
21-25 September	The OSCE Mission to Tajikistan, ODIHR and the Helsinki Human Rights Foundation organize training in human-rights monitoring and reporting for Tajik NGOs, Dushanbe.
23-24 September	The Forum for Security Co-operation (FSC) holds the Third Follow-up Conference on the Code of Conduct on Politico-Military Aspects of Security, Vienna.
23-25 September	The OSCE High Commissioner on National Minorities (HCNM), Rolf Ekéus, visits Croatia to discuss the draft Constitutional Law on National Minorities with members of the government, the opposition and representatives of minorities.
26-27 September	Fourth Central Asia Media Conference of the OSCE Representative on Freedom of the Media, Freimut Duve, Tashkent.
28-29 September	The OSCE, the EastWest Institute and the Council of Europe hold a joint conference entitled "Southern Adriatic Transfrontier Co-operation Forum", Dubrovnik.
30 Sept.-1 Oct.	ODIHR conference on the abolishment of the death penalty in Kazakhstan, Almaty.

3-4 October	At the invitation of the Spanish Parliament, the OSCE Parliamentary Assembly holds a conference on “The Mediterranean: Ensuring Peace, Democracy and Prosperity in the Region”, Madrid.
10-11 October	ODIHR and the Azerbaijani government jointly organize a conference on “The Role of Freedom of Religion and Belief in a Democratic Society: Searching for Ways to Combat Terrorism and Extremism”, Baku.
10-11 October	The OSCE, ODIHR and the OSCE Mission to Tajikistan hold a conference on the question of transferring the prison system from the jurisdiction of the Ministry of Interior to the Ministry of Justice, Dushanbe.
12 October	The OSCE Chairman-in-Office, Portugal’s Foreign Minister Antonio Martins da Cruz, visits Bosnia and Herzegovina.
14-15 October	ODIHR, Penal Reform International and the Kyrgyz Ministry of Justice hold a human rights-training seminar for senior prison staff, Bishkek.
14-16 October	Third Conference of the Parliamentary Troika of the Stability Pact for South Eastern Europe (consisting of the Parliamentary Assembly of the Council of Europe, the European Parliament and the OSCE Parliamentary Assembly) on “Enhancing Security and Political Stability through Economic Co-operation”, Tirana.
21-25 October	The HCNM visits Kyrgyzstan and Uzbekistan.
23-26 October	ODIHR implements the first in a series of six training seminars for the Chechen Lawyers Association.
26-27 October	The ODIHR Contact Point for Roma and Sinti Issues holds a national training workshop for local Roma contact points in Bosnia and Herzegovina.
27-29 October	Eighth meeting of experts on finding a political solution to the Georgian-South Ossetian conflict convenes at the initiative of the OSCE Chairman-in-Office, Castelo Branco and Lisbon.
28-29 October	Supplementary Human Dimension Meeting on the role of community policing in building confidence among minority communities and in post-conflict situations, Vienna.
29 Oct.-1 Nov.	The OSCE Chairman-in-Office visits Kazakhstan, Uzbekistan and Turkmenistan to promote the strengthening of co-operation between Central Asia and the OSCE – particularly in the fight against terrorism.
29 Oct.-3 Nov.	The OSCE Mission to Tajikistan and the Tajik NGO Youth Eco-Centre organize a four-day training work-

	shop on environmental journalism with the financial support of the US government, Dushanbe.
4-5 November	The External Co-operation Section of the OSCE Secretariat organizes a Mediterranean seminar on media and new technologies, Rhodes.
4-5 November	The Conflict Prevention Centre (CPC), the Parliamentary Assembly and the OSCE Mission to the FRY hold a seminar on "Democratic Control of Armed Forces and the Code of Conduct on Politico-Military Aspects of Security", Belgrade.
6-8 November	Joint seminar of the OSCE and USAID on water-management issues, Tbilisi.
6-15 November	ODIHR, the OSCE Office in Baku and the Polish Helsinki Foundation implement a training seminar on human-rights monitoring and reporting, Baku.
8 November	ODIHR, the OSCE Centre in Tashkent and the National Centre of Human Rights of Uzbekistan jointly hold a round table on the UN's recommendations in the fight against torture, Tashkent.
8-9 November	The HCNM visits Turkmenistan to discuss interethnic issues with the Minister of Foreign Affairs, Rashid Meredov.
11-12 November	First preparatory seminar for the Eleventh OSCE Economic Forum focusing on trafficking in small arms and light weapons, Sofia.
11-22 November	The OSCE Centre in Ashgabad and the International Organization for Migration (IOM) hold four training seminars on improving the professionalism of border and customs officials in Turkmenistan, Ashgabad.
18 November	Ukraine's first country-wide telephone hotline to tackle trafficking in human beings, initiated by the ODIHR and the Project Co-ordinator in Ukraine, starts up.
18-19 November	ODIHR and the OSCE Presence in Albania host a regional conference on trial monitoring for OSCE missions in South-eastern Europe, Tirana.
19 November	The HCNM and the UNDP hold a conference on promoting integration and development in the Samtskhe-Javakheti region in Georgia, Tbilisi.
22-23 November	ODIHR, the OSCE Presence in Albania and the Council of Europe hold a round table on complaints and appeals, Tirana.
22-23 November	Round table on mass-media law in Kazakhstan held by the OSCE Centre in Almaty, the Soros Foundation and the Adil Soz Foundation, Almaty.

25-26 November	International seminar on establishing jury trials, organized by the ODIHR in co-operation with the German development agency GTZ, the OSCE Centre in Almaty and the Supreme Court of Kazakhstan, Almaty.
28-29 November	The OSCE Centre in Almaty and the CPC hold a conference on the implementation of the Code of Conduct on Politico-Military Aspects of Security, Almaty.
3-4 December	The OSCE Centre in Almaty, in co-operation with local NGOs, organizes a round table on the "Role of NGOs in Poverty Alleviation in the Regions of Kazakhstan", Shymkent.
3-5 December	The HCNM visits Latvia to hold talks with the new government.
6-7 December	The OSCE Presence in Albania organizes a seminar on communication skills for parliamentary staff, Tirana.
6-7 December	Tenth Meeting of the OSCE Ministerial Council, Porto.
8-16 December	An ODIHR expert mission visits Armenia to assist the authorities with the establishment of a public monitoring scheme for prisons and detention centres, Yerevan.
9 December	The OSCE Centre in Almaty organizes a follow-up meeting on the recommendations on the import and storage of radioactive waste in Kazakhstan, Astana.
11 December	The OSCE Presence in Albania and the Special Task Force on Trafficking in Human Beings of the Stability Pact for South Eastern Europe organize a regional forum on trafficking at the ministerial level, Tirana.
12-13 December	In co-operation with the OSCE Mission to the FRY, the Mission's office in Montenegro and the Council of Europe, ODIHR holds a round table on the treatment of long-term prisoners in the countries of South-eastern Europe, Podgorica.
13 December	The OSCE Presence in Albania, the Institute for Development, Research and Alternatives (IDRA) and the Albanian Economics Ministry hold a seminar on free trade in Albania, Vlora.
13-14 December	ODIHR and the Project on Ethnic Relations (PER) organize a round table on conflicts related to Roma housing, Skopje.
16-17 December	The OSCE Representative on Freedom of the Media, the OSCE Centre in Dushanbe and the National Association of Independent Media in Tajikistan organize a conference on "Means and Principles of Improving the Legislation of Tajikistan Regulating Activities of Mass Media", Dushanbe.

16-17 December	ODIHR round table on the Draft Election Code in Azerbaijan, Baku.
17 December	Opening of the OSCE Academy in Bishkek.
18-21 December	ODIHR, the UNHCR and <i>Memorial</i> hold the second training seminar for the Chechen Lawyers Association, Moscow.
27-28 December	ODIHR and the Roma Community Centre (DROM) hold a meeting on Roma refugees and internally displaced persons, Skopje.
31 December	The mandate of the OSCE Advisory and Monitoring Group in Belarus expires.

2003

1 January	The Netherlands takes over the OSCE Chairmanship from Portugal. Netherlands Foreign Minister Jaap de Hoop Scheffer becomes Chairman-in-Office.
1 January	In Minsk, the new OSCE Office replaces the Advisory and Monitoring Group in Belarus.
9-10 January	ODIHR organizes a round table in co-operation with the Council of Europe, the European Commission programme on Roma and the Stability Pact for South Eastern Europe on national policy-making on Roma issues, Albania.
13 January	The OSCE Parliamentary Assembly opens a liaison office in Vienna.
13-14 January	Annual Meeting of the OSCE Heads of Mission, Vienna.
14 January	OSCE Troika Meeting, Vienna.
26-28 January	The Contact Point for Roma and Sinti Issues of the ODIHR and the OSCE Mission to Bosnia and Herzegovina organize a round table on the situation of refugees and internally displaced persons, Sarajevo.
27-28 January	ODIHR and the OSCE Presence in Albania hold a regional meeting of parliamentary experts from OSCE institutions and missions that are active in South-eastern Europe, Tirana.
30 January	Georgia and the OSCE sign an agreement establishing a project to destroy or recycle ammunition stocks at abandoned military bases in Georgia.
31 January	Commemoration of the tenth anniversary of the OSCE High Commissioner on National Minorities (HCNM) in the Dutch Foreign Ministry, The Hague.

1-5 February	With the support of ODIHR and the OSCE Centre in Dushanbe, the Helsinki Foundation for Human Rights holds a training workshop for NGOs in Tajikistan on monitoring and reporting on human-rights issues, Dushanbe.
3-8 February	ODIHR, the UNHCR and <i>Memorial</i> organize the third training seminar for Chechen lawyers, Moscow.
5 February	High-level meeting between the OSCE and the Council of Europe, The Hague.
10-11 February	ODIHR, in co-operation with the OSCE's Action Against Terrorism Unit (ATU), the United Nations Office on Drugs and Crime (UNODC) and the British Foreign Ministry, organizes a seminar on the implementation of the UN Security Council Resolution 1373 on terrorism and related UN conventions and protocols, London.
12-21 February	The OSCE Office in Baku, together with the BBC Training Centre, gives a two-week training seminar on election reporting, Baku.
13 February	The HCNM visits Hungary to hold talks with Foreign Minister Lázsló Kovács.
14 February	Annual High-Level Tripartite Meeting between the United Nations, the Council of Europe and the OSCE, Geneva.
14-16 February	At the initiative of the OSCE Representative on Freedom of the Media, KulturKontakt and the city of Vienna, an event is held on "Freedom of Expression for Art Critics and Commentators", Vienna.
17 February	The OSCE Mission to Serbia and Montenegro, in co-operation with the Montenegrin Ministry of the Interior, starts a police training programme designed to improve police competence in handling traffic, border control and criminal investigation, Podgorica.
17-18 February	Second preparatory seminar for the 11th OSCE Economic Forum on trafficking in human beings, Ioannina.
17-18 February	The OSCE Mission in Kosovo organizes, in co-operation with the Kosovar Institute for Policy Research and Development, a conference on decentralization and reform of local government in Kosovo, Priština.
20 February	The Russian Journalist Anna Politkovskaya receives the 2003 OSCE Award for Journalism and Democracy.
20 February	The OSCE Academy and the OSCE Centre in Bishkek organize a workshop on the economic and environmental dimension in Central Asia, Bishkek.

20-21 February	Second Winter Meeting of the OSCE Parliamentary Assembly, Vienna.
21-22 February	The HCNM visits Turkey for the first time to hold talks on the country's reform process.
21 February	The OSCE and the UNHCR hold a regional meeting of senior officials on questions concerning the return of refugees to Bosnia and Herzegovina, Croatia, and Serbia and Montenegro, Zagreb.
25 February	At the initiative of the OSCE Mission to Serbia and Montenegro and the Serbian Ministry for Natural Resources, the Centre for Cross-Sectional Co-operation and Inter-Agency Co-ordination is inaugurated in Belgrade.
25-28 February	The OSCE Centre in Almaty, ODIHR, the Kazakhstan International Bureau for Human Rights and Rule of Law and the TV broadcast station Khabar hold a training seminar in support of the campaign on abolishing the death penalty in Kazakhstan, Almaty.
26-27 February	The OSCE Centre in Baku and the International Foundation for Election Systems (IFES) organize a conference on the new Election Code of Azerbaijan, Baku.
26 Feb.-3 March	Joint ODIHR-Council of Europe assessment mission to the Russian Federation in connection with the referendum in Chechnya.
27 February	The OSCE Centre in Dushanbe opens its fifth field office in Kulyab
27 February	Expert round table of the OSCE Office in Yerevan to discuss provisions for the fight against trafficking in human beings in the new Armenian Criminal Code, Yerevan.
27 February	The OSCE and the United Nations Development Fund for Women (UNIFEM) organize a seminar for local leaders and community groups on the inclusion of gender issues in municipal structures and administrative practices, Priština.
27-28 February	The OSCE Centre in Almaty and the Adil Soz Foundation organize a seminar on defamation in the media and precedent cases in democratic states, Almaty.
28 Feb.-2 March	Joint Youth Leadership Conference of the OSCE Spillover Monitor Mission to Skopje and the Nansen Dialogue Centre, Mavrovo.
4-5 March	13th Annual Implementation Assessment Meeting (Vienna Document), Vienna.

4-5 March	The HCNM visits Bratislava to hold talks with the Slovak Prime Minister, Mikulas Dzurinda, Deputy Prime Minister Pal Csaky and Bela Bugar, Chairman of the Hungarian Coalition.
5-6 March	The OSCE Centre in Almaty, the Kazakhstan Institute for Strategic Studies and the Delegation of the European Commission in Almaty organize a conference on "Economic Integration in the European Union: Valuable Experience and Perspective Models for the Central Asian Countries", Almaty.
8 March	The OSCE Mission to Moldova receives an invitation to verify the evacuation of ammunition stocks and other material of the former Soviet 14th Army from Transdnistria.
11-12 March	The OSCE CPC organizes, in co-operation with the UN Department of Disarmament Affairs and the Slovenian government, a subregional UN-OSCE conference on illicit trade in small arms and light weapons in South-eastern Europe, Brdo.
12-31 March	OSCE needs-assessment mission to Armenia, Azerbaijan and Georgia on continuation of prison reforms.
17-18 March	Third preparatory seminar for the 11th OSCE Economic Forum on drug trafficking, Tashkent.
17-18 March	The HCNM visits Skopje and Tetovo to hold talks with government officials and minority representatives on the implementation of the Ohrid Framework Agreement.
21-24 March	An OSCE expert group visits the Russian Federation in connection with the referendum in Chechnya.
24-25 March	Workshop on combating money laundering and the financing of terrorism, organized by the OSCE Office in Yerevan in co-operation with the Office of the Co-ordinator of OSCE Economic and Environmental Activities, the UNODC and the Armenian government with the support of the Council of Europe, Yerevan.
24-27 March	The HCNM visits Georgia.
24-28 March	The OSCE Centre in Almaty, in co-operation with the Financial Police and the Committee on Judicial Administration of the Supreme Court of the Republic of Kazakhstan, organizes a training of judges in economic matters, Astana.
25 March	The OSCE Spillover Monitor Mission to Skopje launches a new training programme to strengthen professionalism and financial planning of the media, Skopje.

27-28 March	Second ODIHR expert meeting on international election standards, Vienna.
27-28 March	Workshop on combating money laundering and the financing of terrorism, organized by the OSCE Office in Baku in co-operation with the OSCE Office of the Coordinator of OSCE Economic and Environmental Activities, UNODC and the Azerbaijani government, Baku.
28 March	The OSCE Mission to Serbia and Montenegro holds a round table on the participation of minorities in the elections in Montenegro, Podgorica.
29 March	The OSCE Representative on Freedom of the Media and the Media Institute organize a joint conference on media in multilingual societies, Berne.
31 March	Workshop on security and democracy in Central Asia, organized by the OSCE Academy in Bishkek.
3 April	Decision by the OSCE Permanent Council granting Afghanistan the status of partner for co-operation.
7-25 April	ODIHR holds several seminars for prison staff in Kazakhstan.
10 April	In co-operation with the Council of Europe, the OSCE Mission to Bosnia and Herzegovina starts a campaign to strengthen the effectiveness of the European Charter of Local Self-Government in Bosnia and Herzegovina.
10-11 April	Supplementary Human Dimension Meeting on Roma and Sinti, Vienna.
14-17 April	The HCNM visits Kyrgyzstan to meet government officials and minority representatives.
18 April	The OSCE Presence in Albania, in co-operation with the Ministry of Finance of Albania, holds a conference on a national strategy for socio-economic development in Albania, Tirana.
24 April	The OSCE Mission to Moldova hosts the first meeting of the Joint Constitutional Commission of the Republic of Moldova, which is to draft a new constitution, Chişinău.
8 May	Second UN-OSCE meeting of senior officials, Vienna.
12-13 May	Workshop on the implementation of the OSCE Code of Conduct on Politico-Military Aspects of Security and CSBMs, Dushanbe.
12-13 May	The OSCE Parliamentary Assembly, in co-operation with the OSCE Mission to Moldova, holds a seminar on federalism in Moldova, Chişinău and Tiraspol.
13-14 May	The HCNM visits Latvia to follow up on recommendations for the reform of secondary education.

13-15 May	ODIHR human-dimension seminar on “Participation of Women in Public and Economic Life”, Warsaw.
14-16 May	OSCE Parliamentary Assembly organizes a conference on sub-regional co-operation; over 80 Parliamentarians from 30 OSCE participating States adopt the Berne Declaration on supporting small and medium-sized business in the OSCE region, Berne.
14-16 May	The HCNM visits Moscow to inform the Minister of Foreign Affairs, Igor Ivanov, and other senior government officials about his activities.
15-16 May	Workshop on the implementation of the OSCE Code of Conduct on Politico-Military Aspects of Security and CSBMs, Tashkent.
18-19 May	ODIHR assessment meeting “Western European Advocacy Campaign: Promoting the Rights of Trafficked Persons”, Warsaw.
19-20 May	Third ODIHR expert meeting on international election standards, Vienna.
20-23 May	Eleventh Meeting of the OSCE Economic Forum, Prague.
21-22 May	Fourth Conference of the Parliamentary Troika on the Stability Pact for South Eastern Europe, Brussels.
22-23 May	Ohrid Regional Conference on “Border Security and Management”, Ohrid.
27-28 May	ODIHR holds a regional round table for South Eastern Europe on prison staff development and training courses, Sarajevo.
27-29 May	ODIHR holds a training of trainers workshop for senior prison officials in Armenia.
28-29 May	ODIHR organizes a conference on “Criminal Procedure Standards of the International Covenant on Civil and Political Rights: Practice and Implementation in Kyrgyzstan”, Bishkek.
28-29 May	Anti-trafficking training seminar organized by ODIHR, the Russian Association of Crisis Centres and La Strada Ukraine, Moscow.
28-31 May	OSCE Secretary General Ján Kubiš and the Personal Representative of the Chairman-in-Office, Daan Everts, visit the 30th session of the Islamic Conference of Foreign Ministers, Tehran.
7-9 June	The OSCE Parliamentary Assembly holds a Trans-Asian Parliamentary Forum for delegates from participating States and partners for co-operation on regional security questions, Almaty.

9 June	ODIHR holds a workshop on the building of national capacities for the development of migration indicators, Kiev.
9-10 June	The HCNM hosts a meeting on the use of minority languages in the electronic media in the OSCE area, Noordwijk.
9-25 June	ODIHR organizes a training workshop for high-ranking police officials and NGOs on combating domestic violence, Tbilisi and Yerevan.
10-11 June	The HCNM visits Estonia to hold talks with Prime Minister Juhan Parts and other representatives of the new government.
13-14 June	Conference of the OSCE Representative on Freedom of the Media on "Freedom of the Media and the Internet", Amsterdam.
13 June	The OSCE Office in Yerevan and the Armenian Foreign Ministry hold a round table on the legal framework to combat money laundering and the financing of terrorism, Yerevan.
16-17 June	The CPC, the OSCE Parliamentary Assembly and the Project Co-ordinator for the Ukraine organize a seminar on the democratic control of armed forces and the implementation of the Code of Conduct on Politico-Military Aspects of Security in Central and Eastern Europe, Kiev.
19-20 June	First OSCE conference on anti-Semitism, Vienna.
19-20 June	ODIHR workshop on the new Law on the State Prosecutor in Serbia and Montenegro, Podgorica.
22-24 June	ODIHR holds a workshop on cross-border co-operation on labour-migration issues in Central Asia and the Russian Federation, Issyk Kul.
23-24 June	ODIHR workshop on "Procedural and Substantive Aspects of the Fight against Trafficking in Human Beings", Podgorica.
25-26 June	First Annual Security Review Conference, Vienna.
25-29 June	ODIHR organizes a forum for domestic election observers, Zagreb.
27-30 June	ODIHR holds a "Civil Society Conference of South-Eastern Europe on Building Regional Partnerships and Networks", Priština.
2 July	The OSCE Mission to Croatia, in co-operation with the Croatian Institute for International Relations, organizes a conference on the integration of minorities in South-eastern Europe and the Baltic states, Zagreb.

3-4 July	OSCE Conference on Globalization, Vienna.
5-9 July	Twelfth Annual Session of the OSCE Parliamentary Assembly, Rotterdam.
7 July	ODIHR workshop on the reform of the civil registration system in Belarus, Minsk.
7-11 July	The OSCE Centre in Dushanbe and the Field Office in Kulyab hold a summer camp for young people in Tajikistan in co-operation with the Youth Eco-Centre and the Faculty of Biological Sciences at the University of Kulyab.
7-13 July	ODIHR training workshop for NGO coalition members as part of the women's leadership and NGO coalition-building programme in Georgia, Tbilisi.
14-15 July	ODIHR international round table on experiences and prospects for the reform of border services, Baku.
14-20 July	ODIHR training-of-trainers workshop within the scope of the education programme on women's rights in Armenia.
17-18 July	Supplementary OSCE Human Dimension Meeting on Freedom of Religion or Belief, Vienna.
24-25 July	ODIHR, the OSCE Spillover Monitor Mission to Skopje and the Council of Europe hold a conference on the future of Roma refugees from Kosovo, Skopje.

OSCE Selected Bibliography 2002/2003

Documents

Advisory Council on International Affairs, The Netherlands and the Organization for Security and Co-operation in Europe in 2003. Role and Direction, The Hague 2002.

Ekéus, Rolf, Preventive Diplomacy, Muller Lecture by Rolf Ekéus, High Commissioner on National Minorities for the Organization for Security and Co-operation in Europe (OSCE), The Hague, 30 January 2003, The Hague 2003.

France, Assemblée Nationale, Rapport d'information fait en application de l'article 29 du règlement au nom des délégués de l'Assemblée nationale à l'Assemblée parlementaire de l'Organisation pour la sécurité et la coopération en Europe (OSCE) sur les travaux de la XIème session annuelle de cette assemblée, Berlin, 6-10 juillet 2002, Paris 2003.

France, Assemblée Nationale, Rapport d'information fait en application de l'article 29 du règlement au nom des délégués de l'Assemblée nationale à l'Assemblée parlementaire de l'Organisation pour la sécurité et la coopération en Europe (OSCE) sur les travaux de la réunion d'hiver de cette Assemblée, Vienne, 20-21 février 2003, Paris 2003.

ODIHR, The Death Penalty in the OSCE Area, Warsaw 2002 (Background Paper/OSCE Human Dimension Implementation Meeting 2002/1).

ODIHR, Human Dimension Implementation Meeting. Consolidated Summary, Warsaw, 9-19 September 2002, Warsaw 2002, ODIHR.GAL/50/02.

ODIHR, Trafficking in Human Beings in Southeastern Europe, Warsaw 2002.

OSCE, The 2002 Mediterranean Seminar on the Media and New Technologies: Implications for Governments, International Organizations and Civil Society (Rhodes, Greece, 4-5 November 2002), Consolidated Summary, Vienna 2002, SEC.GAL/211/02.

OSCE, Chairman-in-Office, Supplementary Human Dimension Meeting "The Role of Community Policing in Building Confidence in Minority Communities", Final Report, Vienna, 28-29 October 2002, Vienna 2002, CIO. GAL/104/02.

OSCE, Co-ordinator of OSCE Economic and Environmental Activities, Consolidated Summary, First Preparatory Seminar for the Eleventh OSCE Economic Forum: National and International Economic Impact of Trafficking in Small Arms and Light Weapons. Sofia, Bulgaria, 11-12 November 2002, Vienna 2002, SEC.GAL/219/02.

- OSCE, Co-ordinator for OSCE Economic and Environmental Activities*, Consolidated Summary, Second Preparatory Seminar for the Eleventh OSCE Economic Forum: National and International Economic Impact of Trafficking in Human Beings, Ioannina, Greece, 17-18 February 2003, Vienna 2003, SEC.GAL/56/03/Corr.1.
- OSCE, Co-ordinator for OSCE Economic and Environmental Activities*, Consolidated Summary, Third Preparatory Seminar for the Eleventh OSCE Economic Forum: National and International Economic Impact of Trafficking in Drugs, Tashkent, Uzbekistan, 17-18 March 2003, Vienna 2003, SEC.GAL/67/03/Rev.1.
- OSCE, Co-ordinator of OSCE Economic and Environmental Activities*, National Workshop on Combating Money Laundering and Suppressing Financing of Terrorism, Baku, Azerbaijan, 27-28 March 2003, Vienna 2003, SEC.GAL/80/03.
- OSCE, Economic Forum*, Eleventh Meeting of the Economic Forum, Prague, 20 to 23 May 2003, Summary, s.l. 2003, EF.GAL/12/03.
- OSCE, Forum for Security Co-operation*, Third Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security, Vienna, 23 and 24 September 2002, Consolidated Summary, Vienna 2002, FSC.GAL/122/02.
- OSCE, Forum for Security Co-operation*, 2003 Annual Implementation Assessment Meeting, Vienna 4 and 5 March 2003, Consolidated Summary, Chairperson's Report, Reports of the Working Session Rapporteurs, Vienna 2003, FSC.AIAM/51/03.
- OSCE, Office of the Secretary General*, Annual Report of the Secretary General on Policy-Related Activities. (Submitted in Accordance With Decision 9, Paragraph 6, of the Bucharest Ministerial Council Meeting, 4 December 2001), Vienna 2002, SEC.DOC/2/02/Rev.1.
- OSCE, Office of the Secretary General*, Report on the Implementation of the Action Plan for Gender Issues, Vienna 2003, SEC.GAL/17/03/Rev.2.
- OSCE, Permanent Council*, Address to the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) by Mr. Javier Solana, High Representative for the Common Foreign and Security Policy (CFSP) of the European Union. "The European Union and the Organization for Security and Cooperation in Europe: The Shape of Future Cooperation", Vienna 2002, PC.DEL/719/02.
- OSCE, Permanent Council*, OSCE Conference on Anti-Semitism, Vienna 19 and 20 June 2003, Consolidated Summary, Vienna 2003, PC.DEL/883/03.
- OSCE, Permanent Council*, OSCE Conference on Globalization, Vienna, 3 and 4 July 2003, Consolidated Summary, Vienna 2003, PC.DEL/860/03/Corr.1.

- OSCE, Permanent Council, OSCE Conference on Racism, Xenophobia and Discrimination, Vienna 4 and 5 September 2003, Consolidated Summary, Vienna 2003, PC.DEL/1146/03.*
- OSCE, Representative on Freedom of the Media, Freedom and Responsibility. Yearbook 2001/2002, Vienna 2002.*
- OSCE, Representative on Freedom of the Media, The Media Situation in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Five Country Reports, Vienna 2002, FOM.GAL.15/02.*
- OSCE, Secretariat, Survey of OSCE Long-Term Missions and other OSCE Field Activities, Vienna 2003, SEC.INF/290/03.*
- OSCE, Secretary General, Annual Report on OSCE Activities 2002, Vienna 2003.*
- United Nations, General Assembly, Cooperation Between the United Nations and the Organization for Security and Cooperation in Europe. Report of the Secretary General, New York 2002, A/57/217.*
- United States, Congress, Commission on Security and Cooperation in Europe, Arming Rogue Regimes: The Role of OSCE Participating States, Hearing before the Commission on Security and Cooperation in Europe, One Hundred Eighth Congress, First Session, June 5, 2003, Washington 2003.*
- United States, Congress, Commission on Security and Cooperation in Europe, U.S. Policy Toward the OSCE, October 10, 2002, Washington, D.C., 2003.*
- United States, Congress, Commission on Security and Cooperation in Europe, Bulgarian Law on Religions: Problematic Law Out of Step with OSCE Commitments, Washington 2003.*
- United States, Congress, Commission on Security and Cooperation in Europe, Internally Displaced Persons in the Caucasus Region and South-eastern Anatolia, Hearing before the Commission on Security and Cooperation in Europe, One Hundred Eighth Congress, First Session, June 10, 2003, Washington 2003.*
- United States, Congress, Commission on Security and Cooperation in Europe, The Dutch Leadership of the OSCE, Hearing before the Commission on Security and Cooperation in Europe, One Hundred Eighth Congress, First Session, September 3, 2003, Washington 2003.*

Monographs and Anthologies

- Bailes, Alyson J. K./Björn Hagelin/Zdzislaw Lachowski/Sam Perlo-Freeman/Petter Stålenheim/Dimitri Trofimov, Armament and Disarmament in the Caucasus and Central Asia, Stockholm 2003.*

- Caspersen, Nina Fallentin*, Good Fences make Good Neighbours? A Comparison of Consociational and Integrative Conflict Regulation Strategies in Post-Dayton Bosnia, Copenhagen 2002 (Working Papers/Copenhagen Peace Research Institute 26/2002).
- Centre for OSCE Research*, Annual Report 2002, Hamburg 2002.
- Dwan, Renata (ed.)*, Executive Policing. Enforcing the Law in Peace Operations, Oxford 2002 (SIPRI Research Report 16).
- Engel, Dirk*, Die sprachenrechtliche Situation der Angehörigen von Minderheiten im Völkerrecht, Berlin 2002.
- Evers, Frank*, Building Co-operation between OSCE Field Missions and Partner Institutions in the Economic and Environmental Dimension, Hamburg 2002 (Working Paper/Centre for OSCE Research 11).
- Fanzun, Jon A.*, Swiss Human Rights Policy: Between Humanitarian Tradition and Political Reluctance, Zurich 2003 (Beiträge, Forschungsstelle für Internationale Beziehungen 39).
- Frank, Martin*, Begründungen von Minderheitenrechten, Bremen 2002 (InIIS-Arbeitspapier 25).
- Freire, Maria Raquel*, Conflict and Security in the Former Soviet Union: The Role of the OSCE, Burlington, VT 2003 (Global Interdisciplinary Studies Series).
- Ghebali, Victor-Yves/Daniel Warner (eds)*, New Security Threats and Challenges within the OSCE Region, Geneva 2003 (PSIO Occasional Paper 1/2003).
- Ghebali, Victor-Yves (ed.)*, Le rôle de la Suisse à la CSCE. Témoignage de l'Ambassadeur Edouard Brunner, Genf 2003 (PSIO Occasional Paper 2/2003).
- Gets, Marina*, Meinungsäußerungs- und Informationsfreiheit im Internet aus der Sicht des Völkerrechts, Berlin 2002.
- Haaland Matlary, Janne*, Intervention for Human Rights in Europe, Basingstoke 2002.
- Hartmann, Rüdiger/Wolfgang Heydrich*, Die Anpassung des Vertrages über konventionelle Streitkräfte in Europa. Ursachen, Verhandlungsgeschichte, Kommentar, Dokumentation, Baden-Baden 2002 (Internationale Politik und Sicherheit 53).
- Huber, Martina/David Lewis/Randolf Oberschmidt/Yannick du Pont*, The Effectiveness of OSCE Missions: The Cases of Uzbekistan, Ukraine and Bosnia and Herzegovina, The Hague 2003.
- International Crisis Group*, Central Asia: The Politics of Police Reform, Osh 2002 (Asia Report 42).
- International Crisis Group*, Moldova: No Quick Fix, Chisinau 2003 (ICG Europe Report 147).

- International Helsinki Federation for Human Rights (ed.)*, OSCE Human Dimension Implementation Meeting, Warsaw, 9-19 September 2002. Statements by the International Helsinki Federation for Human Rights (IHF), Vienna 2002.
- International Helsinki Federation for Human Rights (ed.)*, Human Rights in the OSCE Region: Europe, Central Asia and North America. Report 2003 (Events of 2002), Vienna 2003.
- Jurado, Elena*, Complying with European Standards of Minority Protection: Estonia's Relations with the European Union, OSCE and Council of Europe, D. Phil Thesis, Oxford University, Oxford 2003.
- Kandelia, Seema*, The Euro Chapter for Regional or Minority Languages. Council of Europe Conference, The Hague, 30 November-1 December 2001, Colchester 2003 (Papers in the Theory and Practice of Human Rights 36).
- Karlsreiter, Ana (ed.)*, Media in Multilingual Societies. Freedom and Responsibility, Vienna 2003.
- Krause, Joachim*, The OSCE and Co-operative Security in Europe, Singapore 2003.
- Kreikemeyer, Anna/Arne C. Seifert (eds)*, Zur Vereinbarkeit von politischem Islam und Sicherheit im OSZE-Raum, Baden-Baden 2002/03 (Demokratie, Sicherheit, Frieden 151).
- Lachowski, Zdzislaw*, The Adopted CFE Treaty and the Admission of the Baltic States to NATO, Stockholm 2002.
- Leatherman, Janie*, From Cold War to Democratic Peace: Third Parties, Peaceful Change, and the OSCE, Syracuse, NY 2003 (Syracuse Studies on Peace and Conflict Resolution).
- Meier, Christian*, Die OSZE und Tschetschenien: Ende der Mission oder neues Mandat?, Berlin 2003, at: <http://www.swp-berlin.org/produkte/bparchiv/tschetschenien4druck.htm>.
- Miyawaki, Noboru*, The CSCE Human Rights Regime. The Helsinki Final Act Led the End of Cold War, Tokyo 2003 (in Japanese).
- Møller, Bjørn*, NATO, OSCE, EU: Role Models for Southern Africa?, Copenhagen 2002 (COPRI Working Papers 30/2002).
- Neukirch, Claus*, Konfliktmanagement und Konfliktprävention im Rahmen von OSZE-Langzeitmissionen. Eine Analyse der Missionen in Moldau und Estland, Baden-Baden 2003 (Demokratie, Sicherheit, Frieden 152).
- Pentassuglia, Gaetano*, Minorities in International Law. An Introductory Study, Strasbourg 2002 (Minority Issues Handbook).
- Rogier, Emeric*, The Organization for Security and Co-operation in Europe (OSCE). Characteristics, Concepts and Capabilities, The Hague 2002.
- Sabahi, Farian/Daniel Warner (eds)*, The OSCE and the Multiple Challenges of Transition: The Caucasus and Central Asia, Burlington, VT 2003.

- Sandoval Villalba, Clara-Lucia*, OSCE Human Dimension Implementation Meeting, Warsaw, 9-19 September 2002, Colchester 2003 (Papers in the Theory and Practice of Human Rights 36).
- Seifert, Arne C.*, Risiken der Transformation in Zentralasien. Das Beispiel Tadschikistan, Hamburg 2002.
- Verhoeven, Juliette/Jim Wake (eds)*, Conflict Prevention in Central Asia. The Role of the OSCE. A Report on a Conference Organized by the European Centre for Conflict Prevention and the Netherlands Ministry of Foreign Affairs, The Hague, March 7th and 8th, 2002, Utrecht 2002.
- Wellmann, Christian (ed.)*, Belarus: Ein Außenseiter in der Ostseeregion, Kiel 2003 (SCHIFF-Texte 69).
- Wiegand, Irene/Sabine Riedel (Bearb.)*, Die Minderheitenpolitik im EU-Erweiterungsprozeß. Eine Veranstaltung der Europäischen Kommission und der Stiftung Wissenschaft und Politik, Berlin, 21. Februar 2002, Berlin 2002.
- Woodrow Wilson International Center for Scholars, Kennan Institute*, The 1999 OSCE Istanbul Summit Decisions on Moldova and Georgia: Prospects for Implementation, Washington, D.C., 2002 (Occasional Paper 284).

Articles

- Ackermann, Alice*, The Changing Transatlantic Relationship: A Socio-Cultural Approach, in: International Politics 1/2003, pp. 121-136.
- Andrysek, Oldrich/Mihai Grecu*, Unworthy Partner: The Schools Issue as an Example of Human Rights Abuses in Transdnistria, in: Helsinki Monitor 2/2003, pp. 101-116.
- Avineri, Shlomo*, Keine KSZE für den Nahen Osten. Neue Verhandlungen erst in einigen Jahren, in: Internationale Politik 11/2002, pp. 57-60.
- Bakker, Edwin*, Roma Policies in Eastern Europe. Success and its Side-Effect, in: Helsinki Monitor 2/2003, pp. 161-172.
- Balian, Hrair*, Building on Imperfection: Reflections on the Chechen Referendum, in: Helsinki Monitor 2/2003, pp. 85-88.
- Bellamy, Alex J./Stuart Griffin*, OSCE Peacekeeping. Lessons from the Kosovo Verification Mission, in: European Security 1/2002, pp. 1-26.
- Beuningen, Frank van*, A Contribution to the Agenda for the Dutch Chairmanship of the OSCE: A Recapitulation of Findings of the Advisory Council on International Affairs, in: Helsinki Monitor 4/2002, pp. 312-319.
- Bloed, Arie*, The OSCE and Policing as a new Tool for Conflict Prevention, in: Helsinki Monitor 4/2002, pp. 350-351.
- Boden, Dieter*, Krisenzone Kaukasus, in: Internationale Politik 10/2002, pp. 41-46.

- Cockell, John G.*, Civil-Military Responses to Security Challenges in Peace Operations: Ten Lessons from Kosovo, in: *Global Governance* 4/2002, pp. 483-502.
- Cronin, Bruce*, Creating Stability in the New Europe. The OSCE High Commissioner on National Minorities and the Socialization of Risky States, in: *Security Studies* 1/2002/03, pp. 132-163.
- Dunay, Pál*, A Lasting Decline or a Dead End in European Arms Control?, in: *Helsinki Monitor* 4/2002, pp. 299-311.
- Ekeus, Rolf*, From the Copenhagen Criteria to the Copenhagen Summit: Minority Issues in an Enlarging Europe, in: *Helsinki Monitor* 1/2003, pp. 38-41.
- Farquharson, Marjorie*, Four Ex-Soviet States and the Death Penalty, in: *Helsinki Monitor* 2/2003, pp. 89-100.
- Forschungszentrum „Dialog“*, Die Erwartungen islamischer Organisationen an die Zentralasienpolitik der OSZE, in: Anna Kreikemeyer/Arne C. Seifert (eds), *Zur Vereinbarkeit von politischem Islam und Sicherheit im OSZE-Raum*, Baden-Baden 2002/03, pp. 267-276.
- Frik, Silvan*, Die Schweiz und die europäische Sicherheitspolitik, in: *ASMZ* 6/2003, pp. 6-9.
- Gábor, Ján*, Minorities in Europe: Special Standards for the Balkans?, in: *Review of International Affairs* 1078-1104/1999-2001, pp. 24-26.
- Ghebali, Victor-Yves*, The Decisions of the 2002 Porto Ministerial Council Meeting: Technically Relevant but Overly Ambitious, in: *Helsinki Monitor* 2/2003, pp. 136-147.
- Ghebali, Victor-Yves*, The OSCE Reform Process: An Assessment of Decisions Made under the Romanian and Portuguese Chairmanships (2001-2002), in: Victor-Yves Ghebali/Daniel Warner (eds), *New Security Threats and Challenges within the OSCE Region*, Geneva 2003, pp. 5-34.
- Gogueliani, Tina*, The West's Role in Settling the Georgian-Abkhazian Conflict, in: *Central Asia and the Caucasus* 2/2003, pp. 48-54.
- Gusakov, Magomedsalikh*, Russia and the U.S. in the Southern Caucasus: Future Partners or Future Rivals?, in: *Central Asia and the Caucasus* 1/2003, pp. 94-102.
- Harten, Marten van*, Europe's Troubled Waters. A Role for the OSCE: The Case of the Kura-Araks, in: *Helsinki Monitor* 4/2002, pp. 338-349.
- Heintze, Hans-Joachim*, Der Hohe Kommissar für Nationale Minderheiten der OSZE – Bilanz der Tätigkeit des ersten Amtsinhabers, in: *Jahrbuch Menschenrechte* 2003, Frankfurt am Main 2003, pp. 285-294.
- Heintze, Hans-Joachim*, Völkerrecht und Ethnizität, in: *Welttrends* 38/2003, pp. 31-43.

- Höynck, Wilhelm*, Civil Society, Human Security – the Role of the OSCE, in: Japanisch-Deutsches Zentrum Berlin (ed.), Symposium Japanese and German Contributions to a Sustainable Development in Central Asia, Munich 2003, pp. 131-136.
- Hoop Scheffer, Jaap de*, Address of the Dutch Chairman-in-Office to the OSCE Permanent Council, in: Helsinki Monitor 1/2003, pp. 7-10.
- Hopmann, P. Terrence*, Managing Conflict in Post-Cold War Eurasia: The Role of the OSCE in Europe's Security "Architecture", in: International Politics 1/2003, pp. 75-100.
- Ilves, Toomas Hendrik*, The OSCE Mission in Estonia, in: Helsinki Monitor 4/2002, pp. 320-325.
- Joetze, Günter*, Auf der Suche nach einem strategischen Rahmen: Die Rolle von OSZE und NATO, in: Olga Alexandrova/Roland Götz/Uwe Halbach (eds), Rußland und der postsowjetische Raum, Baden-Baden 2003, pp. 479-497.
- Kabiri, Muchiddin*, Möglichkeiten und Grenzen einer Einbeziehung islamischer Organisationen in den euro-asiatischen politischen Raum, in: Anna Kreikemeyer/Arne C. Seifert (eds), Zur Vereinbarkeit von politischem Islam und Sicherheit im OSZE-Raum, Baden-Baden 2002/03, pp. 256-266.
- Kabiri, Muchiddin*, Die Partei der Islamischen Wiedergeburt Tadschikistans als Partner im Demokratisierungsprozess, in: Anna Kreikemeyer/Arne C. Seifert (eds), Zur Vereinbarkeit von politischem Islam und Sicherheit im OSZE-Raum, Baden-Baden 2002/03, pp. 277-283.
- Kasch, Holger*, Die HDZBiH und die Forderung nach kroatischer Souveränität in Bosnien-Herzegowina, in: Südosteuropa 7-9/2002, pp. 331-354.
- Kemp, Walter*, Profiting from Instability: Crime, Corruption and Inter-Ethnic Conflict, in: Victor-Yves Ghebali/Daniel Warner (eds), New Security Threats and Challenges within the OSCE Region, Geneva 2003, pp. 49-73.
- Korhecz, Tamas*, Vojvodina – The Struggle for Autonomy. Omnibus Law on Vojvodina. A Specific Legislative Step Towards Decentralization in Post-Milosevic Serbia, in: Helsinki Monitor 4/2002, pp. 285-298.
- Koufa, Kalliopi K.*, Terrorism and Human Rights, in: Romanian Journal of International Affairs 4/2002, pp. 60-89.
- Kreikemeyer, Anna/Arne C. Seifert*, Präventive Stabilisierung durch säkular-islamische Kompromisse, in: Anna Kreikemeyer/Arne C. Seifert (eds), Zur Vereinbarkeit von politischem Islam und Sicherheit im OSZE-Raum, Baden-Baden 2002/03, pp. 13-28.
- Kuzio, Taras*, Baltic States Get Approval for National Minority Policies, in: Prism 5/2002, 6 pp.
- Kuzmin, Nikolai*, Central Asia after the Operation in Afghanistan, in: Central Asia and the Caucasus 1/2003, pp. 125-131.

- Lambert, Alexandre*, The Contribution of the OSCE to the International Fight against Terrorism, in: Victor-Yves Ghebali/Daniel Warner (eds), *New Security Threats and Challenges within the OSCE Region*, Geneva 2003, pp. 111-124.
- Last, David*, Early Warning and Prevention of Violent Conflict: The Role of Multifunctional Observer Missions, in: David Carment/Albrecht Schnabel (eds), *Conflict Prevention: Path to Peace or Grand Illusion?*, Tokyo 2003, pp. 157-181.
- Lenzi, Guido*, New Risks: The Challenges of Joint Identification, Assessment and Response, in: Victor-Yves Ghebali/Daniel Warner (eds), *New Security Threats and Challenges within the OSCE Region*, Geneva 2003, pp. 75-110.
- Letscher, Rianne*, Towards a UN Special Representative on Minority Issues - Drawing upon the Experiences of the OSCE High Commissioner on National Minorities, in: *Helsinki Monitor* 4/2002, pp. 326-337.
- Malysheva, Dina*, The United States in the Post-Soviet East: Stated Aims and Real Politics, in: *Central Asia and the Caucasus* 1/2003, pp. 102-110.
- Merlingen, Michael*, OSCE Studies: The State of the Art and Future Directions (Review Essay), in: *Journal of International Relations and Development* 1/2003, pp. 71-85.
- Merlingen, Michael/Zenet Mujić*, Public Diplomacy and the OSCE in the Age of Post-International Politics: The Case of the Field Mission in Croatia, in: *Security Dialogue* 3/2003, pp. 269-283.
- Meyer, Berthold*, Chance für den Nahen Osten? Vom möglichen Nutzen einer Konferenz über Sicherheit und Zusammenarbeit, in: Bernd W. Kubbig (ed.), *Brandherd Irak. US-Hegemonieanspruch, die UNO und die Rolle Europas*, Frankfurt 2003, pp. 278-285.
- Minasian, Sergey*, CIS: Building a Collective Security System, in: *Central Asia and the Caucasus* 1/2003, pp. 131-137.
- Mychajlyszyn, Natalie*, The OSCE and Conflict Prevention in the Post-Soviet Region, in: David Carment/Albrecht Schnabel (eds), *Conflict Prevention: Path to Peace or Grand Illusion?*, Tokyo 2003, pp. 133-154.
- Mychajlyszyn, Natalie*, The OSCE and Regional Conflicts in the Former Soviet Union, in: James Huges/Gwendolyn Sasse (eds), *Ethnicity and Territory in the Former Soviet Union: Regions in Conflict*, London 2002, pp. 194-219.
- Neukirch, Claus*, Georgien im sich wandelnden Kräftefeld der Großmächte, in: *Friedensgutachten* 2003, Münster et al. 2003, pp. 119-128.
- Nicolae, Roxana*, Bosnia and Herzegovina at 7 after Dayton, in: *Romanian Journal of International Affairs* 4/2002, pp. 224-233.
- Nikonov, Vyacheslav*, OSCE and Russia: Old Bridges, New Divisions, in: *Helsinki Monitor* 1/2003, pp. 22-27.
- Orudzhev, Gidaiat*, Azerbaijan's National Minorities Today, in: *Central Asia and the Caucasus* 4/2003, pp. 139-144.

- Otte, Marc*, ESDP and Multilateral Security Organizations: Working with NATO, the UN and OSCE, in: Esther Brimmer (ed.), *The EU's Search for a Strategic Role: ESDP and Its Implications for Transatlantic Relations*, Washington 2002, pp. 35-56.
- Pöllinger, Sigrid*, Minderheiten und Minderheitenschutz in Österreich und anderen EU-Ländern, in: *Wiener Blätter zur Friedensforschung* 4/2002, pp. 35-60.
- Pugh, Michael*, Postwar Political Economy in Bosnia and Herzegovina: The Spoils of Peace, in: *Global Governance* 4/2002, pp. 467-482.
- Rotfeld, Adam Daniel*, Does the OSCE Have a Future?, in: Victor-Yves Ghebali/Daniel Warner (eds), *New Security Threats and Challenges within the OSCE Region*, Geneva 2003, pp. 35-48.
- Sammut, Dennis*, Love and Hate in Russian-Georgian Relations, in: *Helsinki Monitor* 1/2003, pp. 28-37.
- Seifert, Arne C.*, Euro-asiatischer Islam und Europäische Sicherheit: Gegen-gewalt oder Zusammenarbeit und Koexistenz?, in: Österreichisches Studienzentrum für Frieden und Konfliktlösung (ed.), *Jihad vs. McWorld. Friedenspolitik im Spannungsfeld zwischen Globalisierung und fundamentalistischer Bedrohung. Friedensbericht 2003*, Münster 2003, pp. 228-245.
- Soliz, Christophe*, Quest for Sovereignty: Bosnia and Herzegovina's Challenge, in: *Helsinki Monitor* 2/2003, pp. 148-160.
- Soltanovskii, Ivan*, OSCE Forum for Security Cooperation is Ten Years old, in: *International Affairs (Moscow)* 2/2003, pp. 47-59.
- Sporrer, Wolfgang*, The OSCE and the Stability Pact for South Eastern Europe: Can a New Relationship Improve Performance?, in: *Helsinki Monitor* 1/2003, pp. 11-21.
- Stodiek, Thorsten*, Internationale Polizei als Alternative zur militärischen Konfliktbearbeitung, in: Patricia Schneider/Kristina Thony/Erwin Müller (eds), *Frieden durch Recht. Friedenssicherung durch internationale Rechtsprechung und Rechtsdurchsetzung*, Baden-Baden 2003, pp. 85-101.
- Stoel, Max van der*, The Role of the OSCE High Commissioner on National Minorities in the Field of Conflict Prevention: Address on 23 July 2003 at the Hague Academy of International Law, in: *Recueil de Cours* 296/2002, pp. 13-23.
- Stoudmann, Gérard*, Turkmenistan, a Human Rights "Black Hole", in: *Helsinki Monitor* 2/2003, pp. 117-124.
- Swiecicki, Marcin*, Economic and Environmental Challenges of the OSCE Towards a Common European Economic Space, in: *Helsinki Monitor* 1/2003, pp. 42-51.
- Voicu, Ioan*, Law and Diplomacy vs. Terrorism and Brutality, in: *Romanian Journal of International Affairs* 4/2002, pp. 11-40.

- Voronin, Vladimir*, Moldavie: Un désir d'occident?, in: *Politique internationale* 99/2003, pp. 329-357.
- Wohlfeld, Monika*, EU Enlargement and the Future of the OSCE: The Role of Field Missions, in: *Helsinki Monitor* 1/2003, pp. 52-64.
- Zapf, Uta*, Belarus als Thema von OSZE, EU und Europarat – Möglichkeiten und Grenzen der Einflussnahme internationaler Organisationen, in: Christian Wellmann (ed.), *Belarus: Ein Außenseiter in der Ostseeregion*, Kiel 2003, pp. 17-26.

Diplom and Magister Thesis

- Joppe, Kirsten*, The Effectiveness of ODIHR Election Observation Missions. A Case Study, Hamburg, Univ., Master Thesis, Hamburg 2003.
- Kropatcheva, Elena*, Development of Russian Foreign Policy in Relation to the OSCE through the Prism of its Transformations, Hamburg, Univ., Master Thesis, Hamburg 2003.
- Rzayeva, Gunay*, The Path to Democracy in Azerbaijan. Options and Limits, Hamburg, Univ., Master Thesis, Hamburg 2003.

Abbreviations

ACEEEO	Association of Central and Eastern European Election Officials
ACERT	Advisory Council for Education of Romany and other Travellers
AIAM	Annual Implementation Assessment Meeting (CSBM)
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
ATU	Action Against Terrorism Unit (OSCE Secretariat)
BMO	Border Monitoring Operation (OSCE Mission to Georgia)
BSEC	Black Sea Economic Co-operation
CBMs	Confidence-Building Measures
CBSS	Council of the Baltic Sea States
CEEA	Co-ordinator of OSCE Economic and Environmental Activities
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CEWCP	Centre on Early Warning and Conflict Prevention (Amman)
CFE	Treaty on Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy (EU)
CICA	Conference on Interaction and Confidence-Building Measures in Asia
CIS	Commonwealth of Independent States
CJTF	Combined Joint Task Forces
CoE	Council of Europe
COEST	Working Group on Eastern Europe and Central Asia (EU)
CORE	Centre for OSCE Research
COSCE	Working Group on the OSCE (EU)
CPC	Conflict Prevention Centre
CPJ	Committee to Protect Journalists
CSBMs	Confidence- and Security-Building Measures
CSCAP	Council for Security Co-operation in the Asia Pacific
CSCE	Conference on Security and Co-operation in Europe (since 1 January 1995: OSCE)
CSO	Committee of Senior Officials (since 1 January 1995: Senior Council)
CSSDCA	Conference on Security, Stability, Development and Co-operation in Africa
CTC	Counter-Terrorism Committee (UN Security Council)

DFID	Department for International Development (UK)
EADRCC	Euro-Atlantic Disaster Response Co-ordination Centre
EADRU	Euro-Atlantic Disaster Response Unit
EAPC	Euro-Atlantic Partnership Council
EAVG	East Asian Vision Group
EBRD	European Bank for Reconstruction and Development
ECHR	European Convention on Human Rights/European Court of Human Rights
ECRI	European Commission against Racism and Intolerance (Council of Europe)
EPC	European Political Co-operation
ESDP	European Security and Defence Policy
EU	European Union
ERRC	European Roma Rights Centre
FIS	Front Islamique du Salut/Islamic Salvation Front (Algeria)
FOM	Representative on Freedom of the Media
FRY	Federal Republic of Yugoslavia (renamed Serbia and Montenegro in February 2003)
FSC	Forum for Security Co-operation
G7/G8	Group of Seven (Canada, France, Germany, Italy, Japan, UK, USA)/Group of Eight (G7 and Russia)
GPML	Global Programme Against Money Laundering (UN)
GUUAM	
States	Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova
HCNM	High Commissioner on National Minorities
HDZ	Croatian Democratic Union (Croatia; Bosnia and Herzegovina)
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICWC	Interstate Commission for Water Co-ordination (Tashkent)
IFES	International Foundation for Electoral Systems
ILO	International Labour Organization
IMF	International Monetary Fund
IMU	Islamic Movement of Uzbekistan
IOM	International Organization for Migration
IPI	International Press Institute
IPTF	International Police Task Force
ISAF	International Security Assistance Force (Afghanistan)
ISG	Intersessional Support Group (ARF)
ISMs	Intersessional Meetings (ARF)
ISPA	Instrument for Structural Policies for Pre-Accession (EU)
JCG	Joint Consultative Group (CFE)
KFOR	Kosovo Force

NACC	North Atlantic Co-operation Council (replaced by the EAPC in 1997)
NAFTA	North American Free Trade Area
NATO	North Atlantic Treaty Organization
NGOs	Non-Governmental Organizations
NPT	Nuclear Non-Proliferation Treaty
NRF	NATO Response Force
OAS	Organization of American States
OCEEA	Office of the Co-ordinator of OSCE Economic and Environmental Activities
OCHA	(United Nations) Office for the Co-ordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Co-operation and Development
OFSTED	Office for Standards in Education (UK)
OGRF	Operational Group of Russian Forces in the Transdnistrian Region of the Republic of Moldova
OHCHR	Office of the (UN) High Commissioner for Human Rights
OHR	Office of the High Representative (EU)
OMIFRY	OSCE Mission to the Federal Republic of Yugoslavia (re-named OSCE Mission to Serbia and Montenegro on 13 February 2003)
OMIK	OSCE Mission in Kosovo
OSCE	Organization for Security and Co-operation in Europe
PA	Parliamentary Assembly
PfP	Partnership for Peace
PHARE	Poland and Hungary Assistance for the Reconstruction of the Economy (EU)
REACT	Rapid Expert Assistance and Co-operation Teams
RSF/RWB	Reporters sans Frontières/Reporters Without Borders
SAA	Stabilization and Association Agreement (EU)
SAARC	South Asian Association for Regional Co-operation
SALW	Small Arms and Light Weapons
SAP	Stabilization and Association Process (EU)
SAPARD	Special Accession Programme for Agriculture and Rural Development (EU)
SCO	Shanghai Co-operation Organization
SDS	Serbian Democratic Party (Bosnia and Herzegovina)
SEANWFZ	Treaty on the Southeast Asia Nuclear Weapon-Free Zone
SECI	Southeast European Cooperative Initiative
SEECF	South Eastern European Co-operation Process
SFOR	Stabilization Force (Bosnia and Herzegovina)
SIWI	Stockholm International Water Institute
SPMU	Strategic Police Matters Unit (OSCE Secretariat)

SOMs	Senior Officials Meetings (ARF)
TACIS	Technical Assistance for the CIS (EU)
TCOG	Trilateral Co-ordination and Oversight Group (Japan, USA, Republic of Korea)
TLE	Treaty-Limited Equipment (CFE Treaty)
UÇK/KLA	Ushtria Çlirimtarë e Kosovës/Kosovo Liberation Army
UÇK/NLA	Ushtria Çlirimtarë Kombëtarë/National Liberation Army (Macedonia)
UN/UNO	United Nations/United Nations Organization
UNCERD	United Nations Committee on the Elimination of Racial Discrimination
UNCHR	United Nations Commission on Human Rights
UNDCP	United Nations Drug Control Programme
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNIDO	United Nations Industrial Development Organization
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNMIK	United Nations Interim Administration Mission in Kosovo
UNODC	United Nations Office on Drugs and Crime (formerly UNODCCP)
UNODCCP	United Nations Office for Drug Control and Crime Prevention (since 1 October 2003: UNODC)
UNTOP	United Nations Tajikistan Office of Peace-Building
USAID	United States Agency for International Development
VD 90-99	Vienna Documents on Confidence- and Security-Building Measures (1990, 1992, 1994, 1999)
WEU	Western European Union
WRATE	Women's Rights and Anti-Trafficking Education

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