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Preface by the Chairman-in-Office

A Vision Still in the Making

Since assuming the Chairmanship of the OSCE in 2007, Spain has sought to advance the original vision that gave birth to the CSCE and the Helsinki Process and that has guided the development of the OSCE: the need to build a Europe that is whole and free and at peace with itself.

I believe that a key component of the OSCE's strength stems from the sense of a wider Europe, stretching from Vancouver to Vladivostok, that it nurtures in the minds of every individual across the OSCE area, from Tajikistan, via Spain, to Canada. This noble idea contributed a great deal to changing beyond recognition the face of Europe since the days of the Cold War, to abolishing old dividing lines and tearing down walls that separated us. The change has been comprehensive and its scale historic. Much we have achieved, and much remains to be done. Therefore, if we are to keep on this track, the dividing lines of distrust that may still exist between our participating States or within our increasingly complex and diverse societies need to be bridged, their sources eliminated. I believe that the OSCE is in a position to successfully assist in meeting this challenge. It is the only organization that brings together such a varied group of countries and their societies across three continents around a body of shared commitments, and it is the only forum founded on such a generous concept of a Europe unified.

A Europe that is whole must necessarily also aspire to be free. Strengthening and improving the quality of democratic institutions across the OSCE area – this is another challenge that we all face. It takes on different appearances in different contexts. In some areas, the challenge is to strengthen new democratic institutions and embed them more deeply. In this regard, I wish to underline that the Chairmanship is intimately aware of the challenges of transition, given the modern history of Spain. At the OSCE, I have no doubt that we must sustain, with greater determination than ever, our undertaking to uphold and accompany the political transition processes that continue to unfold in the OSCE area. This is necessary to ensure that they proceed in a peaceful and successful manner, and to guarantee the effectiveness of efforts to integrate diversity into healthy societies and legitimate political structures.

Furthermore, it is Europe's right to be at peace with itself. We have made great progress in resolving the disputes that tore apart the former Yugoslavia. However, there is an ongoing need to reinforce coexistence, democratic institutions, and the rule of law in parts of that region. Naturally, the question of Kosovo has occupied centre stage during 2007. As Chairman-in-Office, I wish to stress that we will carry on supporting the efforts being

made to construct a society that is ordered, multiethnic, and tolerant, one that is committed to respect for human rights and to democratic institutions. At the same time, the OSCE will also continue to be active in seeking settlement and preventing escalation in the protracted conflicts of the former Soviet Union. This is not an easy task, but we must work to build greater confidence between the parties to the conflicts in order to prevent events from spinning out of control and to ensure that dialogue prevails and that eventually a political accord satisfactory to all parties involved is reached. The Chairmanship has been watching developments in these areas very closely, intent on actively searching for peaceful ways forward, and has promptly and vigorously reacted to the crises that have occurred.

A Europe at peace with itself must also be built on a foundation of confidence and trust between the 56 participating States. In this respect, the OSCE has a key role as a forum for debate and a channel for confidence building in the politico-military sphere. Its role must be enhanced, not diminished. Held with the OSCE's assistance and at Russia's request, the Vienna meeting of the Extraordinary Conference of the Treaty on Conventional Forces in Europe was important because it provided an opportunity to examine differing perceptions of the current effectiveness of this important document.

Thus, while we have achieved much, the context in which the work of the OSCE is carried out does not make things easy and the ultimate fulfilment of the original vision that brought us together remains a work in progress. I have no doubt that the Organization's vision of a wider Europe united around a core of common values remains as vibrant today as ever – in all parts of the OSCE area.

Spanish Priorities

In view of this overall context, it should come as no surprise that the agenda of the Spanish Chairmanship has been extremely full.

First, the Spanish Chairmanship has taken a keen interest in strengthening OSCE structures. It is only natural that an organization like the OSCE, with such a wide-ranging mandate and composed of such diverse countries, should be a work in progress. Spain has been particularly interested in the activities of the working group on the international legal personality, legal capacity, and privileges and immunities of the OSCE, which was established by a ministerial decision adopted in Brussels. I believe that completing this task and potentially adopting and ratifying a convention on these matters is in the Organization's highest interest.

The Spanish Chairmanship has made the more active involvement of the OSCE's partners for co-operation one of its priorities – not only at a for-

mal and symbolic level, as essential as these are in diplomacy, but also in more practical terms.

Second, Spain is seeking to deepen and enhance the OSCE agenda across all three of its dimensions.

In the politico-military dimension, the Chairmanship's priority has been the fight against terrorism, and deepening co-operation on counter-terrorism activities has had a prominent place on our agenda. Our work has advanced on several levels, including improving legal co-operation in criminal matters and reinforcing travel-document security, as testified by the recent workshops on these subjects. The OSCE Political Conference on Public-Private Partnership in Countering Terrorism was an excellent initiative brought by Russia and the United States that Spain was keen to support. Another major objective of the Spanish Chairmanship has been to promote the protection and due recognition of the victims of terrorism, and a High Level Meeting on Victims of Terrorism was held in Vienna in September.

In the economic and environmental dimension, by focusing within the extensive topic of environmental security on land degradation and water management, and the latter in particular, the Spanish Chairmanship has sought to place the OSCE at the vanguard of what is becoming a truly global debate. Spain considers the link between the environment and security to be a major current international challenge. The Madrid Declaration on Environment and Security will play a significant role in meeting it.

In the human dimension, Spain has largely given priority to activities aimed at promoting greater participation and diversity in our ever more plural societies. Here, I am pleased with the results of the OSCE High-Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, which was held in Bucharest as a follow-up to the Cordoba Conference on Anti-Semitism and Other Forms of Intolerance. In this context, I must also highlight the conference that Spain hosted in October in Cordoba on intolerance towards Muslims, as well as the Youth Forum that took place in November in Madrid, which also focused on the fight against intolerance and on promoting mutual respect and understanding, immediately prior to the Madrid Ministerial.

Finally, Spain sees the OSCE ODIHR Report on Common Responsibility, which was submitted to the Brussels Ministerial Council, as an opportunity to offer an instrument by means of which states can restate their political will to meet their commitments.

Chairing the OSCE has been a privilege and a responsibility. It is my hope that Spain has helped the Organization and its participating States take important strides towards attaining the vision that brought us together and which we still share.

Foreword

“Tolerance and non-discrimination” is the special focus topic of the OSCE Yearbook 2007. Political and economic globalization processes, increasing mobility, and worldwide communications are creating growing networks of state and non-state actors even as they bind together cultures, religions, and peoples at an ever faster pace. Economic disasters, endemic poverty, and major environmental change have triggered large-scale migratory movements, while wars and other conflicts have led to the displacement of entire peoples and produced waves of refugees. This creates a potential for intra-societal, international, and transnational conflict and violence. Against this background, as long ago as 1995, the 28th UNESCO general assembly in Paris declared that “it is essential for international harmony that individuals, communities and nations accept and respect the multicultural character of the human family. Without tolerance there can be no peace, and without peace there can be no development or democracy.”¹ The OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century from 2003 includes “discrimination and intolerance [...] among the factors that can provoke conflicts, which undermine security and stability”.² Discrimination and intolerance are not limited to individual countries or regions – they are a global danger.

In the contemporary world, tolerance is more important than ever. What, though, is tolerance? The UNESCO declaration includes a definition:

Tolerance is respect, acceptance and appreciation of the rich diversity of our world’s cultures, our forms of expression and ways of being human. [...] It is not only a moral duty, it is also a political and legal requirement. [...] Tolerance is [...] an active attitude prompted by recognition of the universal human rights and fundamental freedoms of others. [...] Tolerance is to be exercised by individuals, groups and States. Tolerance is the responsibility that upholds human rights, pluralism (including cultural pluralism), democracy and the rule of law. [...] It means accepting the fact that human beings, naturally diverse in their appearance, situation,

1 *Declaration of Principles on Tolerance. Proclaimed and signed by the Member States of UNESCO on 16 November 1995*, at: <http://www.unesco.org/cpp/uk/declarations/tolerance.pdf>.

2 OSCE Strategy to Address Threats to Security and Stability in the Twenty-first Century, in: *Organization for Security and Co-operation in Europe, Eleventh Meeting of the Ministerial Council 1 and 2 December 2003*, Maastricht 2003, pp. 1-10, here: p. 6.

speech, behaviour and values, have the right to live in peace and to be as they are.³

However, the ambivalence inherent in the concept of tolerance is something I should like to discuss later.

On account of the connection it draws between the politico-military and human dimensions of security, the OSCE is especially suited to the management of intra-state, inter-state, and transnational conflicts and conflict potentials, as well as mixtures of the above; the Organization has always acknowledged that an intra-state component plays a role in external and international security. At the same time, it has significantly expanded its role in the area of “tolerance and non-discrimination” in recent years. Since 2001, no Ministerial Council has failed to adopt a decision specifically on this topic. A series of conferences attended by high-ranking representatives and observed attentively around the world have been held since 2003 in Vienna, Berlin, Paris, Brussels, Cordoba, and elsewhere on topics such as anti-Semitism, racism and xenophobia, hate crime, and discrimination against Muslims. They have set in motion a process of promoting tolerance and non-discrimination and activating state mechanisms for the protection of minorities that appears to be irreversible. In 2004, the Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR) initiated its Programme on Tolerance and Non-Discrimination; in the same year, the three Personal Representatives of the OSCE Chairman-in-Office were appointed to combat racism, xenophobia, and discrimination; anti-Semitism; and intolerance and discrimination against Muslims. In the High Commissioner on National Minorities and the Representative on Freedom of the Media, the OSCE possesses further important mechanisms for combating and preventing intolerance and discrimination.

Within the special focus section of this year’s OSCE Yearbook, Dieter Boden begins by describing how tolerance and non-discrimination became a key area of the OSCE’s activity. Wolfgang Benz then addresses the various forms that anti-Semitism takes within the states of the OSCE. Örmür Orhun describes his work and experiences as the Personal Representative on Combating Intolerance and Discrimination against Muslims. Ulrich Kinitz’s contribution concerns hate crime and the practical work undertaken by the police to combat this phenomenon. Jo-Anne Bishop outlines ODIHR’s key role in promoting tolerance and non-discrimination and addresses the controversy over holistic versus religious-based approaches to combating the phenomena.

Globalization processes lead not only to greater interdependence, but also to a growing inequality between rich and poor countries, which is considered to be a key cause of radicalism, extremism, and terrorism. “Our world is alarmingly out of balance”⁴ – thus begins the report of the high-level group

³ *Declaration of Principles on Tolerance*, cited above (Note 1).

⁴ Alliance of Civilizations, *Report of the High-level Group*, 13 November 2006, p. 3, at: http://www.unaoc.org/repository/HLG_Report.pdf.

of the UN “Alliance of Civilization” initiative. In the current volume, the Secretary General of the OSCE, Marc Perrin de Brichambaut, describes not only what contribution the OSCE has made to this alliance, but also how the Organization can itself act as an alliance of civilizations. Markus A. Weinhardt takes as his topic the potential role of religion in the “dialogue of cultures”. As a classic dialogue forum, the OSCE is also able to function as a framework for intercultural and inter-religious dialogue – not least because the Organization’s Central Asian participating States could play a key bridging role between Western and Muslim-dominated states.

Two potentially explosive issues kept the OSCE holding its breath throughout 2007: The Kosovo status question, and Russia’s suspension of the CFE Treaty.

Long before the official end of the mediation process in the negotiations over the future status of Kosovo on 10 December, it was clear that efforts to reach a settlement were going to fail. It immediately became necessary to consider the anxious question of what the consequences would be if the province were to make a unilateral declaration of independence. In a fascinating contribution, Marietta König looks into this question, paying particular attention to Russia’s strange, even contradictory behaviour with regard to secession conflicts.

Russia’s stance on the CFE Treaty is more clear cut. The suspension of the treaty by a decree of President Putin’s in July 2007, which took effect in December, is a major setback for European disarmament and arms control efforts. Nonetheless, it is no surprise: Russia must have considered unilateral military measures taken in recent years, starting with NATO enlargement – which was originally meant to be limited to Eastern Europe, but later included former Soviet republics, and is now casting an eye towards Georgia and Ukraine – via the stationing of US troops in Bulgaria and Romania, to the plans to base missile defence equipment in Poland and the Czech Republic, as a provocation and the revival of a policy of military containment. At the same time, the NATO states refused to ratify the Adapted CFE Treaty, pointing to the so-called Istanbul Commitments, which they say Moscow should fulfil first – a linkage that comes with no shortage of controversy. The suspension of the CFE Treaty could mark the beginning of the end of the entire treaty regime and could ultimately bring co-operative security in Europe as a whole crashing down. Nevertheless, Russia’s reaction is far from being the expression of a coherent foreign and security policy strategy. In his expert contribution, Wolfgang Zellner notes in closing that: “After all, it is Russia that has to expect the most severe disadvantages from the collapse of the CFE regime.” In the meantime, it is possible – with the appropriate caution – to speak of the emergence of compromise solutions.

Pál Dunay’s contribution also deals with European arms control: If it is not already “doomed”, it will nonetheless be necessary to give up the concept of comprehensive arms control and be satisfied with smaller agreements.

These would then have the advantage of being tailor-made to meet what are perhaps the more acute security needs of the people in many parts of Europe: the restriction of small arms and light weapons, landmine bans and landmine clearance, and the disposal of excess stockpiles of ammunition and highly dangerous rocket fuel, to name just a few. Also in the area of co-operative security, Andrew Cottey builds upon his previous contribution on the state of civilian democratic control of the armed forces in Europe, while Kevin Carty considers the strategic role of the police, particularly with regard to rule of law and the struggle against organized crime, including trafficking in human beings, drugs, and arms. Further aspects are police training and community policing.

In the field of environmental security, the Environmental and Security Initiative ENVSEC provides an excellent example of how organizations can develop synergies through partnerships. ENVSEC is a collaboration between the OSCE, the United Nations Environment Programme, the United Nations Development Programme, the United Nations Economic Commission for Europe, and the Regional Environment Centre, and NATO is an associated partner. In their contribution, Bernard Snoy and Marc Baltes describe, among other things, the ENVSEC initiative's potential for cross-border co-operation and the promotion of peace and stability through environmental co-operation. Ina Jurasin, Nina Lindroos-Kopolo, and Philip Reuchlin also examine an aspect of the OSCE's economic and environmental dimension, with a contribution on problems, consequences, and economic aspects of environmentally induced migration. In connection with emerging risks and challenges, Christopher Michaelsen discusses the – not uncontroversial – role of civil society in preventing and combating terrorism.

These days, even the OSCE's long-term field missions, those well-nigh classical instruments of conflict prevention, conflict management, and peace-building, are coming under scrutiny. Since 2000/2001, the human and financial resources that have been dedicated to these missions with great success since the 1990s have been cut by some 50 per cent. This trend will continue in the months to come. More and more missions have also been transformed into new forms of co-operation in the field, smaller "offices", "centres", or "project co-ordinators". The Mission to Croatia, once one of the OSCE's largest field presences, which employed 286 international members and 500 local staff at its greatest extent in 1999, now appears to be under imminent threat of closure. Today, the mission consists of twelve international and 27 local members, together with 127 local support staff. In the OSCE Yearbook 2007, Manja Nickel and Danijela Cenani take stock of the current situation. Ibrahim Djikic presents the work of the OSCE Centre in Ashgabad, while Miroslav Jenca describes the activities of the OSCE Project Co-ordinator in Uzbekistan. In their contribution, Herbert Salber and Alice Ackermann consider the OSCE's overall concept in South-eastern Europe, and the future of its presence there. Arne C. Seifert takes a highly critical look at 15 years of

transformation in Central Asia, paying particularly close attention to Western concepts, aims, and errors in relation to democratization.

In the section on the interests and commitment of the OSCE States, Liviu Aurelian Bota and Traian Chebeleu discuss what the OSCE means for Romania and what Romania means for the OSCE, while Vesko Garčević looks at relations between the Organization and Montenegro, since becoming independent in 2006, the OSCE's newest participating State.

In 2010, Kazakhstan will become the first successor state of the former Soviet Union to assume the Chairmanship-in-Office of the OSCE. The fact that a Central Asian country is to do this brings opportunities to enhance integration and co-operation with this key region, but also to involve Russia more closely in the Organization's work once again. Central Asia's position as a bridge between Europe, the Islamic world, and China should also prove beneficial. In his contribution, Marat A. Sarsembayev presents the recent constitutional reforms with which Kazakhstan hopes to increase plurality and the role of parliament in the political process.

The OSCE has not held a conference that was attended by the Heads of State or Government of the participating States since the 1999 Istanbul Summit. Kurt P. Tudyka considers what this can tell us about the state of the Organization and, above all, about the role of the Ministerial Council. Alyson Bailes, Jean-Yves Haine, and Zdzisław Lachowski take an analytical look back at the history of – always slightly ambivalent – relations between the OSCE and the EU and find that while synergies have sometimes been produced – as with regard to Cold War détente policy – the OSCE has at the same time been considerably weakened, particularly in its economic dimension.

The publishers and the editors would like to warmly thank the Chairman-in-Office of the OSCE, Spanish Foreign Minister Miguel Àngel Moratinos, for his preface.

I would also like to thank all our authors for their commitment and comprehensive knowledge, without which the OSCE Yearbook 2007 would not exist.

The concept of tolerance was defined above as “respect, acceptance and appreciation of the rich diversity of our world's cultures”. It is, however, an essentially ambivalent idea. Tolerance refers first of all to “that general accepting or respecting of convictions, actions, or practices that are, on the one hand, seen as false and deviant, but, on the other, are not entirely rejected and restricted”.⁵ It is an attitude that “puts up with” forms of otherness, of deviation from one's own beliefs and opinions or from relevant social norms, neither combating nor promoting them. Tolerance can even take on negative connotations when it is associated with indifference or condescension. Rainer

5 Rainer Forst, Tolerance, in: Hans Jörg Sandkühler (ed.), *Enzyklopädie Philosophie* [Encyclopaedia of Philosophy], Vol. 2, Hamburg 1999, pp. 1627-1632 (author's translation).

Forst distinguishes between four concepts of tolerance, each one containing slightly more positive content than the last: the “permission conception”, in which an authority or a majority allows a minority to live according to its beliefs; although only “suffered to exist”, the minority nonetheless already enjoys a certain degree of protection; the “coexistence conception” in which societal groups roughly equal in power agree to compromise in their behaviour towards one another in order to avoid conflict; the “respect conception”, according to which citizens respect each other as political and legal equals though differing on moral and religious questions; and finally, the “esteem conception”, in which “the other” is not only respected as possessing equal rights, but different beliefs and ways of life are recognized as possessing value of their own.⁶ To consider mere tolerance as a panacea for conflicts between cultures, religions, and peoples would be naïve; it would be wholly counter-productive to demand that one tolerate everyone and everything, for then we would have to tolerate hate, violence, and the infringement of human rights in the name of a religion or culture. Leaving that aside, “tolerating” other attitudes and beliefs is a positive first step towards prejudice-free, conscious acceptance of difference, towards greater understanding of other beliefs, attitudes, and modes of behaviour – and towards co-existence without violence: “Tolerance, the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace.”⁷

6 Cf. Rainer Forst, *Toleration and Democracy*, and Pierre Bayle’s *Reflexive Theory of Toleration*, both papers presented within the New York University School of Law Fall 2007 Colloquium in Legal, Political and Social Philosophy, at: <http://www.law.nyu.edu/clppt/program2007/readings>.

7 UNESCO, *Declaration of Principles*, cited above (Note 1).

I.

States of Affairs – Affairs of State

Burning Issues

Will the “Cornerstone of European Security” Come Crashing Down? On the Current Crisis of the (Adapted) CFE Treaty

On 13 July 2007, the Russian President Vladimir Putin issued a decree “On Suspending the Russian Federation’s Participation in the Treaty on Conventional Armed Forces in Europe and Related International Agreements”¹ that threatened the suspension of the CFE Treaty if the Adapted CFE (ACFE) Treaty was not ratified and put into force within 150 days and other related requests of the Russian Federation fulfilled. An extraordinary conference of the CFE states parties, summoned on the request of Russia on 12-15 June 2007,² could not deflect this move. As there have been no conclusive negotiations on these questions up to early December 2007,³ the CFE Treaty, frequently called a “cornerstone of European security” in OSCE documents, is in acute danger of being destroyed.

This article details the most important differences between the CFE Treaty and the ACFE Treaty. It then reviews the various perceptions of the so-called Istanbul commitments on the withdrawal of the Russian armed forces from Georgia and Moldova: NATO states insist on that these commitments must be fulfilled before they will consider ratifying the ACFE Treaty. This is followed by an analysis of the new demands issued by the Russian Federation in its decree of 13 July. Finally, some conclusions are drawn for the future of the ACFE Treaty, European arms control, and relations between the NATO states and the Russian Federation.

From the Group Principle (CFE) to National and Territorial Ceilings (ACFE)

The original CFE Treaty,⁴ which was signed at the CSCE Paris Summit on 19 November 1990, was shaped by the bipolar structure of the Cold War. Its ceilings for the five categories of treaty-limited equipment (TLE) refer to two “group[s] of States Parties that signed the Treaty of Warsaw of 1955” or “the

1 Information on the decree “On Suspending the Russian Federation’s Participation in the Treaty on Conventional Armed Forces in Europe and Related International Agreements” of 13 July 2007 is available at: <http://www.mid.ru>.

2 Cf. Ministry of Foreign Affairs of the Russian Federation, Press Release, *Convening an Extraordinary Conference to Discuss CFE Treaty*, 28 May 2007, at: http://www.mid.ru/brp_4.nsf.english.

3 This manuscript was last updated on 12 December 2007.

4 Treaty on Conventional Armed Forces in Europe, at: http://www.osce.org/documents/doclib/1990/11/13752_en.pdf.

Treaty of Brussels of 1948 or the Treaty of Washington of 1949”.⁵ The Treaty’s system of regional limitations (Article IV) is also completely framed by the group principle. Although these stipulations were already outdated at the time of the Treaty’s signature, they were bearable until the first three states within the long since fictitious Eastern group of states parties – the Czech Republic, Hungary, and Poland – acceded to NATO in March 1999.

The Russian Federation had been demanding a “modernization” of the Treaty since 1994, arguing that, without such a modernization, NATO enlargement would amount to a violation of the treaty. In May 1996, after years of hesitation on NATO’s part, the states parties decided at the first CFE Review Conference to “immediately start a thorough process aimed at improving the operation of the Treaty in a changing environment”.⁶ In January 1997, negotiations within the Treaty’s Joint Consultative Group (JCG) were started with the intention of preserving the original accomplishments of the CFE Treaty, while establishing a new structure of limitations to secure stability and transparency. The negotiations were concluded at the 1999 Istanbul Summit Meeting with the signing of two documents on the adaptation of the CFE Treaty by its 30 states parties.⁷

The overarching goal of the ACFE Treaty remains the same as that of the original CFE Treaty: “eliminating disparities prejudicial to stability and security and [...] eliminating the capability for launching surprise attack and for initiating large-scale offensive action in Europe”.⁸ The single most important innovation of the ACFE Treaty is the replacement of the collective ceilings for the two groups of states by national and territorial ceilings for the individual states.⁹ A national ceiling limits the number of TLE each state may possess, irrespective of where these TLE are deployed. Territorial ceilings limit the number of TLE in three categories of land forces deployed within a territorial unit, usually a state’s territory, irrespective of whether these are national or foreign forces. States are allowed to raise their national and territorial ceilings unilaterally by 20 per cent within a five-year period. Both ceilings together, spread over the whole area of application, create – at least in principle – a kind of territorial network that enhances stability and the

5 Ibid., Article II, 1 (A). According to Article IV, 1, the number of TLE for each group of states parties is not to exceed 20,000 battle tanks, 30,000 armoured combat vehicles (ACV), 20,000 pieces of artillery, 6,800 combat aircraft, and 2,000 attack helicopters.

6 *Final Document of the First Conference to Review the Operation of the Treaty on Conventional Armed Forces in Europe and the Concluding Act of the Negotiation on Personnel Strength*, Vienna, 15-31 May 1996, at: http://www.osce.org/documents/doclib/1996/95/13755_en.pdf, p. 5.

7 Cf. *Agreement on Adaptation of the Treaty on Conventional Armed Forces in Europe*, 19 November 1999, at: http://www.osce.org/documents/doclib/1999/11/13760_en.pdf (CFE Adaptation Agreement); *Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe*, 19 November 1999, at: http://www.osce.org/documents/doclib/1999/11/13761_en.pdf (CFE Final Act).

8 *CFE Adaptation Agreement*, Article 1.

9 Cf. *ibid.*, Articles 5 and 6.

ability to defend, while at the same time limiting military flexibility and capabilities for offensive action.

Precisely this relationship between stability on the one hand and military flexibility on the other developed into the main bone of contention during the ACFE negotiations. In June 1998, the NATO states, mainly driven by US aspirations, proposed two variants of a specific flexibility instrument called "Temporary Deployment".¹⁰ According to those proposals, under a "Basic Temporary Deployment" a state is allowed to exceed its territorial ceilings by 153 tanks, 241 armoured combat vehicles (ACVs), and 140 pieces of artillery. Under an "Exceptional Temporary Deployment", a state is even allowed to exceed its territorial ceilings by three times as many TLE, i.e., 459 tanks, 723 ACVs, and 420 pieces of artillery. This rule is applied on a state-by-state basis and can thus be used by several states at the same time. The term "temporary" was not defined in any way, thus leaving open how long a temporary deployment could last.

Originally, the Russian Federation was not prepared to agree to such a high level of flexibility, calculating that NATO, using all its flexibility instruments, could raise its holding in the three new NATO states, the Czech Republic, Hungary, and Poland, by 1,799 tanks, 4,142 ACVs, and 2,142 artillery pieces.¹¹ Thus, the negotiations reached a critical stage leaving only three options on the table: *first*, a weakening of the flexibility instruments, and particularly temporary deployment; *second*, a renunciation by some states of the option of using some of these instruments; *third*, a further decrease of the territorial ceilings of some Central European states.

As the US was not ready to tone down the flexibility instruments, a solution was found by combining the second and third options, whereby the Czech Republic, Hungary, Poland, and the Slovak Republic decreased their territorial ceilings by 1,700 TLE.¹² In addition, these four states, along with Belarus, Germany, and Ukraine, declared that they had no intentions of raising their territorial ceilings.¹³ For Poland, in particular, this was made easier by a Russian declaration that there are "no reasons, plans or intentions to sta-

10 *Proposal on Certain CFE Treaty Mechanisms by the Kingdom of Belgium, Canada, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Republic of Iceland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Spain, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland, and the United States of America*, JCG.DEL/28/98, 22 June 1998.

11 Cf. Wolfgang Zellner, *Der KSE-Vertrag – Anpassung an veränderte strategische Bedingungen* [The CFE Treaty – Adapting to Changed Strategic Conditions], in: *Die Friedenswarte*, 75/2000, 2, p. 193.

12 Cf. *CFE Final Act*, cited above (Note 7), Annex 1, Statement on behalf of the Czech Republic; Annex 2, Statement on behalf of the Republic of Hungary; Annex 3, Statement on behalf of the Republic of Poland; Annex 4, Statement on behalf of the Slovak Republic.

13 Cf. *ibid.*, Annex 6, Statement on behalf of the Republic of Belarus; Annex 7, Statement on behalf of the Czech Republic; Annex 8, Statement on behalf of the Federal Republic of Germany; Annex 9, Statement on behalf of the Republic of Hungary; Annex 10, Statement on behalf of the Republic of Poland; Annex 11, Statement on behalf of the Slovak Republic; Annex 12, Statement on behalf of Ukraine.

tion substantial additional combat forces, whether air or ground forces”¹⁴ in the Kaliningrad and Pskov oblasts. On the basis of all these statements, Russia was ready to accept the stipulations on basic and exceptional temporary deployments that were incorporated in the ACFE Treaty. With respect to regional limitations, the system of concentric zones in the centre of Europe and the sufficiency rule were abolished, while a modified version of the 1996 flank agreement was maintained.¹⁵

The Adapted CFE Treaty reinforces the territorial sovereignty of individual states parties. The right of each state party to decide whether to permit or forbid the deployment of foreign military forces on its territory was reinforced by strengthening the requirements for host nation consent to the presence of foreign forces. A key provision in this respect is that all parties must be notified about whether such consent has been granted.¹⁶ Information exchange and the inspection regime were also strengthened, with the number of inspections being increased by about a third. Following its entry into force, the ACFE Treaty is open for accession by any OSCE participating State with territory within the Treaty’s area of application.¹⁷ This is particularly relevant in view of the fact that the armed forces of the newly admitted NATO states Estonia, Latvia, Lithuania, and Slovenia as well as any foreign armed forces that may be stationed on their territory are not yet limited by the CFE regime.¹⁸

Disagreement over the “Istanbul Commitments”

The ratification and entry into force of the Adapted CFE Treaty has faced substantial problems since 1999. Up to now, only Russia, Ukraine, Belarus,

14 Ibid., Annex 5, Statement on behalf of the Russian Federation.

15 The regional limitations of the 1990 CFE Treaty provided three concentric ceilings in the “centre” of Europe (Article IV) aimed at limiting the concentration of forces at the “front-line”, the inner-German border. An additional flank rule limited TLE in the northern and southern areas (Article V). The sufficiency rule (Article VI), which could only be applied to the Soviet Union, limited the TLE of *one* state party to about one third of the TLE of all states parties. At the 1996 CFE Review Conference, states parties agreed on a new flank rule. Accordingly, the old flank ceilings of the Russian Federation (1,300 tanks, 1,380 ACV, 1,680 artillery pieces) were applied to a considerably smaller area (“new geography and old figures”), while substantially higher ceilings were applied to the old Russian flank region (1,800 tanks, 3,700 ACV, 2,400 artillery pieces), (“old geography and new figures”), (cf. *Final Document of the First CFE Review Conference*, cited above [Note 6], Annex A: Document agreed among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, Articles II and III). In the CFE Adaptation Agreement, the smaller Russian flank region was combined with the ceilings of the 1990 Treaty, with the exception of ACVs, where the ceiling was raised to 2,140 (cf. *CFE Adaptation Agreement*, cited above [Note 7], Article 6, and *Protocol on Territorial Ceilings for Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe*).

16 Cf. *CFE Adaptation Agreement*, cited above (Note 7), Articles 2 (3) and 14 (2).

17 Cf. *ibid.*, Article 18 (1).

18 Especially regarding the ACFE Treaty’s stipulations on Basic and Exceptional Temporary Deployments, which apply to every single State.

and Kazakhstan have ratified the treaty. While the major obstacle between 1999 and 2001 consisted in the fact that Russian holdings in the flank area substantially exceeded both the flank ceilings agreed in 1996 and those of the ACFE Treaty, after the 2002 NATO Prague summit, Russia's unfulfilled commitment to withdraw its armed forces from Georgia and Moldova has been the main factor preventing the NATO states from ratifying the treaty.

At the time of the signing of the ACFE Treaty, Russian holdings in the flank area (whichever version thereof) substantially exceeded the agreed ceilings. In a statement of 1 November 1999, the Russian Federation had explicitly acknowledged its commitment to comply with all obligations under the treaty.¹⁹ At their ministerial meeting at Florence in May 2000, the NATO states "noted Russia's assurances that this breach of CFE limits will be of a temporary nature and expect Russia to honour its pledge to reduce to CFE limits as soon as possible". They also declared that it "is on this basis that Allies will continue to work towards bringing the Adapted Treaty into force".²⁰ At the end of 2001, Russia declared that it had met the flank ceilings, and at its 2002 Prague Summit, NATO "welcome[d] the significant results of Russia's effort to reduce forces in the Treaty's Article V area to agreed levels".²¹ This removed the first obstacle to ratification.

The second and, as further developments were to show, more substantial impediment to the ratification of the ACFE Treaty by NATO states has consisted in the Russian Federation's failure to fulfil its commitment to withdraw its forces from Georgia and Moldova – the so-called Istanbul commitments. These are derived from the Istanbul Summit Declaration, in which the participating States "welcome the commitment of the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002".²² Russia's commitment to withdraw its forces from Georgia is contained in a "Joint Statement of the Russian Federation and Georgia" annexed to the CFE Final Act, in which it pledged to reduce its TLE located in Georgia to 153 tanks, 241 ACV, and 140 artillery pieces by 31 December 2000, to withdraw all TLE from its military bases at Vaziani and Gudauta by 31 December 2000, and to disband these two military bases by 1 July 2001. Further on, the two sides declared their intention to "complete negotiations regarding the duration and modalities of the functioning of the Russian mili-

19 Cf. *CFE Final Act*, cited above (Note 7).

20 NATO, *Ministerial Meeting of the North Atlantic Council held in Florence on 24 May 2000, Final Communiqué*, paragraph 51, at: <http://www.nato.int/docu/pr/2000/p00-052e.htm>.

21 NATO, *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, paragraph 15, at: <http://nato.int/docu/pr/2002/p02-127e.htm>.

22 Istanbul Summit Declaration, in: Organization for Security and Co-operation in Europe, *Istanbul Summit 1999, Istanbul Document 1999*, PCOEW389, January 2000/Corr., paragraph 19, at: http://www.osce.org/documents/mcs/1999/11/4050_en.pdf.

tary bases at Batumi and Akhalkalaki and the Russian military facilities within the territory of Georgia”²³ during the year 2000.

The NATO states’ current position that they will only be willing to ratify the ACFE Treaty after Russia has fulfilled its Istanbul commitments emerged only three years after Istanbul at the 2002 NATO Prague summit meeting. At their 2000 ministerial meeting in Florence, NATO states had declared that they were “look[ing] for early and effective implementation of Russia’s commitments to reduce and withdraw its forces from Moldova and Georgia”²⁴ without having linked this issue to ratification of the ACFE Treaty. The German government’s annual disarmament report for 2002 goes even further and explicitly argues for a decoupling of the ratification issue from the Istanbul commitments: “But some states are also insisting on the fulfilment by Russia of these non-CFE-relevant commitments [author’s note: withdrawal from Georgia and Moldova] contained in the Istanbul Document. This would make the ratification of the adaptation agreement dependent upon the solution of some issues of rather less importance, and there would be a danger that the entry into force of the arms control agreement, which is of such basic importance for the security and stability of the whole European continent, would be delayed or even made impossible.”²⁵ And precisely this has come to pass: At the 2002 Prague NATO Summit, Germany was apparently unable to uphold its position, and NATO states made the following statement: “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.”²⁶ Thus, the NATO states created a firm link between their ratification of the treaty and the withdrawal of Russian forces from Georgia and Moldova – something that has been vehemently rejected by Russia. In this way, the NATO states tried to use the ratification of the ACFE Treaty as leverage to achieve the withdrawal of the Russian forces, and, furthermore, indirectly as a means to solve the related territorial conflicts in Georgia and Moldova.

In the context of this contribution, it is not possible to follow in detail the painstaking debate on the withdrawal of the Russian armed forces from Georgia and Moldova that has taken place since 1999. The current state of affairs is that after years of blockage, the withdrawal of the Russian armed forces from Georgia in accordance with a Georgian-Russian agreement from March 2006 has been completed one year ahead of schedule. The remaining

23 *CFE Final Act*, cited above (Note 7), Annex 14: Joint Statement of the Russian Federation and Georgia.

24 NATO, *2000 Florence Ministerial Meeting*, cited above (Note 20), paragraph 15.

25 *Bericht der Bundesregierung zum Stand der Bemühungen um Rüstungskontrolle, Abrüstung und Nichtverbreitung sowie über die Entwicklung der Streitkräftepotentiale (Jahresabrüstungsbericht 2002)* [Report of the Federal Government on the State of the Arms Control, Disarmament, and Non-Proliferation Efforts and on the Development of Military Potential (Annual Disarmament Report 2002)], Berlin 2002, p. 87 (author’s translation).

26 NATO, *Prague Summit Declaration*, cited above (Note 21), paragraph 15.

difficulties are the presence of Russian (CIS) peacekeeping forces in Abkhazia and South Ossetia, and the handing over of the military base in Gudauta, which is situated in Abkhazia and therefore not under Georgian control. In this case, an OSCE fact-finding mission, as proposed by Germany, might help.²⁷ In Moldova (Transdniestria), there is still a Russian depot containing about 20,000 tons of ammunition as well as Russian guards.²⁸ There are also Russian (CIS) peacekeeping troops in Transdniestria. A specific problem on NATO's side consists in the fact that the NATO states do not agree on whether these Russian peacekeeping forces fall under the Istanbul commitments. While, the US, the UK, Romania, Poland, the Czech Republic, and the Baltic states, among others, say that they do, Belgium, Germany, France, Italy, Luxembourg, and several others are of the opposite opinion. However, more recently the US has shown considerable flexibility on the issue of the Istanbul commitments in general and the peacekeeping forces in particular.

All in all, the NATO states' linking of the fulfilment of the Istanbul commitments and the putting into force of the ACFE Treaty has proven to be a serious miscalculation. While it has effectively delayed the ratification and entry into force of the ACFE Treaty and might even contribute to the destruction of the whole CFE Treaty regime, it has neither facilitated the withdrawal of the Russian armed forces from Georgia and Moldova nor the resolution of the related territorial conflicts there.

Russia's Threat to Suspend CFE – End of the “Cornerstone of European Security”?

After the Extraordinary Conference of the CFE states parties on 12-15 June 2007 had failed to find a solution, Russia's President Putin issued a decree on 13 July considering the suspension of the CFE Treaty. This step was substantiated by means of a number of “exceptional circumstances” and related demands that go far beyond the ratification of the ACFE Treaty by the NATO states. In more detail, the decree addresses the following questions:²⁹

- The decree criticizes the “failure of Bulgaria, Hungary, Poland, Romania, Slovakia and the Czech Republic to make the necessary changes

27 Cf. *Bericht der Bundesregierung zum Stand der Bemühungen um Rüstungskontrolle, Abrüstung und Nichtverbreitung sowie über die Entwicklung der Streitkräftepotenziale (Jahresabrüstungsbericht 2006)* [Report of the Federal Government on the State of Arms Control, Disarmament, and Non-Proliferation Efforts and on the Development of Military Potential (Annual Disarmament Report 2006)], Berlin 2006, p. 43, at: <http://www.auswaertiges-amt.de/diplo/de/Infoservice/Broschueren/ABRBericht2006.pdf>.

28 Cf. *ibid.*

29 All quotations in the following enumeration are from the Russian decree on suspending the CFE Treaty, cited above (Note 1).

in the composition of group of states party to the Treaty on the accession of these countries to NATO”.

- It mentions the “negative impact of the deployment of America’s conventional forces in Bulgaria and Romania” and asks for the elaboration of a “common understanding of the term ‘substantial combat forces’”. The background for this claim are statements by NATO that it will not station “substantial combat forces” in newly admitted NATO states.
- Russia criticizes the failure of NATO states to ratify the ACFE Treaty and demands “the coming into force or at least starting to apply the interim Adapted Treaty no later than 1 July 2008”.
- Russia finds fault with the “failure of Hungary, Poland, Slovakia and the Czech Republic to comply with commitments accepted in Istanbul to adjust their territorial ceilings”. Indeed, these states have not yet notified their territorial ceilings. However, the precondition for that would be the entry into force of the Adapted CFE Treaty.
- Russia notes that “Estonia, Latvia and Lithuania’s failure to participate in the CFE Treaty has adverse effects on Russia’s ability to implement its political commitments to military containment in the northwestern part of the Russian Federation” and asks for the inclusion of the three Baltic states in the CFE Treaty regime. This is only possible after the ACFE Treaty has entered into force.
- The Russian Federation demands “the reduction of the permissible [...] Treaty-limited equipment for NATO countries in order to compensate for the widening of the NATO alliance”. This equates to the reintroduction of the outdated idea of an East-West balance of armed forces, something that the ACFE Treaty was intended precisely to overcome.
- Finally, in line with earlier requests, Russia is demanding the “abolition of flank restrictions on Russian territory”.

The Russian Federation threatened to suspend the operation of the treaty if these demands are not addressed within 150 days, that is by 12 December 2007. Two informal conferences of the CFE states parties plus the newly admitted NATO states of Estonia, Latvia, Lithuania, and Slovenia in October and November 2007, convened on the joint initiative of France and Germany, provided a lot of ideas, but no breakthrough. And although the US had shown much more flexibility on the Istanbul commitments in the weeks prior to the 2007 OSCE Ministerial Council meeting on 29/30 November, negotiations there also failed. President Putin put his decree, which had been approved by the parliament in November, into force on 30 November, while the Ministerial Council meeting was taking place. However, Russia indicated that it remains ready to negotiate even after the 12 December deadline has passed.

The Russian move seems to be a result of more than domestic factors. Certainly, the coming parliamentary and presidential elections provide an op-

portunity for the Russian president to make a show of strength. And the growing authoritarianism within the Russian Federation together with its strengthened resource base definitely have an impact on the hardened position it has been adopting in regional conflicts. However, the key factor is rather Russia's increasingly troubled relations with the Western countries, and the US in particular. Seen from a Russian perspective, the West under the leadership of the US has revived a policy of politico-military containment of Russia, implemented by means of further rounds of NATO enlargement, forward deployment of US armed forces, and the project of a global missile defence shield, with elements deployed in Europe. Thus, the Russian threat of suspending the CFE Treaty is more an attempt to escape from a situation perceived as unacceptable than an offensive step. And, as so often with Russia, it is more a reaction than part of a deliberate strategy. After all, it is Russia that has to expect the most severe disadvantages from the collapse of the CFE regime.

Forward into the Past? The Threat of a Redivided Europe

The Cold War was not a unique period that can be isolated from the broader course of history, but was only one, if extremely aggravated, *form* of Europe's East-West divide. The *substance* of this divide, which has been valid for centuries, has more to do with varying levels of social and political modernization, including related dimensions such as dominant values and the character of society and state institutions. It is therefore wrong to ask whether the deepening dividing lines in Europe are leading to a return of a bipolar confrontation comparable with the Cold War. Of course they are not, if only because the emergence of China and India will not allow any return to a bipolar global constellation. The question is rather that of how Europe's existing dividing lines – and they will still exist for a long period – are politically managed, whether they are deepened or ameliorated by bonds of co-operation. And it is in this context that the future of the CFE regime matters, primarily in a political sense.

Although it is difficult to anticipate possible scenarios for the further development of the CFE regime and their consequences for the broader European context and *vice versa*, some preliminary conclusions can be drawn.

First, there is no way back to the old 1990 CFE Treaty, neither in a political sense nor in terms of implementation. If the CFE Treaty has any future, then it must be in the form of the adapted 1999 version, probably also including additional new elements.

Second, until 2006, it would have been possible to ratify and bring into force the ACFE Treaty without inciting further Russian demands. Now, the long delay in ratification on the part of the NATO states has provoked Russia

to ask for more. It seems rather unlikely that it will be possible to successfully decouple these demands from the ratification issue.

Third, as the 12 December deadline approached, the US showed far more flexibility on the Istanbul commitments, including the issue of the Russian peacekeeping forces. In only a few weeks, a solution appeared to be emerging with regard to this matter, which had been treated as a holy cow for eight years. It appears that the US neither wanted to be held responsible for the failure of CFE nor to strain good relations with Russia, which were needed for dealing with other conflicts, including the situation in Iran. Unfortunately, however, positions on Russia's three additional key demands have remained entrenched. First, although the US is not particularly interested in the flank rule, Turkey definitely is, while Norway has shown much more flexibility. Second, it is difficult to imagine that NATO could accept the Russian idea of a NATO alliance ceiling, which amounts to a regression to the old pre-1990 bloc-based concept. And third, the Russian demand for immediate provisional application of the ACFE Treaty is difficult to fulfil, because this would require new legislation in most NATO countries. It is rather ironic that, just as the Istanbul commitments that have delayed the ratification of ACFE since 1999 have become solvable, other and currently more difficult obstacles have emerged.

Fourth, the suspension of the CFE Treaty, not to mention a complete breakdown of the treaty regime, will entail a number of consequences, some of them immediate, others developing over time:

- Information exchange and inspections will stop. That means the end of co-operative transparency in favour of unilateral transparency for those who have satellites – a severe blow for a co-operative security policy in Europe.
- As the actual holdings of almost all states parties are significantly below their national ceilings, there is little concern that the suspension or breakdown of the CFE regime might lead to a general build-up in the five TLE categories. However, what could happen is that sub-regional re-concentrations of armed forces could emerge, particularly in the southern flank zone, as well as in the Kaliningrad and Pskov oblasts.
- Related to this, it is an open question how long the political commitments annexed to the CFE Final Act will survive a longer period of suspension of the CFE Treaty.

All in all, there is a serious danger that the treaty regime will gradually start to unravel during a protracted period of suspension. There might be only a window of opportunity of a few months before the CFE Treaty collapses.

Fifth, the collapse of the CFE regime would make the Vienna Document 1999 (VD 99) highly vulnerable, thereby undermining the whole system of

co-operative security in Europe. All the more so as this key document of arms control in the OSCE's own sphere of competence is outdated in large parts, and NATO states are reluctant to discuss Russian proposals on its adaptation to a changed environment. Compared with the VD 99, the rest of the OSCE arms control *acquis* – with the exception of the primarily normative Code of Conduct on Politico-Military Aspects of Security – is of secondary importance. Thus, if CFE fails and the VD 99 comes under pressure, the OSCE will lose one of its last working fields in which the Russian Federation is still interested, namely arms control. This would leave it more or less entirely focused on the human dimension, something a number of participating States including Russia are not at all interested in.

Sixth, there is declining interest in arms control in a number of European capitals and in the US. It would be more than optimistic to expect that this will substantially change under the next US president. Against this background, it will be interesting to see whether the crisis of European arms control will serve to stimulate those who have dismissed the whole field or rather those who are willing to defend and reconstitute it. Despite recent appearances of greater flexibility, the chances of such an initiative coming from the US are rather small. Consequently, the EU states must act far more decisively if they want to maintain what they have in brighter times called a “cornerstone of European security”. The worst possible scenario would be for the CFE Treaty regime to come to an end with a whimper, and without any attempt at an organized effort to maintain this key element of the European arms control regime.

All in all, there is a danger that a growing number of dividing lines between East and West are acting in mutually reinforcing ways without being neutralized – or at least mitigated – by cross-cutting bonds of co-operation. It is hard to deny that there is a normative divide between Russian and other CIS states on the one hand and the West on the other. This is already being aggravated by differences over regional conflicts and concerns relating to energy security. In this environment, the breakdown of one key element of the existing European regime of co-operative security might have a negative catalytic effect – far less in a narrow military sense than in a broader political one – and could lead to an overall perception of a re-divided European continent. Another source of deepening tension with Russia (but not only with Russia) is also looming: the possibility of a unilateral declaration of Kosovan independence. Whether the CFE states parties, and particularly the EU states, will be able to defend the CFE Treaty in such an environment will become a test of their commitment to effective multilateralism.

The Effects of the Kosovo Status Negotiations on the Relationship Between Russia and the EU and on the De Facto States in the Post-Soviet Space

Introduction

International visitors travelling to Abkhazia only two years ago to discuss the resolution of the status of the republic, which had been *de facto* independent for years, but without international recognition, were often amazed to discover that the Kosovo status negotiations were playing a key role in the Abkhazian arguments. Up to then, trans-regional status comparisons had only been common in academic circles, as part of efforts to develop strategies for solving the various ethno-political conflicts.¹ By contrast, inter-regional parallels have barely played a role in the political negotiations. With regard to the post-Soviet area, this is unlikely to remain the case for long.

Altogether, there are four unresolved ethno-territorial conflicts in the region: Georgia is struggling to bring about the reintegration of the break-away regions of Abkhazia and South Ossetia; Nagorno-Karabakh is *de facto* independent of Azerbaijan; and the Republic of Moldova has effectively lost all influence over Transdniestria. These four quasi-states have recognized each other and sometimes playfully refer to themselves as the SNG-2 (the “second CIS”) or NATO-2.² Their status negotiations are closely interconnected, although the backgrounds to the various conflicts are quite different, and the status being sought is not that of full independence in every case. Nonetheless, because the status of all four is unsettled, Abkhazians, South Ossetians, Transdnistrians, and Karabakh Armenians share an emotional bond. They also share a common sympathy for all other peoples struggling to achieve self-determination, autonomy, and independence, such as the Chechens and Kosovo Albanians.

The link with Kosovo took on a new relevance in 2005 with the appointment of Martti Ahtisaari as the UN Secretary-General’s Special Envoy

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- 1 On Abkhazia, cf. e.g. Natela Akaba, The Swiss Experience and Prospects for a Peaceful Abkhazian-Georgian Peace Settlement, in: Bruno Coppieters/David Darchiashvili/Natela Akaba (eds), *Federal Practice. Exploring Alternatives for Georgia and Abkhazia*, Brussels 2000, pp. 75-89; David Darchiashvili, Swiss Federalism: Lessons for Georgian-Abkhazian Relations, in: *ibid.*, pp. 61-67. The usual references to the Åland Islands and the Sami people can be found, for instance, in: Tim Potier: *Conflict in Nagorno-Karabakh, Abkhazia and South Ossetia. A Legal Appraisal*, The Hague 2001, especially pp. 54ff.
 - 2 SNG-2 is a play on words: The Russian for Commonwealth of Independent States (CIS) is *Sodruzhestvo Nezavisimykh Gosudartsv* or SNG, while SNG-2 stands for *Sodruzhestvo Nepriznanykh Gosudartsv* (Community of Unrecognized States). The less common designation NATO-2 stands for Nagorno-Karabakh, Abkhazia, Transdniestria, and South Ossetia.

for Kosovo. He was tasked with conceiving of a solution to the question of Kosovo's status, and thereby closing the last chapter in the history of the break-up of Yugoslavia.³ The possibility of Kosovan independence was already explicitly raised in early 2006. This was followed by an avalanche of press releases in which the Russian government let it be known that, firstly, Kosovan independence went against Serbia's interests and was therefore unacceptable, and, secondly, that if Kosovan independence were to receive international recognition, Russia would respond by recognizing the independence of other *de facto* states, namely Abkhazia, South Ossetia, and Transnistria. When, in February 2007, Ahtisaari presented his long-awaited proposal on the future settlement of the status of Kosovo, the sides hardened in their positions.⁴

It has so far not proved possible to bring a new joint resolution on Kosovo to a vote at the UN Security Council, as Russia has threatened to use its permanent member's veto if the interests of Serbia were not taken into consideration. The precise background of this blocking tactic and its effect on relations between Russia, the USA, and Europe will be explored below. Particular attention will be paid to the potential consequences of the Kosovo status debate for the unresolved status of territories in the former Soviet space.

The Kosovo Status Question

Referring to the commitment made in Security Council Resolution 1244 to facilitate a political process to resolve the Kosovo status question, Ahtisaari announced in November 2006 that he was ready to put forward a proposal for the definitive resolution of the Kosovo status issue.⁵ In fact, however, he was unable to present his proposal to the UN Security Council until 25 March 2007. The delay was caused by the Serbian elections, which were due to take

3 What is entirely ignored here is that despite Montenegro's recent amicable separation from Serbia, ethno-political differences within the former Yugoslavia remain. The most important example is the Republika Srpska within Bosnia and Herzegovina, which, artificially created by ethnic cleansing and effectively uncoupled from the political and administrative influence of Sarajevo's political and administrative apparatus, is seeking independence or integration in Serbia.

4 Cf. United Nations Security Council, *Letter Dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council. Addendum: Comprehensive Proposal for the Kosovo Status settlement*, S/2007/168/Add.1, 26 March 2007; idem, *Letter dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council, Report of the Special Envoy of the Secretary-General on Kosovo's future status*, S/2007/168, 26 March 2007. Available online at: http://www.unosek.org/docref/Comprehensive_proposal-english.pdf and <http://www.unosek.org/docref/report-english.pdf>, respectively.

5 On the initiation of the political process, see: United Nations Security Council, *Statement by the President of the Security Council*, S/PRST/2005/51, 24 October 2005.

place on 21 January 2007.⁶ The Serbian government had expressly stated that it would not accept any proposals that could lead to Kosovan independence.⁷ In order to head off potential protests from the outset, Ahtisaari explicitly avoided mentioning “independence”, but he also made no mention of the “territorial integrity of Serbia”.⁸ Moreover, Kosovo was not given a designation in constitutional law, and was referred to neither as a potential “state” nor as a “province”. The plan called for a long-term international presence to place limits on Kosovan independence.

All these precautions notwithstanding, the Ahtisaari plan led to a negotiating impasse that lasted for months. This despite the fact that many of the proposals it made were not new. As early as 2003, the Center for Strategic and International Studies (CSIS) in Washington, D.C., had already warned against further delays in answering the status question, which would not only continue to endanger the security situation in Kosovo, but also hampered the consolidation of Serbian statehood. The CSIS argued that Kosovan independence was the only acceptable solution.⁹ In January 2005, the International Crisis Group (ICG) called upon the international community to recognize Kosovo as an independent state and to enter into diplomatic relations.¹⁰ Finally, only a few months later, the International Commission on the Balkans appealed for a four-step process that would lead to independence for Kosovo.¹¹ In the Commission’s view, *de facto* separation from Serbia should be followed by independence but not full sovereignty. The same body also supported the view that the international community should retain “ultimate supervisory authority”,¹² at least in the areas of human and minority rights, but should hand over responsibility for day-to-day administration to the government of Kosovo, with UNMIK’s tasks being given to the EU. Both of these points were taken up in the Ahtisaari plan.¹³ The Commission’s pro-

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- 6 The announcement of the impending proposal already had a negative effect on the election. For more details, see: Serbiens Regierung boykottiert UNO-Vermittler und Kosovo-Plan [Serbia’s Government Boycotts UN Mediator and Kosovo Plan], in: *NZZ*, 28 January 2007.
 - 7 Cf. Craig S. Smith, Serbia Rejects Plan that Could Lead to Kosovo Independence, in: *New York Times*, 2 February 2007.
 - 8 Cf. UN News Service, *Kosovo has the right to govern itself, join international bodies under UN plan*, 2 February 2007. In his report on the status issue, however, Ahtisaari declared Kosovan independence to be the only realistic long-term solution. Cf. *Report of the Special Envoy of the Secretary-General on Kosovo’s future status*, cited above (Note 4).
 - 9 Cf. Janusz Bugajski/Bruce R. Hitchner/Paul Williams, *Achieving a Final Status Settlement for Kosovo*, Washington, D.C., April 2003, pp. 2 and 4ff.
 - 10 Cf. International Crisis Group, *Kosovo: Toward Final Status*, Europe Report No. 161, 24 January 2005.
 - 11 Cf. International Commission on the Balkans, *The Balkans in Europe’s Future*, Sofia, April 2005, at: <http://www.balkan-commission.org/activities/Report.pdf>, especially pp. 20-23.
 - 12 *Report of the Special Envoy of the Secretary-General on Kosovo’s future status*, cited above (Note 4), p. 8.
 - 13 In contrast to the Ahtisaari plan, which proposes a 120-day transition period, the Commission names no definite time period. See: *Report of the Special Envoy of the Secretary-General on Kosovo’s future status*, cited above (Note 4), p. 8.

positional went as far as to suggest that Kosovo be granted EU candidate status in the third phase of the planned development process. In the fourth stage, it was to become an EU member state.

However, only with the release of Ahtisaari's report and the resulting delegation of the decision-making process to the United Nations Security Council did the international community see itself as duty bound to resolve the status of Kosovo once and for all. Instead of "conditioned independence", the target was now to bring about "supervised sovereignty". This was a change from the 1999 Rambouillet Agreement and Resolution 1244, which was based upon the former. While the old arrangement did allow for the option of a referendum on independence, it would not be binding under international law.¹⁴ UNMIK had also thus far excluded the question of independence from its competencies. The Standards Implementation Plan rests upon the motto of the then Special Representative of the UN Secretary-General, Michael Steiner: "standards before status",¹⁵ which prioritized the following eight areas: democratic institutions, rule of law, options for refugee return, freedom of movement, economy, property rights, dialogue between the Provisional Institutions of Self-Government (PISGs) and Belgrade, and the establishment of a Kosovo Protection Corps.¹⁶ Implementing these standards is proving particularly difficult, as the ethnic groups in Kosovo cannot even agree among themselves on practical matters such as the framing of community rights or the protection of cultural treasures.

The Real Situation in Kosovo

According to the UNDP, 96 per cent of the Albanian population and 89 per cent of the total population of Kosovo are in favour of independence. By contrast, 86 per cent of Kosovo's Serbian population take the view that Kosovo should have no more than autonomy within the Republic of Serbia.¹⁷ Both the possibility and ultimately the success of independence will depend decisively on political, economic, and security policy factors. As the unrest of March 2004 demonstrated, precisely the precarious security situation and the inadequate protection provided to minorities (in this case, above all the Serbian) are proving to be barriers.¹⁸ However, the majority of Kosovo Alba-

14 Cf. *The Rambouillet Accords*, Interim Agreement for Peace and Self-Government in Kosovo, Rambouillet, France, 23 February 1999.

15 In his speech to the UN Security Council on 24 April 2002, however, Michael Steiner did not directly utter the phrase, which was soon thereafter to become a guiding principle of UN Kosovo policy. The CSIS version of the formula was "status with standards", cf. Bugajski et al., cited above (Note 9), p. 6.

16 The *Standards Implementation Plan* is available at: http://www.unmikonline.org/pub/misc/ksip_eng.pdf.

17 Cf. *UNDP Early Warning Report Kosovo*, No. 16, at: http://www.kosovo.undp.org/repository/docs/EWR16_eng%5Bfinal%5D.pdf, pp. 13 and 18.

18 Cf. Predrag Jureković, *Ziele, Befürchtungen und Anfangsoptionen der einzelnen Akteure* [Goals, Fears, and Opening Options of the Individual Actors], in: Erich Reiter/Reinhard

nians already perceive independence as a self-evident process, something to which they barely need to actively contribute any more. In view of the desolate state of the economy, they are now occupied in ensuring their survival.¹⁹ The unemployment rate is roughly 70 per cent. Young people, in particular, are being driven abroad, where they can hope for better opportunities.

Kosovo is irrevocably divided. Some 100,000 Serbs still live there, most of them in the municipalities of Zvečan, Zubin Potok, and Leposavić, in the north of the province. The northern part of the city of Mitrovica also has a Serbian majority. The Kosovo Albanians already fear the creation of a new Republika Srpska within Kosovo, as the above-named regions are practically no longer under Priština's control.²⁰ If Kosovo becomes independent, the Kosovan Serbs are threatening to officially declare their territory a part of Serbia. The international community, however, has rejected the option of dividing Kosovo. After the announcement of the Ahtisaari proposal, the number of Serbs leaving Kosovo to settle in Serbia rose once again.²¹ The multiethnic Kosovan society favoured by the Ahtisaari proposal is no longer a social or an administrative reality in Kosovo. The decentralization of Kosovo as required by the Standards Implementation Plan appears absurd as a result, as it does not take into account real developments on the ground.

The De Facto States in the Post-Soviet Space

Abkhazia, South Ossetia, Nagorno-Karabakh, and Transdniestria are the four "quasi-states" in the post-Soviet area whose official status remains unresolved to this day. Until the collapse of the Soviet Union, they were either Autonomous Republics (*Avtonomnaya Respublika*) or Autonomous Oblasts (*Avtonomnaya Oblast*) within one of the Soviet Republics. When the republics declared independence, these regions also sought greater autonomy. Violent conflicts were the result, and these were ended by ceasefire agreements that did not resolve the status of the territories. Since Georgia, Azerbaijan, and Moldova no longer have any real influence in the various "quasi-states", the latter are effectively independent, even if they do not enjoy international recognition.

Selten (eds), *Zur Lösung des Kosovo-Konfliktes. Die Anwendung der Szenariobündelanalyse im Konfliktmanagement* [Solving the Kosovo Conflict. The Application of Scenario Bundle Analysis in Conflict Management], Baden-Baden 2003, pp. 73-102, here: p. 80.

19 This is the conclusion reached by, among others, the UNDP, in: *UNDP Early Warning Report Kosovo*, cited above (Note 17), pp. 25ff.

20 This is also discussed in: ICG, *Kosovo Status: Delay Is Risky*, Europe Report No. 177, 10 November 2006, p. 5, and in: ICG, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, Europe Report No. 182, 14 May 2007, p. 29. On the situation in Bosnia and Herzegovina, see, for example: *NZZ online*, 'Vollendete ethnische Säuberung in Bosnien?' [Ethnic Cleansing in Bosnia Completed?], 20 October 2006.

21 Cf. interviews conducted by the ICG in Serbian regions of Kosovo: ICG, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, cited above (Note 20), pp. 32ff.

As a result of similarities in the ways they have developed, these *de facto* states are often compared in academic and political discourse. There are, however, crucial ethno-political, legal, and economic differences, which will and must have an affect on the status settlements reached in each case. Ultimately, this is a result of differences in the goals being pursued by the governments of the various *de facto* states: Abkhazia and Transdniestria are demanding full independence; Nagorno-Karabakh would prefer union with Armenia and the creation of a corridor to link them; while South Ossetia is in favour of union with North Ossetia in the Russian Federation. In the meantime, however, all the *de facto* states are campaigning for independence, in order to strengthen their positions and better support each other.

In each case, the following points remain unresolved: a) the protection of the territorial integrity of the nation state, b) the future status of the *de facto* state, and c) refugee return and reparations. The conflict parties have so far seen points a) and b) as incompatible. This is partly based on the fact that the right to self-determination is not unambiguously defined in the currently applicable international law.²² The majority of analysts focus on the standard international formula, according to which the territorial integrity of states such as Azerbaijan, Georgia, and Moldova must be protected unconditionally, and stress that Kosovo is “a unique case that demands a unique solution”.²³ However, it is not only Kosovo that is forcing the international community to re-examine the contradiction in international law between the right to territorial integrity and the right to self-determination again and again.²⁴

Analysts are therefore continually proposing “common state” solutions as a compromise, though none has yet made any impact in practice.²⁵ In 1998, for instance, the Minsk Group presented a new peace plan for Nagorno-Karabakh based upon a “common state” model that had this time

22 The reluctance to make self-determination a generally applicable principle is largely based upon the fear of triggering a kind of chain reaction or domino effect that would require multi-ethnic states such as Georgia to explain why some ethnic groups are granted the right to self-determination and others are not. A pro-Serbian position with regard to this issue can be found in: Raju G.C. Thomas, Kosovo's Status in Global Comparative Context, in: *Review of International Affairs* (Belgrade), No. 1122, April-June 2006, pp. 3-12. See also the Russian defence minister, Sergei Ivanov, on 9 February 2007, quoted by the Interfax news agency: *Moves toward sovereignty for Kosovo extremely dangerous – Ivanov*, at: http://www.interfax.ru/e/B/politics/28.html?id_issue=11674770.

23 These were Ahtisaari's words, cf. *UN News Service*, UN envoy on Kosovo's status says “independence is the only option”, 26 March 2007. In the same place, Ahtisaari also said that Belgrade's insistence that Kosovo should be seen as a permanent part of the Serbian state along with Priština's ultimatum demanding independence left no alternative to his proposal.

24 Nagorno-Karabakh's right to self-determination in terms of international law has been analysed and supported by, among others, Otto Luchterhandt; cf. Otto Luchterhandt, *Das Recht Berg-Karabachs auf staatliche Unabhängigkeit aus völkerrechtlicher Sicht* [The Right of Nagorno-Karabakh to Independence from the Perspective of International Law], in: *Archiv des Völkerrechts*, vol. 31, Tübingen 1993, pp. 30-81.

25 Particularly interesting on this aspect, though for various reasons completely ignored in the practical negotiations, is Potier, cited above (Note 1).

been proposed by Russia. While this plan envisages non-hierarchical structures between Azerbaijan and a *de facto* independent Nagorno-Karabakh, it excludes the unilateral secession of the province from Azerbaijan.²⁶ The proposal was welcomed by Yerevan and Stepanakert but rejected by Baku.²⁷

The “common state” approach also played a key role for a while in Georgian-Abkhazian negotiations. In 1997, for instance, the then Georgian president, Eduard Shevardnadze, rejected, at the last second, a “union state” solution to the conflict similar to the “common state” approach. Within the envisaged union state, Abkhazia would have become a sovereign subject, but would have had to cede certain key powers to Georgia. Shevardnadze argued at the time that the Georgian people were not yet ready for such a wide-reaching form of federalism. Observers on both sides see this as a critical turn in Georgian-Abkhazian negotiations. While Abkhazia has since insisted on its independence, Georgia is now only prepared to allow Abkhazia an undefined autonomous status within the Georgian state boundaries.²⁸

In the Georgian-South Ossetian and the Transdniestrian conflicts, too, positions have increasingly moved apart over the years. In 2003, on the recommendation of the OSCE Mission in Chişinău, Moldova rejected a Russian proposal that would have upgraded Transdniestria’s status and granted the Russian troops stationed in the region a guaranteed right to remain of 20 years.²⁹ As a result, Moldovan-Russian relations reached their lowest point thus far. The conflict resolution process on the question of Transdniestria’s status has been utterly deadlocked since then.³⁰

What now for the Status Negotiations in Moldova and the South Caucasus?

The causes of the blockages in the conflict resolution processes are as varied as one would expect. The political systems of the South Caucasian republics are particularly likely to include extreme nationalist elements, whose strength is growing as a consequence of increasing economic prosperity, typified by the oil boom in Azerbaijan. This process has generally gone hand in hand with a rapid increase in military spending, which, in the case of Azerbaijan, now amounts to an arms race with Armenia, and has brought with it fears that

26 Cf. Michael Emerson/Nathalie Tocci, *Borderland Europe: Towards a Breakthrough in the South Caucasus over Nagorno Karabakh*, Brussels 2001.

27 According to the Azerbaijani president, İlham Aliyev, the example of Kosovo is irrelevant to Nagorno-Karabakh: *Kosovskaya model' v Karabakhe ne proidet* [The Kosovo Model Does not Fit Karabakh], 22 February 2007, at: <http://www.zerkalo.az/print.php?id=14305>.

28 Source: Conversations held by the author in 2005 in Georgia und Abkhazia.

29 For more on the so-called Kozak Memorandum see: Michael Emerson, *Should the Transnistrian tail wag the Bessarabian dog?* at: http://www.ceps.be/Article.php?article_id=133; ICG, *Moldova's Uncertain Future*, Europe Report No. 175, 17 August 2006, pp. 6 and 15, at: <http://www.crisisgroup.org/home/index.cfm?id=4340&l=1>.

30 On the preliminary status of the Transdniestria negotiations, see also *ibid.*

the Nagorno-Karabakh conflict could again break out into open warfare.³¹ At the same time, the presidential elections due in both Armenia and Azerbaijan in 2008 mean that the conflict resolution process is likely to be put on hold.

In Georgia, Saakashvili had announced at his inauguration that he would make the restoration of his country's territorial integrity – and hence the recovery of the breakaway regions – his government's highest priority, and has repeatedly announced in self-confident terms that he could achieve this goal before the next presidential elections. Yet, despite initial success in Ajaria in 2004 and the subsequent highly controversial police and military manoeuvres in South Ossetia and the Kodori Valley, he has come no closer to realizing his intended goal. One reason for Saakashvili's recent decision to hold early presidential elections on 5 January 2008 is to avert possible disappointment among the Georgian population on this issue. However, another military attempt to retake Abkhazia and South Ossetia for Georgia requires (if only to avoid destroying Georgia's prospects of NATO membership) international consent, particularly from the USA, and this has so far not been forthcoming.

Furthermore, since Saakashvili's election as president, a number of events and developments have led to relations with Russia becoming particularly problematic. Even before the crisis in Georgian-Russian relations in the summer of 2006, it was apparent that the Kosovo status negotiations and the Russian position on them were having a negative influence on the Georgian-Abkhazian conflict settlement process.³² A key aspect of this was the fact that Russia announced that it no longer considered the "Baden Paper", which had so far formed the basis for negotiations in the Georgian-Abkhazian conflict settlement process, to be binding.³³ A similar development could be seen in the way the Georgian-South Ossetian conflict resolution process has developed, when, following the crisis in the summer of 2004, the South Ossetian side declared that the agreements reached so far on the basis of the "Baden Document" were invalid.³⁴

31 For more details, cf. Rexane Dehdashti-Rasmussen, The Conflict over Nagorno-Karabakh: Causes, the Status of Negotiations, and Prospects, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 189-210.

32 For more information on the conflict resolution process under Saakashvili, cf. Marietta König, Not Frozen but Red Hot: Conflict Resolution in Georgia Following the Change of Government. In: *OSCE Yearbook 2006*, cited above (Note 31), pp. 85-96. For a Russian view, see, for example, *Nezavisimaya gazeta*, Pugayushchiy prizrak. Zayavleniyami o nerasprostraneniі kosovskogo pretsedenta Evropa khochet uspokoit' Tbilisi [The Spectre Haunting Georgia: Europe Seeks to Reassure Tbilisi by Declaring It Will not Seek to Make Kosovo a Precedent], 6 February 2007.

33 Cf. Zaal Anjaparidze, Kosovo impedes settlement of Abkhaz situation, *Eurasia Daily Monitor*, 20 March 2006.

34 On the circumstances surrounding the Baden Document, see: Marietta König, The Georgian-South Ossetian Conflict, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 237-249, here: pp. 245-246.

In the meantime, the *de facto* states in the post-Soviet space hope that Kosovo will become independent and that this will have a positive effect on their own status negotiations. In this they are supported by Moscow, as it is only as a result of Russia's threat to respond to Kosovan independence by recognizing Abkhazia, South Ossetia, and Transdniestria – as mentioned at the start – that this status comparison has garnered international attention. So far, geo-strategic and political differences have meant that only a few Western politicians – and only a few Europeans – have perceived a relationship between Kosovo and the *de facto* states in the post-Soviet area.³⁵ Thanks to Russia's unrelenting threat to use its veto, it has not proved possible to find a solution to the Kosovo status question that was satisfactory to all parties. As the negotiations on Kosovo's status drag on, however, the statements made by the presidents of the Eastern European quasi-states have grown ever more cautious. They now say that they no longer want their own futures to depend on the increasingly uncertain outcome of the Kosovo status negotiations. Instead, they say, they must aim to create precedents of their own.³⁶

Nor are Russian statements of intention to recognize other *de facto* states in the case of Kosovan independence simply taken at face value, especially in Abkhazia and Transdniestria. There is too much awareness that Russia is following its own agenda. In prosecuting its conflict with Georgia, Russia encourages and exploits the separatist tendencies in Abkhazia and South Ossetia in order to increase Georgia's dependence on Russia and its failure to reintegrate the two separatist entities, and thereby, among other things, to hamper Georgia's chances of NATO membership.³⁷ On 6 December 2006, the Russian Duma passed two declarations calling on the international community to consider independence for Abkhazia and South Ossetia. While these Duma statements are not binding on Russian foreign policy, they do reveal the political tendencies within the Russian governmental apparatus. Following a meeting of the NATO-Russia Council on 9 February 2007, Russia's minister of defence, Sergei Ivanov, cautioned with regard to the Kosovo status question against opening "Pandora's Box", as this would have "unpredictable consequences".³⁸

35 Cf. Anes Alic, South Ossetia, Kosovo and sustainability, *ISN Security Watch*, 20 November 2006; Reuters Foundation, *Azerbaijan: Kosovo – "an example" for separatist Karabakh*, 17 July 2007.

36 Cf. Svetlana Gamova, Ushchele na dvoikh. Abkhazy gotovy otstaivat svoyu nezavisimost s oruzhiem v rukakh [The Divided Valley. Abkhazia is Prepared to Use Force to Defend its Independence], in: *Nezavisimaya Gazeta*, 19 March 2007; *Civil Georgia*, Abkhaz Official: Sukhumi can not Rely on Kosovo Precedent, 8 June 2006.

37 Cf., for instance, *Civil Georgia*, Tbilisi Downplays Moscow's Statement on S. Ossetia Self-Determination, 2 June 2006.

38 *NZZ*, Russland strikt gegen ein unabhängiges Kosovo [Russia Strictly Against an Independent Kosovo], 10 February 2007.

At the same time, Russia is inconsistent in dealing with the four quasi-states in the post-Soviet area: Russian warnings that independence for Kosovo would require equal treatment of the other status questions never mention Nagorno-Karabakh. This is a result of the simple fact that most of the roughly 170,000 Armenians in Nagorno-Karabakh possess Armenian passports and have their entire ambitions focused on the Republic of Armenia. By contrast, in Abkhazia, South Ossetia, and Transdniestria, between 60 and 90 per cent of the population possess Russian passports, which are therefore also internationally recognized. They count as Russian citizens, and may take advantage of the Russian social security and education systems. Above all, they are entitled to draw Russian pensions. Russia has repeatedly declared that it is responsible for these citizens, and this adds conviction to Russian threats to recognize these entities. The situation is further complicated by the fact that Russia has opened its borders to Abkhazia and South Ossetia, has invested heavily in all three entities, and is their most important trading partner. In early September 2004, the rail connection between Sukhumi and Moscow was even re-established. The selection of the Russian Black Sea resort of Sochi as the venue for the Winter Olympics in 2014 promises an economic upswing for the entire south Russian Black Sea coast – explicitly intended to include Abkhazia.³⁹ Russia is thereby once more offering the *de facto* Abkhaz republic economic opportunities that Georgia had so far been unable to offer. In the absence of attractive economic and political options, however, Abkhazia will turn away from Georgia permanently, and, with the status quo becoming ever more attractive, will become increasingly less interested in status negotiations.

What Russia intends to achieve in the long-term by means of this contradictory policy is unclear. On the one hand, with a view to its own federal structures, Russia wants to prevent the creation of a precedent for secession movements and is therefore threatening to make use of its veto if Serbia's interests are not taken into consideration in resolving the Kosovo status negotiations.⁴⁰ Every Russian statement actually notes that bilateral negotiations between Belgrade and Priština enjoy the highest priority and that the only hope of success is a solution that is satisfactory to all sides, i.e. a win-win solution. This is the only way the status question can be resolved so as to take into account the interests of the Serbian minority. On the other hand, Russia is encouraging the secessionist ambitions of Abkhazia, South Ossetia, and Transdniestria.

While Serbia is calling for a new round of talks, the immediate benefits of this for the Serbian position are doubtful, and it is seen by observers rather

39 Cf. *Ria Novosti*, Moskau stellt Abchasien weitere Investitionen in Aussicht [Moscow Announces Further Investments in Abkhazia], 9 July 2007.

40 Cf. also Press-konferenciya po itogom peregovorov s Federalnym kantslerom FRG Angeloy Merkel [Press Conference on the Results of the Discussions with the Chancellor of the FRG, Angela Merkel], Sochi, 21 January 2007, at: <http://www.kremlin.ru/text/appears/2007/01/116925.shtml>.

as a delaying tactic.⁴¹ Russia and Serbia argue that key aspects of UNSC Resolution 1244 such as the establishment of favourable conditions for refugees who wish to return and the guarantee of minority rights in Kosovo are not in place, and thus that Resolution 1244 has not been implemented in full. These and further points are, according to Russia, more urgent for the time being than the final resolution of the Kosovo status question.

Russia also emphasizes the absolute universality of international law. In the Russian view, Kosovo cannot set a “unique precedent”, as this expression is contradictory. It is not the uniqueness of the case but the universality of international law that must be binding.⁴² It is curious that in all of this argumentation, the secession of Montenegro is never mentioned. Although Serbia recognized the Montenegrin referendum, Russia has completely ignored this case. This makes it clear that ultimately all that is relevant is whether a particular case is defined as a precedent by another state or states.⁴³

The Positions of the International Community

The negotiations on Kosovo’s status are considered to have been completely stalled since June 2007. Until then, there had still been hope in Europe and the USA that Russia could be brought round to support Kosovan independence as envisaged in the Ahtisaari plan if the right offers and concessions were made in other areas. However, in this case, this tried-and-tested method proved fruitless. In the view of the Duma elections that are due on 2 December 2007 and the presidential elections that are set to follow in March 2008, some commentators are already expressing doubts that Russia’s position will change radically before then.⁴⁴ Relations are correspondingly tense between Russia and the permanent members of the UN Security Council that favour Kosovan independence, i.e. the USA, France, and the UK.⁴⁵

41 Cf. Balkan Investigative Reporting Network (BIRN), *Serbia Demands New Talks on Kosovo*, 16 March 2007. Russian demands for a delegation of the UN Security Council to be sent to Kosovo to see the problematic situation on the ground for itself were also seen as a delaying tactic. In fact, a mission was sent to Kosovo for two days at the end of April 2007, though no more far-reaching suggestions have been made. For details, see: United Nations Group Ends Mission to Kosovo Without Clear Plan, in: *New York Times*, 28 April 2007.

42 Putin addresses this explicitly in: Press-konferenciya dlya rossiiskikh i inostrannykh zhurnalistov [Press Conference with Russian and Foreign Journalists] at: http://www.kremlin.ru/appears/2004/12/23/1414_type63380type82634_81691.shtml, 23 December 2004; cf. also Stenograficheskii otchet o sobeshchani s chlenami Pravitelstva [Stenographic Report of a Meeting with Government Representatives], at: <http://www.kremlin.ru/text/appears/2006/01/100820.shtml>, 30 January 2006. Putin used the same words during an online conference on 6 July 2006. For details of the Georgian position, see: *Civil Georgia*, Tbilisi Fears Russia’s Policy of “Universality”, 2 February 2006.

43 See also Sergei Lavrov’s redefinition: *Civil Georgia*, Lavrov: Kosovo sets Precedent, but it is not Replicable, 21 March 2007.

44 Cf. *ISN Security Watch*, Fears abound over stalled Kosovo status, 26 June 2007.

45 Cf. *Deutsche Welle*, Kosovo Question Contributes to EU-Russia Troubles, at: <http://www.dw-world.de/dw/article/0,2144,2576255,00.html>, 5 June 2007.

In recent months, China has also taken the position that Kosovo should remain a part of Serbia. Russia's warning that Kosovan independence would create a precedent is now also being taken seriously by China, especially in view of the disputes between China and Tibet and China and Taiwan. The Chinese position remains correspondingly noncommittal. Nonetheless, it seems certain that China would also add its own veto to that of Russia if the latter is played.

The United States and the United Kingdom had hoped in vain that they would be able to bring the matter to a vote in the Security Council during April and May 2006 while they held the chair consecutively. Russia has rejected every proposal made thus far. In this respect, it is also problematic that the international community cannot point to a "Plan B" that could be turned to in the case of a Russian veto. If there was hope early on that Russia could be persuaded to refrain from using its veto and to abstain from voting in the Security Council, now no proposal is allowed to go to a vote once Russia has voiced disapproval.

For its part, the USA had already announced several times that it would recognize Kosovo bilaterally. But this is not a solution with immediate prospects of success, either, as the EU Kosovo mission envisaged in the Ahtisaari Plan requires the passage of a new Security Council resolution. Nonetheless, the USA is actively supportive of Kosovan independence. On 10 June 2007, during a visit to Albania and Bulgaria, George W. Bush again stressed that there was no alternative. Explicitly in response to this statement, Georgia and Azerbaijan pointed out once more that the Kosovo status debate had absolutely no relevance to the South Caucasus.⁴⁶

Essentially, Kosovo is treated as a European issue, or, more accurately, a European problem. The European Union has very little with which it can counter Russia's objections.⁴⁷ However, a common European foreign policy is urgently needed to deal with this question. Ahtisaari, too, notes in his report that closer relations to European structures are a key motor for the reform process in Kosovo and the further economic development of the region.⁴⁸ The lack of a common European strategy results from divisions within the EU, which have been becoming more visible in recent months, even if officials have been consistent in presenting a common front. The fact is that not all EU member states are clearly in favour of Kosovan independence. In particular, states that are also confronted with separatist movements within their territory are nervous of the influence of Kosovo. The sceptics include

46 Cf. *RFE/RL*, Kosovo: Frozen-Conflict Zones React to Bush's Independence Remarks, 11 June 2007.

47 Cf. *Der Standard*, Pristina droht mit einseitig erklärter Unabhängigkeit [Pristina Threatens a Unilateral Declaration of Independence], 3 July 2007; *RFE/RL*, Kosovo: Stability Pact Head Cites Lack of EU Strategy for Kosovo, 10 October 2005.

48 Cf. *Report of the Special Envoy of the Secretary-General on Kosovo's future status*, cited above (Note 4), p. 3.

Spain, Greece, and Slovakia,⁴⁹ as well as Cyprus, Hungary, Romania, and Bulgaria.

These concerns are treated with the utmost seriousness within the EU. The Secretary-General and High Representative for the Common Foreign and Security Policy, Javier Solana, in particular, has in the past repeatedly criticized secessionist tendencies in Europe. In early October 2006, he declared that Kosovo could certainly create a precedent for Abkhazia and South Ossetia. However, he did not see responsibility for preventing a domino effect as lying with the EU but in the hands of Georgia.⁵⁰

Relations between the EU and Serbia have also become strained in the course of the Kosovo status negotiations. While the Stability and Association Agreement with Serbia is not intended to be brought directly to bear on the Kosovo negotiations, voices in Brussels can be heard saying that Serbia's unwillingness to compromise could certainly hamper its long-term chances of EU membership. Serbia finds this completely unacceptable, as it sees no direct connection between the accession negotiations and the Kosovo debate.⁵¹

Outlook

Criticism of the oft-postponed decision on the status of Kosovo is growing not only among Kosovo Albanians themselves. With the greatest concern at present being that Priština might make a unilateral declaration of independence, the current situation could be described as extremely critical.⁵² The *de facto* division of Kosovo appears to most commentators to be irrevocable. The fear is that Kosovo will suffer a repeat of the fate of Cyprus. UNMIK is already preparing for new disturbances and is expanding troop numbers. KFOR also finds its hand forced, because, according to Resolution 1244, which continues to apply, Kosovo remains an integral part of Serbia. A unilateral declaration of independence would therefore have to be considered as a breach of contract, against which KFOR would have to take action, potentially by arresting leading Kosovan politicians. This creates an urgent requirement for a unified position among all the providers of KFOR troops that does not currently exist.

On 17 July 2007, the fourth and so far last draft resolution was submitted to the UN Security Council. It called for the status of Kosovo to be re-

49 Cf. NZZ, Die EU uneins über Ahtisaaris Kosovo-Plan [EU Divided over Ahtisaari's Kosovo Plan], 11 July 2007.

50 Cf. RFE/RL *Caucasus Report* No. 34, 6 October 2006.

51 Cf. OSCE Press Release, *Rapid EU accession priority for Serbia, Foreign Minister tells OSCE*, 17 July 2007; *Ria Novosti*, Serbien will Kosovo nicht gegen EU-Beitritt tauschen [Serbia Does not Want to Swap Kosovo for EU Membership], 17 July 2007; RFE/RL, EU Links Serbia's Strategic Relations to Kosovo, 6 July 2007; *The Guardian*, Russia dismisses Kosovo statehood without Serb agreement, 9 July 2007.

52 Cf. for example, ICG, *Kosovo: No Good Alternatives to the Ahtisaari Plan*, cited above (Note 20), p. 6.

solved within four months. The Albanian majority and the Serbian minority thus have 120 days to negotiate. If these negotiations fail, the plan is for the UN to hand over the administration of Kosovo to the EU, while NATO troops remain stationed in the province. This shows that the Western delegations at least agree that Russia's current position cannot be allowed to hamper efforts to determine the mandate of the EU mission. Efforts to implement the Ahtisaari Plan automatically, however, have been abandoned, and Ahtisaari has since declared his mission at an end. The UN has declared that negotiations must end by 10 December. With very little evidence of progress, the international community is already preparing for Kosovo to declare independence unilaterally immediately after 10 December.

However, initially bypassing the UN Security Council also allows the United States to threaten to recognize Kosovan independence unilaterally, and hence to simply ignore a potential Russian veto. The American option was already considered a possibility by observers in 2006, and is now once more being looked at seriously by the American side.⁵³ It is also looking more likely that EU states will recognize Kosovan independence as well (at least bilaterally). Efforts to recruit for a possible EU mission have been in full swing for several weeks, even though a decision to send them does not yet exist, let alone a mandate. Proposals to make the next NATO summit in Bucharest in 2008 the deadline for the end of negotiations were thereby nullified. The Serbian parliament used the break in negotiations to pass a resolution on Kosovo that again strengthened the Serbian view that Kosovo is an inseparable part of Serbian territory.⁵⁴ At the same time, there has so far been a lack of incentives brought by the EU that could motivate Serbia to rethink.

A similar picture can be seen in the CIS. Despite increasing tension between the various conflict parties, there is no movement in the negotiation processes. No one is willing to compromise, and no incentives are being created that make revising positions more attractive. Russia's linkage of the Kosovo status question to other ethno-political conflicts thus remains a gesture, whose significance cannot be determined. And nor will the coming months make clear the degree to which Kosovo will set a precedent.

53 Cf. Warren Hoge, U.S. May Bypass the U.N. for Kosovo Independence, in: *The New York Times*, 13 July 2007.

54 The Serbian text of the resolution can be read online at: <http://www.srbija.sr.gov.yu/kosovo-metohija/index.php?id=71576>.

OSCE: Developments and Prospects

In the Absence of a Summit, Is the Ministerial Council Going Round in Circles?

In a push for greater institutionalization of the then CSCE, the “Council of the CSCE” first saw the light of day in 1990. According to the Charter of Paris, it consists of the foreign ministers of the CSCE/OSCE participating States and “provides the central forum for regular political consultations within the CSCE process”. As a rule, it was to meet “regularly and at least once a year” in a different location each time and was to be chaired by the “representative of the host country”. It was assigned the task of considering issues relevant to the CSCE and taking “appropriate decisions”, as well as preparing the summit meetings and implementing their decisions.

In 1994, the Budapest Summit decided to rename the Council of the CSCE the Ministerial Council, and declared that it was the “central decision-making and governing body”, that would “as a rule” convene once a year in the Chairman-in-Office’s country towards the end of his or her year in charge.¹

Between 1991 and 2007, the Ministerial Council met 15 times.²

Ministerial Meetings in Summit Rhythm

1.	Berlin	19/20 June 1991
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1a	Additional Meeting in Moscow	10 September 1991
2.	Prague	30-31 January 1992
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2a	Additional Meeting in Helsinki	24 March 1992
3.	Stockholm	14-15 December 1992
4.	Rome	30 November - 1 December 1993
5.	Budapest	7-8 December 1995
6.	Copenhagen	18-19 December 1997
7.	Oslo	2-3 December 1998

1 CSCE, Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe, Basic Documents, 1993-1994*, The Hague 1997, pp. 145-189, here: p. 154.

2 Prior to the institutionalized series of meetings listed here, the CSCE foreign ministers met on 1-2 October 1990 in New York.

In the years 1994, 1996, and 1999, summit meetings were held but there was no additional Ministerial Council meeting. The last summit took place in Istanbul in 1999. According to the schedule agreed at Helsinki in 1992, this should have been held in 1998, and a further summit held every two years thereafter. As a result of this – ongoing – deficit, ministerial meetings have been held every year.

Non-Summit Ministerial Meetings

8.	Vienna	27-28 November 2000
9.	Bucharest	3-4 December 2001
10.	Porto	6-7 December 2002
11.	Maastricht	1-2 December 2003
12.	Sofia	6-7 December 2004
13.	Ljubljana	5-6 December 2005
14.	Brussels	4-5 December 2006
15.	Madrid	29-30 November 2007

According to the recently adopted OSCE Rules of Procedure, the “Ministerial Council [...] is the central decision-making and governing body of the OSCE *between Summits*.”³ However, as mentioned above, the OSCE has failed to hold a single summit meeting since 1999. Can it be argued on this basis that the OSCE has lost its summit-making potential? In view of this question, this contribution shall consider the role of the OSCE Ministerial Council as effectively the OSCE’s highest organ since 1999, that is, since the Eighth Ministerial Meeting in Vienna.⁴ In doing so, I shall consider in relation to each

3 Organization for Security and Co-operation in Europe, Rules of Procedure of the Organization for Security and Co-operation in Europe, MC.DOC/1/06 of 1 November 2006, reproduced in this volume, pp. 353-376, here: p. 357 (author’s emphasis).

4 For details of individual Ministerial Meetings, see: Victor-Yves Ghebali, The Vienna Ministerial Council Meeting and Its Aftermath: Coping with the Russian Malaise, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden 2002, pp. 29-38; Heinz Vetschera, The Bucharest Ministerial Council, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 315-328; Kurt P. Tudyka, The Dutch Chairmanship: From Porto to Maastricht, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 433-445; Kurt P. Tudyka, The Bulgarian Chairmanship Between Crises, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 287-301; decisions and other documents adopted at the Ministerial Councils are reprinted in the respective

dimension the thesis that the number of decisions whose content is redundant has grown more rapidly than the number of decisions as a whole. The corollary of this is that the number of decisions with innovative content is supposed to have declined. I shall also consider the documents and declarations or statements adopted.⁵

Decisions

At the eight ministerial meetings during the period under consideration, the Ministerial Council adopted 113 decisions, of which twelve related to the first dimension, seven to the second, and 37 to the third; 57 concerned organizational matters.

Number and Type of Ministerial Council Decisions (2000-2007)

<i>Meeting</i>	<i>Decisions</i>	<i>1st Dimension</i>	<i>2nd Dimension</i>	<i>3rd Dimension</i>	<i>Organizational</i>
Vienna	7	0	0	1	6
Bucharest	13	1	0	5	7
Porto	11	0	0	2	9
Maastricht	11	2	0	4	5
Sofia	19	4	2	6	7
Ljubljana	19	2	2	10	5
Brussels	21	3	2	6	10
Madrid	12	0	1	3	8
<i>Total</i>	<i>113</i>	<i>12</i>	<i>7</i>	<i>37</i>	<i>57</i>

At every meeting, the number of decisions in the third dimension was higher – usually significantly higher – than in the other two dimensions, and there were usually more concerning the first dimension than the second. However, not all third-dimension decisions were as slanted towards human rights and democracy as the critics who complain of a blatant imbalance and one-sidedness in the OSCE’s decisions would suggest. The third dimension now

OSCE Yearbook for years up to 2002 (Porto). Thereafter, they are available on the OSCE website, at: www.osce.org.

5 All documents adopted by a decision-making body, including decisions, declarations or statements, reports, letters, and others are referred to in OSCE terminology as OSCE decisions or OSCE documents and labelled “DEC.” or “DOC.”, respectively.

also includes topics such as policing issues and combating terrorism, which actually comprise an area distinct from the “classical” third-dimension problem areas or appear to be cross-dimensional.

The large number of decisions – approaching half – that concern the internal existence of the OSCE itself, organizational aspects, might appear surprising. Of course, some are regularly recurring formal resolutions, such as the determination of the time and place of the next ministerial meeting and the coming Chairmanship. Such organizational decisions are often the end result of a long tug of war, and that is particularly true of those concerning personnel, such as the appointment of the heads of the various institutions and the Secretary General, or the renewal of their contracts. Very few decisions break new ground or lead to spectacular changes.

Organizational decisions taken at the Ministerial Councils of Bucharest in 2001 (on the role of the OSCE as a forum for political dialogue) and Porto in 2002 (on the development of an OSCE Strategy to Address Threats to Security and Stability in the 21st Century; on the establishment of an annual security review conference; and on the role of the Chairmanship-in-Office) strengthened the OSCE and set the Organization’s course for the future. In Maastricht in 2003, the decision to create an OSCE Counter-Terrorism Network was a major organizational change. Sofia 2004 added decisions on the role of the Secretary General; on improving the efficiency and effectiveness of the Economic Forum; and on the creation of a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE. The most important organizational decision taken in Brussels was the formal adoption of the previously agreed Rules of Procedure for OSCE bodies.

There has been a plethora of decisions in the third dimension, though their significance varies considerably from case to case. The most notable example is the comprehensive decision on combating terrorism adopted in Bucharest in 2001 – three months after the 9/11 attacks on the USA. The decision on the OSCE’s police-related activities was also significant. At Maastricht in 2003, two extremely detailed and well-prepared decisions were passed in the area of human rights and minority protection: one on combating trafficking in human beings and the other on an action plan to improve the situation of Roma and Sinti within the OSCE area. Two equally detailed decisions were taken at Sofia in 2004 and two more at Ljubljana in 2005: on tolerance and non-discrimination (Sofia) and on promoting mutual respect and understanding (Ljubljana); and on the action plan to promote gender equality (Sofia) and to prevent and combat violence against women (Ljubljana). Two further decisions were taken at Brussels in 2006, which were distinctive from the other third dimension decisions, at least in terms of their subject matter. The first dealt with organized crime and the second with the sexual exploitation of children.

The situation regarding decisions in the second dimension is meagre. In Sofia in 2004 and in Ljubljana in 2005, the decisions on container security

created a new area of activity, to which the decision on transport security passed in Brussels in 2006 also contributed. Notable decisions on combating corruption and transnational organized crime were also passed at Sofia and Ljubljana, respectively.

The Ministerial Council has passed no significant decisions relating to the first dimension. The decisions taken between 2000 and 2007 were all formal declarations to support United Nations initiatives or the work of the Forum for Security Co-operation.

A glance at the topics of the 113 decisions taken shows that human trafficking, terrorism, and the complex of selective misanthropies (xenophobia, racism, anti-Semitism, etc.) have been granted the most attention. They were the subjects of decisions at six of the seven meetings; if one also counts documents and declarations adopted, they were dealt with at all seven. The next most frequently discussed topics were discrimination and violence against women and, finally, the issue of Roma and Sinti.

Terrorism has been a central topic since the 2001 Bucharest Ministerial meeting, which, as mentioned above, took place only three months after the 9/11 attacks. In various regards, it played a prominent role at all subsequent meetings.

The above considerations of the decisions of the Ministerial Council show clearly that the OSCE has stood still in the politico-military dimension, while focusing its attention almost entirely on the third dimension, the human situation. Nonetheless, between 2000 and 2007 it did make 18 declarations or statements and adopt six documents that at least touched upon the first dimension, as the following overview demonstrates.

Declarations or Statements and Documents

When released formally, declarations or statements and documents may be designated in three different ways: as local declarations (e.g. the Bucharest Declaration),⁶ as collective positions (such as the OSCE Ministerial Declaration on the 20th Anniversary of the Disaster at the Chernobyl Nuclear Power Plant),⁷ or as issue-based declarations (e.g. the OSCE Document on Small Arms and Light Weapons⁸ or the Declaration on Trafficking in Human

6 Cf. Bucharest Ministerial Declaration, in: Organization for Security and Co-operation in Europe, *Ninth Meeting of the Ministerial Council*, 3 and 4 December 2001, Bucharest 2001, in: *OSCE Yearbook 2002*, cited above (Note 4), pp. 391-417, here: pp. 392-393.

7 Cf. Ministerial Declaration on the 20th Anniversary of the Disaster at the Chernobyl Nuclear Power Plant, MC.DOC/3/05, in: Organization for Security and Co-operation in Europe, *Thirteenth Meeting of the Ministerial Council*, 5 and 6 December 2005, Ljubljana, 6 December 2005, pp. 2-3.

8 Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *OSCE Document on Small Arms and Light Weapons*, Vienna, 24 November 2000, in: *OSCE Yearbook 2001*, cited above (Note 4), pp. 503-519.

Beings);⁹ these three forms cannot easily be distinguished in terms of their substance. The form of title they are given appears not to depend on any system but rather on the prevailing political circumstances and tactical diplomatic manoeuvres present at the time.

*Ministerial Council Documents/Declarations between 2000 and 2007*¹⁰

<i>Meeting</i>	<i>No.</i>	<i>Topic</i>
Vienna*	2	Document on Small Arms and Light Weapons, Declaration on South-eastern Europe
Bucharest	2	Bucharest Declaration, Joint statements
Porto	4	Porto Declaration, Joint statements, Charter on Preventing and Combating Terrorism, Declaration on human trafficking
Maastricht*	3	Security and stability strategy, Strategy Document for the Economic and Environmental Dimension, Statement on South-eastern Europe
Sofia*	3	Statement on Preventing and Combating Terrorism, Declaration on the end of the Second World War, Statement on Nagorno-Karabakh
Ljubljana*	5	Statement on nuclear terrorism, Declaration on Chernobyl, Statement on Georgia, Statement on Nagorno-Karabakh, Border Security Concept
Brussels*	6	Rules of Procedure, Statement on Nagorno-Karabakh, Statement on OMIK, Declaration on criminal courts, Statement on anti-terrorism laws, Statement on migration
Madrid	4	Declaration on environment and security Declaration on the OSCE Partners for Co-operation Statement on supporting the UN global counter-terrorism strategy Ministerial Statement
<i>Total</i>	<i>29</i>	

9 Cf. Declaration on Trafficking in Human Beings, in: Organization for Security and Co-operation in Europe, *Tenth Meeting of the Ministerial Council*, Porto 6 and 7 December 2002, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 421-455, here: pp. 428-431.

10 At the meetings marked with an asterisk, it did not prove possible to reach agreement on a Joint Declaration; instead, the Chairpersons-in-Office in those years presented the draft declaration as their personal statements.

As with the “decisions” discussed above, the “documents” and “declarations” or “statements” adopted by the Ministerial Council include both statements that simply reflect developments in the area of security policy as well as what tend to be rather cautious attempts to influence policy.

The first category includes, for instance, the various declarations on Nagorno-Karabakh. In Bucharest in 2001, and in Porto in 2002, the conflict is mentioned in the joint statements using almost exactly the same wording, with the ministers announcing that they are “deeply concerned” at the failure to reach a resolution, affirming how important this is for regional peace, and calling upon the parties to come to a solution on the basis of the principles and norms of international law. Statements on Nagorno-Karabakh adopted in Sofia in 2004, Ljubljana in 2005, and Brussels in 2006, in view of the changed situation, praised the overall progress made – also in almost identical terms – and urged the conflict parties to continue discussions. The Brussels declaration also calls for increased co-operation in fighting environmentally damaging fires in the affected territories as a confidence-building measure with the support of the international community; the OSCE has offered its assistance.

The second category of adopted documents and declarations or statements includes the 2000 Document on Small Arms and Light Weapons, the Declaration on Trafficking in Human Beings from 2002, and the 2003 Strategy Document for the Economic and Environmental Dimension. They are important building blocks for strengthening the security policy role of the OSCE.

Only twice were the ministers able to agree on a joint declaration. On every other occasion, the attempt failed owing to a lack of consensus. This left the Chairperson-in-Office to present the views shared by the large majority as their own statement. With the exception of a handful of passages over which no consensus could be reached – often the same topics each year, such as the stationing of Russian troops in Georgia and the region of Transdnistria – the “Chairperson’s Perception Statement” or “Chairperson’s Statement” can be considered and assessed as the rump of the joint statement.

Particularly the above-mentioned “local” declarations, but also some of the joint declarations or statements represent a manifestation of the OSCE’s identity and a self-reassurance of its own importance. The failure to reach agreement on such documents damages the Organization at its core and this is perceived to be a crisis. At the 2007 Madrid Ministerial Council, the Chairman-in-Office refrained from even delivering such a Chairperson’s Statement/Perception Statement, but rather restricted himself to only a relatively short “Closing Statement”.

A consideration of the joint declarations and joint statements or quasi-joint statements, whether adopted or only drafted (and formally rejected as a result of routine dissent over two or three expressions), is particularly illuminative of the OSCE’s leadership by the Ministerial Council.

*“Joint Declarations”, “Joint Statements”, and “Quasi-Joint Statements”
Topics mentioned more than once and their significance in the document*

Minist. Council	Vien. 2000	Buchar. 2001	Porto 2002	Maastr. 2003	Sofia 2004	Ljubl. 2005	Bruss. 2006	Madrid 2007
Number of Topics/Topic	20	12+V	16+V	19	31	22	29	12
Terrorism	15th	1st, 2nd, 3rd	4th	7th	10th	8th	11th	7th
Open Skies		10th	14th	9th	17th	13th	9th	
“CFE commitments”	3rd		11th	19th	18th	10th	8th	
Trafficking in Human Beings	10th, 1st			6th	12th		14th	8th
Xenophobia, etc.	16th			11th	11th		14th, 21st	
SALW	12th			8th	16th	11th		
Gender Equal.	20th				27th	5th	22nd	
FSC: CSBM, arms control		9th	13th			11th	7th	
Border management					9th, 13th	15th	12th	
Organ. crime		4th				14th	13th	
Media freedom	17th						20th	
CFE generally						12th	6th	12th
Reg. conflict generally	3rd	7th	10th		20th	9th		4th
Nag.-Karab.	4th	V a-c	IV a-c				5th	5th
Georgia	7th	III a-d	V a-j	18th	22nd			
Moldova	8th	II a-c	III a-f	17th	21st			
Central Asia	5th	IV a-c	II a-d					
South-eastern Europe		I a,b,e	I a-k	15th				
Kosovo					23rd		26th	11th
2nd dimension in general	18th	5th	3rd, 7th	10th	11th	16th	15th	
3rd dimension in general			3rd, 8th			4th	3rd	8th
ODIHR					8th		4th	9th
Reform				5th	24th, 25th	3rd		
Legal status	21st		12th					10th
Partners	28th/ 29th	11th	15th	12th/ 13th	31st	22nd	29th	6th
OSCE PA	27th			14th	26th	19th	27th	
NGOs					30th	20th	11th	
Other orgs./UN	23rd	6th			28th, 29th	21st	28th	

What may strike one first is that the eight (or ten) “joint declarations” (or statements) made between 2000 and 2007 vary greatly in terms of size. The longest of them, with 31 topics, was adopted in Sofia (2004), followed by Brussels (2006) and Vienna (2000) with 29 each; the shortest were Madrid (2007) with twelve, Bucharest (2001) with twelve (+V), Porto (2002) with 16 (+V) and Maastricht (2003) with 19. With 22, Ljubljana (2005) came somewhere in the middle.

They ritually start with an almost formulaic short sermon, which is likely to consist of paeans of self-praise, meticulous, evocative reaffirmations, and defiant assertions of “commitments”, “commonality”, “co-operation”, “decisiveness”, and “unity”. Despite this, however, the choice of phrasing in each declaration appears to reveal the dominant mood, as the following excerpts from the various “overtures” reveals:

First, from the 2004 document:

The Ministers expressed their resolve to remain united and promote security for States and individuals through co-operation. This unity would give the strength to meet the challenges identified [...] to adopt collective responses and innovative approaches, and to improve the ability of participating States to uphold common principles.

[...]

The Ministers remain committed to creating a common and indivisible OSCE area free of dividing lines and zones with different levels of security.

[...]

A strong bond that unites the OSCE participating States is consensus on common goals, principles and commitments [...] The Ministers stated that they remain committed to their equal and unbiased application across the entire OSCE area and that they value the OSCE assistance in their implementation, including through the important contribution of its institutions and field activities.¹¹

In 2005, however, we find the following:

All the OSCE commitments, as our common achievement, apply equally and to all the participating States. The Ministers encourage their full implementation and consider them to be matters of immediate and legitimate concern to all the participating States [...] The OSCE must continue to adapt in order to meet evolving security challenges and to strengthen the Organization’s functioning.¹²

11 Organization for Security and Co-Operation in Europe, *Twelfth Meeting of the Ministerial Council*, 6 and 7 December 2004, Sofia 2004, MC.DOC/1/04, 7 December 2004, p. 63.

12 *Thirteenth Meeting of the Ministerial Council*, cited above (Note 7), p. 66.

The declarations generally end with the mantra-like and insubstantial listing of what the OSCE calls its partner countries, and of (generally only around three times each) the Parliamentary Assembly, NGOs, other international organizations, and, in particular, the UN. This has the appearance of being a tedious duty.

The topics can be divided into three categories: issue-oriented, regional, and organizational.

The same topics have tended to recur again and again. Most prominently, these include terrorism, Open Skies, trafficking in human beings, Russia's "CFE commitments", the economic dimension, and regional conflicts. Virtually nothing was mentioned in Brussels in 2006 that had not already been mentioned in Vienna in 2000. Much of the text from the various declarations could simply be swapped around with no loss. The only new topic to emerge since 2004 is border management.

Naturally, there are also variations. However these can be accounted for events in the environment surrounding the OSCE. In other words, the declarations of the Ministerial Council merely reflect the situation and do not aspire to shaping it. Some topics whose omission in "joint declarations" is surprising were addressed in dedicated subsidiary declarations. This may have been a result of a combination of fear of dissent with regard to the joint declaration alongside an urgent need to comment on the issue in question.

The most notable omissions are the lack of specifications for the progress made in areas such as freedom of the media, minority rights, and confidence building, and details of the state of comprehensive security.

REACT training (2000), the significance of international law (2004), the environment (2006), energy security (2006), governance (2006), practical assistance for participating States (2002), the achievements of the police unit (2004), the security of OSCE staff (2000), the elections in Ukraine (2004), and Chechnya (2000) were mentioned once each.

Contrasting to the explicit display of unity – presented by declarations (both those fully adopted and those that were only drafted and then presented as the Chairperson's statements), as well as the statements, declarations, and decisions on specific issues accepted by all sides – dissenting opinions reveal latent and stubbornly held individual reservations, objections, and specific interests. They are made by the foreign minister (or his deputy) as interpretative statements.¹³

During the eight Ministerial Council meetings under consideration here, 59 such dissenting opinions were given: ten by the Russian Federation, six each by the USA, the NATO states, the EU states, and Moldova, five by Azerbaijan; three each by Belarus, Georgia, and Turkey, two by Canada and the Holy See, and one each by Armenia, Kazakhstan, the Netherlands, Nor-

13 On the meaning of interpretative statements for the OSCE, see: Richard Müller, *Interpretative Statements at the Permanent Council: A Quantitative and Qualitative Analysis*, *OSCE Yearbook 2002*, cited above (Note 4), pp. 347-359.

way, Sweden, Switzerland, and Ukraine. There has been a steady increase in dissenting opinions over the years, from two at Vienna to well over a dozen at Ljubljana and Brussels.

Conclusion

The Ministerial Council has adopted several important documents in the third dimension. The messages of many decisions and declarations, particularly in relation to the constantly recurring problem areas of trafficking in human beings and terrorism, have been watered down by too much repetition, until they have become empty formulas. What are called “decisions” in fact contain few provisions that relate to the OSCE’s own actions, but are often merely appeals for action, and, to a great extent, are full of references to principles and norms, commitments agreed earlier, previously made statements, and resolutions of the United Nations.

The Ministerial Council has indirectly addressed the expectations of the populations of Moldova, Georgia, and Azerbaijan, who have long been suffering the effects of conflict, but has not met them.

To outsiders, it may appear remarkable that not one word has been brought to bear on the violent conflicts and blatant human rights violations that have occurred during the period in question in regions other than those on which the focus usually lies, e.g. in the Basque Country, Corsica, Cyprus, or Turkey, in Chechnya or Guantanamo; condemning the use of the death penalty also remains taboo for the Ministerial Council.

The thesis proposed at the start can now be confirmed: The number of decisions whose content is redundant has increased more rapidly than the number of decisions as a whole, which means that the number of decisions with innovative content has declined.

With regard to the significance of “joint declarations”, the Chairperson-in-Office observed at the Eighth Ministerial Meeting in Vienna in 2000 that they are “traditionally” an occasion for assessing where the Organization is, what progress has been made, and where it should be heading. The preceding observations have shown that the participating States are increasingly shy of using this opportunity, in all likelihood because reviewing the OSCE’s current state reveals a shambles, progress reports are all overstated, and the wind has gone out of the sails of all attempts to set course for the future.

While the Ministerial Council does sometimes make progress, it spends more time going round in circles. And each new circuit is begun with a little less energy and enthusiasm than the last.

Reflections on the OSCE-EU Relationship

Introduction

There have been ambiguities in the relationship between the Organization for Security and Co-operation in Europe (OSCE) and the European Union (EU) ever since it began in the 1970s (when both parties had different names – the *Conference on Security and Co-operation in Europe*, CSCE, and the *European Communities*, EC). On the one side were the positive synergies: The détente, stabilization, and curbs on the East-West arms race that were achieved by the CSCE regime (first with confidence-building measures, and ultimately force reductions) supplemented the direct defence role of NATO in creating a kind of benign strategic shelter where the European integration experiment could flourish and expand. The CSCE also gave a more specific boost to the EC's gradual emergence as a security actor, because the negotiations leading up to the Helsinki Final Act of 1975 and the post-Helsinki process created the first serious opening for EC members to apply their diplomatic co-ordination efforts – then called Political Co-operation – to directly security-related themes.¹ In effect, states that were both in the EC and in NATO used the latter to concert positions on “hard” arms control for the ongoing Mutual and Balanced Force Reductions (MBFR) talks, and the EC to work on the three “baskets” – security issues, economic issues, and the human dimension – of the CSCE. On the darker side of the interaction, however, the very existence of the EC and later the EU as a privileged and partly supranational market grouping within the Western camp set limits both to how the CSCE's own economic basket could define its aims in the first place, and to the success of various subsequent (generally US-led) attempts to give more substance to the CSCE/OSCE's economic role. The fact that, as a result, one of the three CSCE baskets was always lighter (with fewer innovative and transformational effects) than the other two had consequences that – as seen now in retrospect – did not help the prospects of the Organization's ultimate survival. This deficit has made it hard, for instance, for the OSCE to claim any special competence for highly security-relevant issues like energy and climate change in Europe, and has sharpened the tactical confrontation in the current decade between the Western emphasis on basket three and Russian-led attempts to exalt basket one.²

1 Cf. Alfred Eduard Pijpers, *The Vicissitudes of European Political Cooperation: Towards a Realist Interpretation of the EC's Collective Diplomacy*, Leiden 1990, pp. 125-139.

2 On the latter issue see Pál Dunay, *The Organization for Security and Co-operation in Europe: constant adaptation but enduring problems*, in: *SIPRI Yearbook 2005: Armaments, Disarmament and International Security*, Oxford 2005, pp. 76-82.

However, the rather clear role divisions, and limited interplay, between all the four major West-designed institutions (if the Council of Europe is included) up to the end of the Cold War also limited any too damaging power-play between them. It was the collapse of the Warsaw Treaty Organization (WTO, usually called Warsaw Pact), the Council for Mutual Economic Assistance (CMEA, also called COMECON) and the Soviet Union in 1989-91 that opened up a whole new half of the continent – and a total of (initially) 14 new states³ – to exploration and the potentially competitive staking of institutional claims. At first, many people saw the CSCE as the natural inheritor of this whole new realm, inspired by hopes of a “common European home” and the real success of the rapid negotiation of the CSCE’s Paris Charter (published in November 1990).⁴ What most obviously dashed such hopes was the descent into civil war of the former Yugoslavia, making clear that the new Europe would still have need both of tough methods for conflict containment and resolution and of tough, focused, and self-interested institutions able to help shoulder the task. In retrospect, the year 1994 also conveyed two other important signals to the effect that the CSCE/OSCE would not become the exclusive or even the main tool for solving continent-wide security challenges. The first came with the launch of NATO’s Partnership for Peace programme (PfP), followed in 1997 by the Euro-Atlantic Partnership Council/EAPC (as seriously transformative West-based engines of consultation and co-operation that rivalled the OSCE in geographical extent); and the second with the start of serious efforts by NATO – not unrelated, of course – to design the special, direct strategic relationship between NATO and the Russian Federation that has led to today’s NATO-Russia Council (NRC).⁵ Soon after, some thinkers were noting a contradiction between the increasingly stringent border and immigration control practices of a prospectively expanding EU and the basic OSCE principles of open frontiers and free movement. By the time the OSCE set out principles for collaboration between “mutually reinforcing” institutions in its Platform for Co-operative Security document of November 1999,⁶ the reality was already plain that the Vienna-based institution was only one among equals and probably not – unless in a purely ethical sense – the first among them. Indeed, had the OSCE had any serious capacity to control the actions of the EU and NATO, these

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- 3 I.e. those of the former Soviet Union other than Russia, soon to be followed by the separation of the Czech Republic and Slovakia and the creation of at least six republics out of the former Yugoslavia.
 - 4 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 537-566.
 - 5 Details of the current Euro-Atlantic partnership and NATO-Russia Council (NRC) can be found at <http://www.nato.hq.int>.
 - 6 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, Operational Document – the Platform for Co-operative Security, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH, (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, here: pp. 441-443; available online at: http://www.osce.org/documents/mcs/1999/11/4050_en.pdf.

institutions would hardly have accepted the prescriptions of the Platform as easily as they did.

Today, just eight years later, a further architectural shift second only in importance to the events of 1989-91 has brought both NATO and EU up to the borders of the Leningrad Military District in the North and to the Black Sea in the South, with their enlargements to 26 and 27 members, respectively. This might seem the most obvious further blow to the OSCE's comparative status, because (i) it makes the two West-led organizations not much less "inclusive" than the OSCE itself, (ii) it tilts the whole OSCE membership structure towards the West (and more so if remaining candidate states are counted),⁷ and (iii) this understandably alienates Russia and its remaining close associates. Moreover, whereas the CSCE/OSCE itself could offer an obvious forum to air and defuse such "West-East" tensions in the past, the very fact of NATO's and the EU's geographical advance makes it more natural and arguably more attractive for Moscow to "take on" the rival Western organizations directly. Russian actions, especially since 2005, have suggested that President Vladimir Putin has a much more serious interest in exploring (or exploiting) his means of direct leverage (e.g. the "energy weapon" against EU members), and in using all means fair and foul to combat perceived Western infiltration among Russia's close post-Soviet neighbours, than in making any serious investment in possible solutions through the OSCE itself. Russia and its close partners have, it is true, put some energy into developing their "reform" proposals for the OSCE, but their tactics for pushing these – as well as Moscow's latest stance on the Treaty on Conventional Armed Forces in Europe (CFE Treaty) – have implied a readiness to gamble with OSCE's survival (or more exactly, with the maintenance of a minimum East-West consensus there) in the pursuit of more directly national interests.⁸

Interestingly, however, recent complaints about the EU's "encroaching" on the OSCE's territory have been based less (ostensibly) on such strategic shifts and more on the parallel functional shift in security agendas. Since the mid-1990s, when all institutions had to re-think their previous roles in response to new challenges of conflict management within Europe and beyond, NATO and the EU have both reacted further to a perceived *interconnectedness* of the different dimensions of threat and of the different techniques needed for crisis response and stabilization. Strongly spurred by the lessons of "9/11" and more recently by the challenges arising for "human security" in

7 The nations of the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, FYROM, Montenegro, and Serbia) have all set their sight on double membership of NATO and the EU and are slowly progressing through the steps of "recognized" applicant status. Georgia and Ukraine, for all their domestic troubles, are also among the hopefuls. Kosovo is expected to join the queue as and when it is recognized as a sovereign entity.

8 Cf. Wolfgang Zellner, *Managing Change in Europe: Evaluating the OSCE and its Future Role: Competencies, Capabilities, Missions*, CORE Working Paper No. 13, Hamburg 2006, available online at: http://www.core-hamburg.de/CORE_english/pub_working_papers.htm; reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 389-430.

Europe from climate change and natural disasters, epidemic disease, and the rediscovery of the energy security agenda, both institutions' strategies now call for creating and combining military, police, political, economic, and other functional instruments for both crisis action and general security building. At its simplest, this explains why the EU is now found asserting itself in types of operation – police and border control operations, general democratization processes and programmes for security sector reform – and in functional areas of policy-making – such as anti-terrorism, anti-trafficking, anti-proliferation and weapons control – that the OSCE might reasonably have viewed as its own niche functions and where it might still believe it has comparative advantages. By combining these two sets of changes and their consequences, the OSCE case against EU can be constructed in its strongest form. The EU with its inflated caucus seeks to patronize and dominate Vienna (note that the European Commission pays for three quarters of the OSCE budget and the whole EU group supposedly has a “single voice”); steals what tasks it likes from the OSCE; and exploits the OSCE to go on doing things it finds too boring and/or risky for itself.

It hardly needs saying that in this form the argument is a caricature, especially insofar as it posits a deliberate ill intent, or even just a competitive intent, on the EU's part against the OSCE. (It is NATO that is far more often treated, or even talked of, as “the enemy” in the Union's corridors!) There are grounds to argue that – on the contrary – not only has the EU been driven by self-regarding needs and dynamics that have nothing to do with inter-institutional games, but that it is inherently *and more than ever* the OSCE's “best friend” in terms both of shared values, goals, and interests, and of willingness to take the partner institution seriously.⁹ Nevertheless, the concerns felt in Vienna are real enough to merit weighing the thesis of a damaging EU-OSCE “overlap” in fuller detail.

The Overlap

The problem of overlap between the OSCE and the EU, which is the proximate cause of many of the frictions just described, can be defined both functionally and geographically. The OSCE itself sets out on its website a list of areas of co-operation with the EU that covers at least the most obvious functional intersections: judicial and police reform, public administration, and anti-corruption measures; more general democratization, institution-building,

9 A parallel can be noted in EU-UN relations. In 2003, the EC Commission adopted a Communication on “EU-UN relations: The choice of multilateralism”, which focused on a comprehensive strengthening and mainstreaming of EU-UN relations. The EU's commitment to the UN also translates into significant financial support of the UN system. EU member states provide around 38 per cent of the UN's regular budget and around 50 per cent of all UN member states' contributions to UN funds and programmes. For a summary of EU-UN relations, see: http://www.europa-eu-un.org/articles/en/article_5013_en.htm.

and human rights; the support and monitoring of elections; media development; the development of small and medium-sized enterprises; and border management, including combating human trafficking.¹⁰ Geographically, since the OSCE neither has any real global extension nor concerns itself deeply with the affairs of already-integrated nations, the significant overlap occurs in the Western Balkans and the eastern parts of what the EU calls its “new neighbourhood”, stretching as far as Central Asia. (OSCE forays into the Mediterranean have never been substantial enough to clash with the EU’s Barcelona process or the EU role in the international “Quartet” addressing the Israeli-Palestinian conflict. It is also hard to see either the OSCE or the EU “operating in” Russia in a way that might lead to conflict or duplication, at least not since the Chechnya issue faded in prominence. The institutions’ respective roles in the broader context of West-Russia relations will be returned to below.)

Functional overlap can be an irritant if both institutions are trying to do the same thing, but also if their actions and prescriptions cut across each other. In both variants, the EU is liable to be seen as the “intruder” and hence the source of the problem because its multi-functional security strategies – at least in conscious and active form – are a relatively late development of the post-Cold War period, while the CSCE/OSCE had already created most of its new security and governance tools by 1994.¹¹ An example of apparent copy-cat action by the EU would be its more frequent and high-profile actions to monitor elections in neighbouring countries – although it is fair to note that this reflects a *global* policy and that the EU has “interfered” more dramatically in non-European cases, such as its deployment under the European Security and Defence Policy (ESDP) to support the holding of peaceful elections in the Democratic Republic of the Congo in 2006.¹² In OSCE terms, this role had been seen as the property or even the main *raison d’être* of the Office for Democratic Institutions and Human Rights (ODIHR), and it must have been galling for many in Vienna to see – for example – the EU’s High Representative Javier Solana together with certain EU political leaders get the credit for “solving” one of the most dramatic recent election-related crises, from December 2004 to January 2005 in Ukraine. However, it is hard to ignore the fact that in such cases the EU can bring to bear types of political leverage, material resources, and (in the last resort) military deployments to preserve order that are simply not within the OSCE’s repertoire. A realist in-

10 Cf. *The European Union*, at: <http://www.osce.org/ec/13066.html>.

11 The Conflict Prevention Centre, the High Commissioner on National Minorities, and the Office for Democratic Institutions and Human Rights.

12 With authorization from United Nations Security Council Resolution 1671 of 25 April 2006, the EU carried out from July to November that year an operation codenamed EUFOR RD Congo to support the UN’s resident MONUC mission during the period of elections in the Democratic Republic of Congo. The EU also gave 250 million euros in financial support for the elections and deployed an Election Observation Mission (EOM) with over 250 observers. See: http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=1091&lang=en.

terpretation might be that the OSCE may be more professional and neutral in watching what happens in elections, but the EU is more likely in both the short and longer terms to change what happens.

An example of possibly conflicting signals is the field of border management. The stability, openness, and collaborative management of inter-state borders are all very basic elements of the OSCE *acquis*, and the OSCE organs and their partner NGOs were airing issues such as freedom of travel and cross-border co-operation long before EU nations were willing to consider collective approaches to such fields. Even if the OSCE's Border Security and Management Concept (BSMC) was only adopted in 2005,¹³ it had long and complex antecedents. The EU, for its part, moved decisively into this area in the 1990s with the creation of the Schengen regime of common border and immigration control covering most of its nations (plus Norway and Iceland), and then made it a condition of accession that the twelve new EU members joining in 2004 and 2007 should also join Schengen.¹⁴ Compared with that of the OSCE, the EU's agenda in this venture was an essentially partial and self-referential one; it was more about keeping undesired elements out than about respecting any fundamental freedom of movement (at least for outsiders). This defensive intent has been only further heightened by the post-9/11 emphasis on transnational threats and the post-2004 "enlargement backlash" with its strong anti-migration undertones. The EU's most hotly debated plans now are for things like a joint border guard force or closer operational co-operation on defending Mediterranean member states against boat people. It is difficult to deny that all this represents something of an existential clash with the OSCE's *acquis* and aims, as well as helping to explain why non-EU OSCE participants may resent the monolithic qualities of EU behaviour both inside and outside the Vienna forum. The problem goes even further, however, in that the EU has recently extended the range of its operational ventures to border management assistance programmes in Ukraine and Moldova, as well as a more general "law and justice" mission in Georgia.¹⁵ (Again this is a global phenomenon as shown by the EU mission on the border of the Gaza Strip.)¹⁶ One irony is that the EU's nascent skills in

13 Cf. Organization for Security and Co-operation in Europe, *Border Security and Management Concept. Framework for Co-operation by the OSCE Participating States*, MC.DOC/2/05, Ljubljana, 6 December 2005, at: <http://www.osce.org/activities/13030.html>.

14 Cf. Marina Caparini, Security sector reform and NATO and EU enlargement, in: *SIPRI Yearbook 2003: Armaments, Disarmament and International Security*, Oxford 2003, pp. 237-260.

15 The EU Border Assistance Mission on the Moldova/Ukraine border (EU BAM Moldova/Ukraine) was launched on 1 December 2005, with an initial two-year mandate, to advise and train local border/customs services in the interests of preventing smuggling, trafficking, and customs fraud. The EUJUST THEMIS operation was deployed in Georgia in 2004-05 to support the Georgian authorities in reforming the criminal justice system and strengthening the rule of law.

16 The EU Border Assistance Mission at the Rafah Crossing Point on the Gaza-Egypt border (EU BAM Rafah) was launched on 25 November 2005 and extended until May 2008. It has deployed some 75 police officers from 17 member states to monitor and evaluate the performance of the Palestinian Authority's border control, security, and customs officials.

“hardening” borders probably are what is objectively needed in these cases; yet once more it can easily look as if the late-comer institution is usurping roles that should be close to the heart of the OSCE’s post-Cold War mission.

For balance, it should be noted that there are some further functional areas where the EU and OSCE roles more naturally co-exist and even reinforce each other. Arms control and non-proliferation would be one, since the EU has no wish to interfere with the OSCE’s role on major conventional weapons, while both institutions support a range of approaches for better control (and where appropriate, destruction) of WMD-related capacities, small arms, landmines, excess ammunition stocks, and so on. The EU may be able to formulate tighter regulatory regimes for its own members, but the OSCE can develop codes of conduct, best practice exchanges, and co-ordination of outreach to cover twice as many countries. Similarly when tackling the menace of terrorism (or drugs or human trafficking), the EU has better chances than the OSCE of achieving harmonization of internal laws and practices – though it is still at a very early stage in trying! – but the strategic vulnerability of EU territory could be substantially reduced by even much looser forms of co-operation with the other OSCE States occupying Europe’s eastern and south-eastern approaches.

This leads back to *geographical* overlap, which may be charted in two connections: in regard to specific crises and hot-spots, and in the general context of eastward-looking stabilization and transformation processes. With much simplification, the various phases of conflict in the Western Balkans may be seen as more of a *shared* challenge and learning experience for the EU and the OSCE than anything else. Both failed in preventing the outbreak of war and neither was in the front line of actual peacemaking, but both took on important responsibilities for the management and normalization of post-conflict territories in different fields of governance, obliging Brussels and Vienna, among others, to learn to work together in a hands-on, day-to-day, grassroots fashion. Here too, however, the picture has been one of a balance of responsibility steadily shifting towards the EU side. In Bosnia and Herzegovina the EU has taken over the military peacekeeping role from NATO, and if the “managed independence” of Kosovo should become a reality any time soon, the plan is also for the Union to take on key new security functions there (for instance by sending 2,000 new police and judicial experts). It is symptomatic that the EU, but not the OSCE, takes part in the “Contact Group plus” where the most powerful nations concert their own strategy for the Balkans. More generally, as any given Western Balkans state enters the pre-accession zone for EU membership, it seems bound to glide gradually away from OSCE intervention and scrutiny just as the twelve existing new EU member states have done. In the “frozen conflict” areas of the Black Sea and Caucasus region, the present balance of roles still leaves the OSCE more central than the EU to the (potential) peacemaking process; but as already noted, the EU is already “leapfrogging” Vienna with specific operational

ventures in this zone too. A basic point to note here is that the OSCE cannot undertake new missions without a consensus decision including Russia, whose clear preference in recent years has been to minimize such missions, while the EU has sometimes been remarkably quick in getting internal agreement on new ESDP ventures and may also sometimes be more acceptable to Moscow as a partner than the OSCE would be as a tool. (The Transnistria problem in Moldova is the clearest present case where this implicit problem-solving competition has been going on for some years already, but without any clear winner as yet.)

More generally, the EU's stronger post-enlargement focus on what it calls "European Neighbourhood Policy" (ENP) can lead to both the appearance and fact of inter-institutional competition. This has mechanical aspects, such as the EU's decisions to create "special representatives" for places like Central Asia, Moldova, and the Caucasus (and one is now being called for in the Black Sea area),¹⁷ which the OSCE might have seen as more natural preserves for its own missions. (Given the shortage of qualified personnel, most of whom ultimately came from national governments, there may also be a "beauty contest" between OSCE and EU deployments in attracting the best human material.) It can only add to OSCE fears of being subordinated when EU authors, perhaps quite innocently, speculate on the possibility of harnessing the Organization to help overcome the gaps and weaknesses of ENP in the future.¹⁸ The EU's official Security Strategy adopted in December 2003 discussed at length the EU's right and duty to create "a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean"¹⁹ but did not even mention the OSCE in that context. Last but not least, there is a potential more normative clash – rather as in the case of border management cited above – between the EU's and the OSCE's ways of approaching the "neighbourhood" zones. For the EU they are part of its hinterland, for the OSCE part of its membership, with the right to choose their own policies and find their own way to higher levels of governance within the framework of OSCE standards. The EU is more inclined to actively transform the environment with only one choice of model (its own), while the OSCE *acquis* leaves more wriggle-room for evolution and diversity. On the other hand, the EU's wish to bolster its own security against both older and newer threats is a barely concealed driver of neighbourhood policy, and it may sometimes make the EU (or at least, some of its policy-makers) over-tolerant towards strong leaders who can deliver stability and practical co-operation, regardless of democratic credentials. The OSCE, paradoxically

17 Cf. Neil J. Melvin, *Building Stability in the North Caucasus: Ways Forward for Russia and the European Union*, SIPRI Policy Paper No. 16, May 2007, at: <http://www.sipri.org>.

18 See, e.g., Peter van Ham, EU, NATO, OSCE: interaction, cooperation and confrontation, in: Gunther Hauser/Frank Kernic (eds), *European Security in Transformation*, Aldershot 2006.

19 *A Secure Europe in a Better World: European Security Strategy*, Brussels, 12 December 2003, p. 8, at: http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=266&lang=EN&mode=g.

enough, has more profound experience of and competence in some “harder” aspects of European security than the EU, but also feels and often obeys a greater impulsion to speak out on abuses of human rights and good governance. The German EU presidency in the first half of 2007 pushed for a coherent EU Central Asian strategy partly in hope of bringing these different agendas back into better balance within the Union as well – and indeed, the June 2007 European Council, where the strategy document was adopted, identified “human rights, rule of law, good governance and democracy” as the first of the EU’s objectives in the region.²⁰

The Power Balance

These micro-level phenomena can also be looked at in a broader perspective of comparative institutional dynamics. Both the multi-dimensional approach to security and the emphasis on solutions that involve changing political, economic, and social conditions *within* states are tilting the balance globally in favour of institutions that have (i) multi-functional competence; (ii) resources of their own to spend and deploy (human as well as financial); (iii) legislative competence at national and/or international level, to make rules governing non-state as well as state actors; and (iv) a global reach. On point (i) the OSCE is hardly the EU’s inferior, but on all other points the EU – with its large budget, ESDP capabilities, supranational institutions, legislative role, and global impact at least in the economic sphere – clearly comes off best. The OSCE’s central organs are not only small and under-budgeted by comparison, but also dispersed in a way that can hinder the total impact. The OSCE can sustain civilian missions and “roving” capacities like the High Commissioner on National Minorities, but – notoriously – has never actualized its theoretical competence for peacekeeping. As noted, when it comes to driving transformation processes among the non-Western actors in Europe, the EU holds the powerful weapon of control of accession to its own ranks, which may be the only strong enough driver for perpetual peace in the Balkans and is also starting to penetrate the western post-Soviet area. As and when states join the EU, the formal legislative (and often resource-backed) nature of the Union’s *acquis* implies a deeper and more uniform conversion than even the fullest compliance with OSCE norms. Last and not least, when dealing with the “unconverted” notably in Moscow, the EU can offer a many-sided relationship including potential carrots (economic benefits and freedom of travel) as well as sticks. The OSCE with its empty pockets, and lack of

20 *Presidency Conclusions*, European Council 20-21 June 2007; the text of a strategy is contained in Council Document 10113707. For the background, see: EU outlines new Central Asian strategy, in: *Euractiv newsletter* 24 April 2007, at: www.euractiv.com/en/enlargement/eu-outlines-new-central-asia-strategy/article-163327.

control over national practice, can too easily seem to be nagging and interfering with precious little to offer in return.

An alternative, more “realist” comparison would start from the dynamic between multilateral institutions and their member states. Ever since the end of the Cold War, some observers have been looking for signs of “re-nationalization” as the protective added value of Western institutions becomes less obvious and the objective micro-climates for security in different parts of the continent become more diverse. In principle, the post-9/11 “new threats” agenda should push in the other direction: Threats like terrorism are more shared (given their transnational nature) and more intrusive, demanding internal as well as external common measures to control them effectively. In practice, however, the period since 2002 has been marked by divisions both within Europe and across the Atlantic, and not just because of the differences of opinion on Iraq. The mistrust of “the other” that has flared up in many parts of Europe is directed not just against certain external or internal population groups, but also against “Brussels” or “globalization” (seen as the sources of risk caused by openness, and of unfair competition), and in some cases against national structures of authority. The problems caused by all this for institutions are clear enough – as symbolized by the EU’s failure to adopt its new draft constitution – but it is arguable that they are ultimately much more serious for the OSCE (and perhaps even for NATO) than for the EU. First, the range of different national identities and interests is narrowest in the EU. It is much harder to bridge in the OSCE, which includes Russia, or in NATO, which includes the USA. Second, the EU structure, with its now 90,000-odd pages of joint legislation, is simply much harder to unpick. Third, even people who dislike all the EU’s internal effects may be glad of the way it defends their external interests, for instance in trade negotiations and when making aviation or visa control agreements – it is notorious that opinion polls always show greater popular buy-in to the Union’s potential security roles than to its policies in general.²¹ The OSCE has nothing comparable to this role of defending its community vis-à-vis the outside world, and NATO currently seems to demand more than it offers to its members on the external front, notably in Afghanistan.

Nevertheless, the EU still *needs* the OSCE both for its own existential purposes and for success in its outward aims: hardly less so today than in the

21 According to the EU’s own official “Eurobarometer” opinion survey (survey of October–November 2006, results released December 2006), 68 per cent of all European respondents thought a common foreign policy was a good thing and 75 per cent thought a common defence and security policy was a good thing, with even higher results in the new member countries (75 per cent and 84 per cent, respectively). Only 53 per cent thought that their respective country’s membership of the EU was a good thing in general. See: http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.htm. A recent Financial Times/Harris poll found much lower levels of general support for the EU, with only 25 per cent responding that their country had benefited from joining the EU; see: http://www.ft.com/cms/s/852402b8-91dc-11db-a9450000779e2340,dwp_uuid=176e2654-91dc-11db-a945-0000779e2340.html.

1970s. Even now, strategic relations in the wider Europe are about conflict avoidance and coexistence just as much as democracy and transformation. The EU plays, even unwittingly, a potentially *destabilizing* role in this context through its own power and attraction, and it needs the buffering effect and “rules of the road” offered by the OSCE to avoid the risk of other players starting to feel too insecure – or expressing their insecurity violently. Battered as the OSCE’s arms control and confidence-building functions may be by recent controversies, they represent one area in which (as already argued) the EU has no real competing expertise to offer. Similarly, even if the OSCE has done less than was hoped for during the 1990s to lower Russian-Western tensions in a re-balanced Europe, it provides a safety-valve and an additional forum where Moscow – as an equal participant – can express and leverage its concerns. OSCE organs and representatives “can go where the EU cannot go” in some more remote and sensitive parts of the non-integrated territories, and the OSCE may still offer a more politically acceptable (“neutral”) *aegis* than the EU for comprehensive and *formal* solutions to the various “frozen conflicts”. The EU’s comparative advantages cannot take full effect today in places like the Caucasus and Central Asia precisely because its deeply integrated rules and culture are too “strong”, and therefore not feasible for territories that are still struggling with basic problems of national identity, integrity, and governance. This underlying conundrum as well as a lack of political will and priority is likely to constrain Brussels’ ambitions in Europe’s Eastern outback for some while yet, and it is good that the OSCE should survive as long as necessary to help to cover the gap.

At another level, it remains true and important that “the EU makes laws, but the OSCE sets norms”. It is a distinctive part of the EU’s philosophy not to claim a self-justifying and self-mandating authority in matters of life and death but to defer (as the founding documents of the ESDP do, for instance)²² to the principles of the UN and of the OSCE itself. Legitimacy is not the same as strength and may even be its opposite in some cases. If the EU condemns election procedures in a neighbouring country or proclaims standards for a neighbour’s security sector reforms, it may be suspected of self-seeking power motives and political partiality, or even of using its strength to bully others and limit their choices. If the OSCE takes a similar line, the EU’s position gains in credibility just as the OSCE gains from having a well-endowed confederate in the task. There are also cases, as noted, where the EU feels hindered by self-interest from pressing a normative concern at all, but may be relieved to see the OSCE intervene more directly – for instance, over the minorities issue in Turkey. A similar contrast and complementarity might be seen in the two institutions’ images outside Europe, even if the OSCE has barely explored its own potential here. The EU is a tough and not always principled actor in its own interest on economic and migration matters, while

22 Cf. *Presidency Conclusions. Helsinki European Council*, 10-11 December 1999, at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/ACFA4C.htm.

the OSCE has no “axe to grind” and merely offers a model of regional stabilization and best practice – one that may in fact, work better for many different regional settings than the “strong beer” of the EU.

Lessons and Conclusions

Something like Darwin’s “survival of the fittest” applies in the contest between institutions as well – with the caveat that, according to modern Darwinians, “fittest” just describes adaptation to context with no moral overtones. There is no more point in grieving over a changed power-balance between the EU and OSCE (or the Council of Europe, for that matter) than there was when the EU sucked all the substance out of the Western European Union (WEU) in 1999-2000. The very fact that the EU has managed to grow so fast, physically and in competence, within a continent essentially at peace is part of the CSCE/OSCE’s achievement and part of a legacy that Brussels can never – retroactively – steal from Vienna.

At the same time, the OSCE deserves to survive for at least a while longer and still needs to do so, for others’ sake as well as its own. Recognition of realities should lead it to look at ways of harnessing the EU’s strength to its own advantage, rather than railing against or trying to discredit it (undermining it is not really an option). The fact that the OSCE’s survival is objectively in the EU’s best interest does not remove the danger that certain national EU presidencies – depending also on which Chairman-in-Office they coincide with in Vienna – might lose motivation to try to help in overcoming the Organization’s own difficulties, especially if they hear too much acrimony from that source.

In reality, and for at least as long as Europe’s political and institutional balance remains in transition, the threats and challenges that the EU and the OSCE still *share* – from Russia to the Middle East and from bird flu to “renationalization” – are far greater than any harm they could ever conceivably do to each other. It would be self-defeating for the EU to try to “subordinate” or take control of the OSCE, not least because that would kill off any remaining motive for the OSCE’s other participating states (other than EU applicants!) to keep the Organization alive. As it stands and with all its probably now irremediable weaknesses, the OSCE still has a lot to teach the EU – both in substantial experience, and through the arena it offers for trying out new security concepts and relationships. If the challenge for the OSCE is to accept that the pupil may end up a better performer in some ways (like Judy Garland in “A Star Is Born”), the EU’s challenge is to curb its youthful impetuosity and occasional brashness in the security field: to learn the skills of listening and watching, as well as talking and doing.

All atmospherics aside, work on how to strengthen the mechanics of co-operation between the OSCE and the EU has a history almost as long as that

of the ambiguous political interplay between them. There are an impressive number of interfaces today between the two institutions' high officers, their presidencies or Chairmen-in-Office, their committee structures (where "cross-representation" is frequent) and their entire staffs. The EU Commission, as already noted, is a major provider not just of core finance but of extra-budgetary funding for various OSCE activities in the field. Even if taken for granted by most of those engaged, this is a picture to make the proponents of easier EU-NATO relations sigh with envy – and it could still be improved upon. With especially strong support from some smaller EU nations, a draft declaration on closer OSCE-EU co-operation was tabled in July 2006 and is still under consideration. It would improve the regularity of top-level meetings and reciprocal briefings, information exchange and consultation with a view to better synergy and co-ordination between activities on the ground and possible joint initiatives, such as fact-finding missions.²³ In 2005, the signing of a "concordat" of this kind between the OSCE and the Council of Europe²⁴ helped to damp down a period of ultimately unproductive rivalry and recriminations between those two institutions. Even the fact of discussing such documents may help by providing a safety-valve to talk through underlying problems and possible misunderstandings. At any rate, it seems well worth the effort required to carry through this formal OSCE-EU exercise to success. It would be a gain, not just for the two organizations themselves, but for those who believe that all co-operative institutions ultimately have more in common with each other than with the unilateralists or re-nationalizers; and that now is a good moment in history for them to stand up and be counted together.

23 Cf. OSCE Document CIO.GAL/86/06.REV.2 of 14 July 2006.

24 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 637, Enhanced Co-operation between the Organization for Security and Co-operation in Europe and the Council of Europe*, PC.DEC/637, 2 December 2004; idem, *Decision No. 670, Co-operation between the Organization for Security and Co-operation in Europe and the Council of Europe*, PC.DEC/670, Annex, 28 April 2005. See also the OSCE website, at: <http://www.osce.org/ec/13064.html>.

**The OSCE States:
Their Interests and Commitment**

Romania and the OSCE¹

The Importance of the OSCE for Romania

The CSCE/OSCE process has been unique in the history of the European continent. It has paved the way for peaceful change in the lives of tens of millions of people on a continent that had previously experienced change only as a result of armed confrontations and wars. Indeed, the commitments of the participating States in the Helsinki Final Act of 1975 sowed the seeds of the 1989 revolutions in Central and Eastern Europe, which brought freedom and democracy to peoples in these parts of the continent, and hope to others that have experienced totalitarianism.

The Dual Involvement of Romania with the OSCE in the 40 Year History of the Organization

Romania's involvement with the OSCE goes back to the very roots of the Organization. In fact, through its policy goals and initiatives in the first half of the 1960s, Romania can be considered one of the founding fathers and shapers of the CSCE process. Romania was probably the most active of the small and medium-sized European countries, some of which belonged to the two military alliances, while others were non-aligned or neutral.

In those days, Romania regarded the process as one of the instruments it could resort to for protecting its security and promoting its national interests, as defined by the communist regime of the country.

On the other hand, Romania itself has seen the course of its recent history influenced by the Organization, which has become one of the elements of the European security structure.

With a broad mandate regarding security and co-operation on the European continent and equipped with a comprehensive concept of security – incorporating not only the politico-military dimension, but also economic and human matters – the CSCE introduced to the totalitarian systems prevailing in a part of its membership, including Romania, the “virus” of democracy and respect for human rights. This virus directly affected the Achilles’ heel of the communist regimes in general and Romania in particular, and was the major factor that led to their collapse, opening the road for democratic evolution.

¹ The opinions expressed in this contribution are those of the authors alone and do not necessarily reflect the positions of the OSCE or the Romanian government.

The Importance of the CSCE for the Communist Regime of Romania

Following Romania's inclusion in the Soviet Union's sphere of influence after the Second World War, the evolution of the country's communist regime during the 1960s and 1970s supported the desire to escape Soviet trusteeship, which was becoming suffocating. Several paths were explored and various foreign policy initiatives were undertaken to that effect.

The emerging CSCE process was an opportunity to use, and it was used.

Romania was in favour of a European security concept consisting of a system of precise commitments, freely consented to by all participating States, accompanied by specific measures and guarantees against the use of force, which would offer all of them the possibility to develop according to their own interests and to establish among themselves relations based on the principles of international law. To a great extent this is in fact what the basic document of this process – the Helsinki Final Act – does.

Romania played a major role in establishing the rules of procedure of the process, which essentially provided for: a) the participation of all countries in all activities of the process in their capacity as independent and sovereign states, regardless of their membership of military alliances; b) the principle of rotation in conducting the work of the Conference and in hosting its meetings; and c) adoption of all decisions by consensus.²

These rules proved to be appropriate and beneficial for the development of the CSCE process, although when Romania proposed them the aim was primarily to enable it to take positions independently of the countries of the Soviet bloc.³ Unfortunately, the relative independence of the country was used by the Ceaușescu regime in its own interest.

This led to a continued focus of Romania on the politico-military dimension and to some extent on the economic and environmental dimension. The human dimension commitments, with regard to which Romania had considerable reservations, were either distorted in the typical style of Communist propaganda, or obstructed when the question of their implementation by Romania arose. The collapse of the totalitarian regime in December 1989 was to radically change this approach towards the human dimension.

The Importance of the CSCE/OSCE for Romania in Its Transition Period

Together with other international organizations, particularly the United Nations, through its Commission on Human Rights, and the Council of Europe, the CSCE/OSCE became one of the external sources of support for internal

2 See the memoirs of the chief Romanian negotiator Valentin Lipatti, *În tranșeele Europei: amintirile unui negociator* [In Europe's Trenches: Memoirs of a Negotiator], Bucharest 1993, p. 206.

3 For more details, see: Anda Filip/Marin Stănescu, Romania and the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 87-95, here: pp. 87-88.

democratization processes and efforts to strengthen the institutions of the rule of law in the country.

In fact, one of Romania's first acts regarding its participation in the CSCE after December 1989 was to withdraw its reservations to the Final Document of the Vienna Follow-up Meeting related to human rights.

Debates and documents adopted within the CSCE/OSCE, visits to Romania by high officials of the CSCE/OSCE, in particular the High Commissioner on National Minorities and the Representative for Freedom of the Media, CSCE/OSCE missions to monitor parliamentary and presidential elections, and their constructive criticism of certain events or developments made significant contributions to shaping and strengthening Romania's emerging democratic institutions and the rule of law.

With a new foreign policy oriented primarily towards integrating it into the Euro-Atlantic organizations and institutions of the European democratic nations – NATO, the Council of Europe, the European Communities, the Western European Union – Romania also developed a new vision of the CSCE process, described in a comprehensive document submitted to the first meeting of the CSCE Ministerial Council in Berlin, in June 1991, entitled "European Architecture and the Strengthening of Security in Europe".

In parallel, Romania endeavoured to contribute to the general effort of participating States to turn the Organization into a key component of the European security architecture. Special attention was given to making use of the CSCE/OSCE's potential in peacekeeping operations and conflict settlement in neighbouring areas, particularly in the Balkans and the Republic of Moldova. Romanian military and civilians have participated in field operations in Bosnia and Herzegovina, Albania, Georgia, and other zones. Romania has brought before the OSCE proposals aimed at strengthening support for transition countries in their efforts to transform their command economies into market economies, and also at focusing on social issues brought about by the transition process and ways of mitigating them.

Today, as a full member of the European Union, Romania is in a new situation at the OSCE; it now makes its contribution to the work of the Organization by means of the EU's Common Foreign and Security Policy (CFSP).

The Romanian Chairmanship of the OSCE in 2001

Challenges and Priorities

The Chairmanship-in-Office of the OSCE represented a peak moment of Romania's participation in the OSCE and in international organizations in general.

When Romania took over the role in 2001, the Organization was at a crossroads. The Ministerial Council in Vienna in 2000 had failed to adopt any important decisions. It was clear that a stage in the post-Cold War period at the OSCE was over and that lessons had to be learned.

The priorities and objectives of the Chairmanship were essentially the following:⁴

- Encouraging observance of OSCE norms, principles, and commitments.
- Strengthening the OSCE as an active instrument for conflict prevention, early warning, crisis management, and post-conflict rehabilitation.
- Promoting the rule of law and human rights.
- Strengthening OSCE activities in the economic and environmental dimension.
- Enabling the OSCE to cope with new security challenges such as international terrorism and extremism, organized crime, and corruption.
- Facilitating institutional consolidation of the OSCE.
- Strengthening co-operation with other international organizations.

A number of initiatives were undertaken with a view to implementing these priorities and objectives.

Strengthening the Role of the OSCE

In response to a widely felt need to reflect collectively on the OSCE's political role, its broad objectives, priorities, and working methods, the Romanian Chairmanship initiated a "revisit" of the whole Organization and its methods of work. An item entitled "Strengthening the role of the Organization and making it more relevant to the participating States"⁵ was placed on the agenda of the Permanent Council. The basic approach was that participating States had better face up to the criticisms levelled at the Organization.

The purpose of this initiative was to gather ideas on streamlining operations and on improving the efficiency of the Organization, without affecting its strengths and flexibility, and particularly its extensive field presence, its professional institutions and Secretariat, which have been developed over the years, and its role in early warning, conflict prevention, crisis management, and post-conflict rehabilitation.

The reform efforts were appreciated by the Ministerial Council:

We welcome the review of the OSCE's structures undertaken at the initiative of the Romanian Chairmanship with the goal of

4 Cf. Mircea Dan Geoană, *The OSCE under the Romanian Chairmanship – A Retrospective View*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 21-29, here: p. 21.

5 See Discussion Paper, OSCE Document CIO.GAL/22/01, 31 May 2001.

strengthening the OSCE's efficiency, and the adoption today of decisions to foster the role of the OSCE as a forum for political dialogue on issues of security and co-operation in Europe. This reinforces our determination to make more effective use of OSCE means and mechanisms to counter threats and challenges to security and stability in the OSCE region. In particular, we have decided to strengthen our co-operation in the economic and environmental dimension and to enhance the OSCE's role in police-related activities [...] The Ministerial Council tasks the Permanent Council, through a working group on OSCE reform, to continue consideration of issues related to OSCE reform and report to the next meeting of the Ministerial Council.⁶

Those efforts echoed a demand voiced at the earlier EU-Russia Summit "to intensify the dialogue and co-operation on a thoroughgoing reform of the OSCE, in order to determine the Organization's place in the European security architecture and improve its functioning, in accordance with its reference documents (1975 Helsinki Final Act and 1999 European Security Charter)".⁷

The debate on this item initiated a process that continued in the following years in the Working Group on the Reform of the OSCE. Under the chairmanship of the Romanian permanent representative, the Working Group submitted its report in 2004.⁸ The Ministerial Council adopted a Decision on strengthening the role of the Secretary General, proposed by the Working Group.⁹ Based on the report of the Working Group, subsequent steps were made by the adoption of the Decision of the Ministerial Council on strengthening the effectiveness of the OSCE in 2005¹⁰ and the adoption of new Rules of Procedure¹¹ one year later.

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- 6 Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, MC.DOC/2/01, 4 December 2001, in: *OSCE Yearbook 2002*, cited above (Note 3), pp. 391-417, Bucharest Ministerial Declaration, pp. 392-393, here: p. 392. Decisions and other documents adopted at the Ministerial Councils are also available on the OSCE website, at: www.osce.org.
 - 7 EU Russia Summit, Joint Statement, 3 October 2001, Annex 4, *Joint Declaration on stepping up dialogue and co-operation on political and security matters*, para 2.
 - 8 OSCE Document CIO.GAL/128/04, 30 December 2004.
 - 9 Organization for Security and Co-operation in Europe, Twelfth Meeting of the Ministerial Council, Sofia, 6 and 7 December 2004, MC.DOC/1/04, 7 December 2004, *Decision No. 15/04, Role of the Secretary General*, MC.DEC/15/04 of 7 December 2004, pp. 54-55.
 - 10 Organization for Security and Co-operation in Europe, Thirteenth Meeting of the Ministerial Council, 5 and 6 December 2005, Ljubljana 2005, MC13EW66, 6 December 2005, *Decision No. 17/05, Strengthening the Effectiveness of the OSCE*, MC.DEC/17/05 of 6 December 2005, pp. 57-60.
 - 11 Organization for Security and Co-operation in Europe, Fourteenth Meeting of the Ministerial Council, 4 and 5 December 2006, Brussels 2006, MC14EW79, 5 December 2006, *Rules of Procedure of the Organization for Security and Co-operation in Europe*, MC.DOC/1/06 of 1 November 2006, pp. 69-87.

Right at the very beginning of its Chairmanship, Romania submitted a discussion paper on strengthening political dialogue within the OSCE.¹² Almost all of its suggestions have been accepted and implemented: focusing on current issues in the Permanent Council, regular briefings about the OSCE field activities, acquaintance by delegations in Vienna with the OSCE field activities, including visits by permanent representatives to field presences.

In 2001, the first item on the agenda of the Permanent Council became “Current Issues”. It proved to be a step in the right direction, making political dialogue the central reason for the ambassadors in Vienna to meet weekly. Indeed, upon the initiative of representatives of the participating States, numerous topical issues were brought before the Council, generating useful exchanges and often new ideas for action.

Prior practice had been to build the agenda of the Permanent Council around the reports of field missions, which unavoidably led to more technical discussions and to unnecessarily detailed examination of various elements or aspects of the activities of field missions at the level of ambassadors.

In order to inform public opinion on the OSCE’s position on major issues, the Romanian Chair initiated the adoption and publication of policy statements on selected “current issues”. The first such statement was on developments in the former Yugoslav Republic of Macedonia.¹³

Among other things, the Romanian Chair of the Permanent Council will probably be remembered for the change in agenda, working methods, and increased discipline: the Council now focuses on current issues; statements by heads of field missions and representatives of participating States are short and to the point; the meetings start at the announced hour and the atmosphere in the Council is more dignified; discussions on reports of heads of missions and institutions are concluded with a statement by the Chair, synthesizing the general direction of the debate and giving further orientation.

Co-operation with Other Organizations

One of the primary concerns of the Romanian Chairmanship was to strengthen co-operation with other international organizations who are also responsible for security and co-operation in the Euro-Atlantic space, particularly the United Nations, NATO, the Council of Europe, and the European Union.

On 29 January 2001, the Chairman-in-Office, Romania’s Foreign Minister, Mircea Dan Geoană, was the first OSCE official ever to address the UN Security Council and discuss co-operation between the two organization at a

12 OSCE Document CIO.GAL/2/01, 8 January 2001.

13 OSCE Permanent Council, 337th Plenary Meeting, PC Journal No. 337, PC.JOUR/337, 11 May 2001, Annex 1, *Statement by the Permanent Council*.

meeting especially convened for this purpose.¹⁴ The Chairman-in-Office put forward some ideas and proposals aimed at improving the OSCE-UN co-operation framework on the basis of the principles of complementarity, comparative advantage, subsidiarity, and synergy. He referred to the establishment of an efficient information exchange mechanism on existing and potential crises and on lessons learned from joint field missions; the promotion of periodical joint assessments on developments in areas of mutual interest; and the appropriate participation of the two organizations in each other's meetings on topics of common concern. Special emphasis was placed on the operational dimension of the co-operation between the OSCE, as a regional organization, and the UN. As a follow-up, at the initiative of Romania, in 2005 the Security Council adopted a special resolution concerning the co-operation between the United Nations and regional organizations in maintaining international peace and security.¹⁵

The meeting in New York was followed by a series of further high-level and working-level meetings of the Chairman-in-Office with officials of NATO, EU, and the Council of Europe that have resulted in better co-ordination and use of these organizations' resources.

11 September 2001

The events of 11 September 2001 in the United States have changed the world in significant ways. Upon the initiative of the Romanian Chairmanship, the reaction of the OSCE was prompt: a Permanent Council Statement expressing the sorrow and outrage of all participating States at these senseless acts and their determination to "act[...] together with the entire international community, to unite and put an end to terrorism, a scourge of our times which threatens peace and security throughout the world".¹⁶

On 21 September, a special meeting of the Permanent Council was convened, at which the Chairman-in-Office highlighted the area where the OSCE can bring added value in combating terrorism. A Statement by the Permanent Council was adopted,¹⁷ followed by the decision and the plan of action adopted by the Bucharest Ministerial Council on 4 December 2001¹⁸ and by the international conference on "Enhancing Security and Stability in Central

14 Cf. UN Document S/PV.4266, 29 January 2001.

15 UN Document S/RES/1631 (2005), 17 October 2005.

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

17 OSCE Permanent Council, Special Meeting of the Permanent Council (355th Plenary Meeting), PC Journal No. 355, PC.JOUR/355, 21 September 2001, Annex 1, *Statement by the Permanent Council*.

18 Ninth Meeting of the Ministerial Council, cited above (Note 5), *Decision No. 1, Combating Terrorism*, MC(9).DEC/1/Corr.1, and The Bucharest Plan of Action for Combating Terrorism, Annex to MC(9).DEC/1/Corr.1, 4 December 2001, pp. 393-402.

Asia: Strengthening Comprehensive Efforts to Counter Terrorism” held in Bishkek on 13 and 14 December 2001.¹⁹

The Bucharest Plan of Action was a comprehensive document and proved to be a valuable one. It led to the designation by the Portuguese Chairmanship in 2002 of a Personal Representative for Preventing and Combating Terrorism²⁰ and to a highly useful conference in Lisbon, in June 2002, of Secretaries General and Chairpersons of key organizations involved in the fight against terrorism. They agreed on a number of steps to enhance co-operation and co-ordination among their organizations. The Porto Ministerial Council drew up an “OSCE Charter on Preventing and Combating Terrorism”.²¹ The framework for a more effective involvement of the OSCE in the international efforts to combat terrorism was thus established.

Regional Conflicts

Regional issues and conflicts represented a matter of major concern of the Romanian Chairmanship. Its main initiatives aimed at:

- Adjusting the OSCE’s action to the challenges of developments in the Balkans, e.g. by establishing an OSCE mission in Belgrade, appointing a Personal Representative of the Chairman-in-Office for the Stability Pact, stabilizing the situation in the Republic of Macedonia in co-operation with NATO and EU through the successful conclusion of the Ohrid Framework Agreement on 13 August 2001, and organizing elections in Kosovo under the aegis of the OSCE.
- Establishing an OSCE presence in Chechnya.
- Increasing the international focus on Central Asia.
- Encouraging fulfilment of earlier commitments regarding withdrawal of foreign troops, ammunition, and military equipment from Transnistria and facilitating the negotiation process for a political settlement.

In order to better understand the nature and the essence of the conflicts in the OSCE area, the Romanian Chairmanship organized for the first time visits of groups of ambassadors from participating States to conflict zones – in this

19 See UN Office for Drug Control and Crime Prevention and Organisation for Security and Co-operation in Europe, *Summary Report, Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism*, 13/14 December 2001, at http://www.osce.org/documents/2001/12/4130_en.pdf.

20 OSCE, *Chairman-in-Office names former Danish Minister as Personal Representative for Terrorism*, OSCE Press Release, 29 January 2002, at: <http://www.osce.org/item/6521.html>.

21 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, MC.DOC/1/02, 7 December 2002, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 421-455, OSCE Charter on Preventing and Combating Terrorism, pp. 425-428.

case to Moldova and the Caucasus. It was an interesting experiment and enlarged the ambassadors' knowledge and understanding both of the actual issues at stake and of the challenges confronting the OSCE in the field. It led to a significant increase in the perceived relevance of examining the conflicts in the Council. Since then, visits to conflict zones, and to other areas, have become a regular instrument of the Council in dealing with issues on its agenda.

The Economic and Environmental Dimension

The Romanian Chairmanship pointed to the importance of the economic and environmental dimension of the OSCE's activities and made a serious attempt to examine shortcomings and suggest remedies. A discussion paper was submitted early in the Chairmanship, which underlined that:

The experience of countries in transition has shown that while adoption of democratic constitutions, setting democratic institutions and organizing free and fair elections are *sine qua non* requirements of their progress and prosperity, they are not sufficient. Nor are efforts to address peaceful settlement of conflicts sufficient. Democracy and peaceful relations are fragile against a background of poverty and continued economic crises, and without economic take-off and sustained growth.

Therefore, it is time to revisit the Economic and Environmental Dimension of the OSCE, aiming in particular at practical implementation of the goals set in the OSCE documents and at supporting reform processes in countries with economies in transition.²²

The paper suggested a number of procedural, institutional, and operational measures to increase the effectiveness of this dimension. Most of those suggestions remain as valid today as they were six years ago.

Eventually, at the initiative of Romania, a Sub-committee of the Permanent Council on the Economic and Environmental Dimension was established with a view to examining in more depth issues of interest for the participating States in the OSCE context,²³ which was a milestone in the devel-

22 OSCE Document CIO.GAL/8/01, 13 March 2001.

23 Ninth Meeting of the Ministerial Council, cited above (Note 5), *Decision No. 3, Fostering the Role of the OSCE as a Forum for Political Dialogue*, MC(9).DEC/3, 4 December 2001, pp. 408-411, here: p. 410.

opment of this dimension.²⁴ This initiative has given prominence to these issues within the OSCE.²⁵

Roma and Sinti

The human dimension was the object of various initiatives on the part of the Romanian Chairmanship that aimed to make the OSCE pay increased attention to issues of human security and the protection of minorities.

One was a conference on Roma and Sinti issues, which was held in Bucharest from 10-13 September 2001 with the purpose of drawing up recommendations for an OSCE plan of action on the topic. More than 300 people attended the conference, including representatives of Roma communities from all over the continent.²⁶ That was a starting point for the OSCE's more active involvement in protecting these minorities, particularly against discrimination.

Based on the recommendations of the Bucharest Conference, the Permanent Council established a working group, and the permanent representative of Romania was given the chairmanship and tasked with preparing the text of a plan of action. On 27 November 2003, the Council adopted an "Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area",²⁷ which was subsequently endorsed by the Ministerial Council in Maastricht the same year.²⁸ The plan is intended to reinforce the efforts of the participating States and relevant OSCE institutions and structures to ensure that Roma and Sinti people are able to play a full and equal part in society, and to eradicate discrimination against them. It relies on the framework of international and regional human rights law, existing OSCE commitments, and examples of best practices.

The plan of action continues to be a basic guide for the activities of the OSCE and its participating States relating to Roma and Sinti issues, and Romania is one of the most active promoters of its implementation at both national and international levels.

24 Cf. Marc Baltes, *The Economic and Environmental Dimension: Lessons Learned and Possible New Orientations*, in: Daniel Warner (ed.), *Consolidating the OSCE, Program for the Study of International Organizations*, Occasional Paper 4/2006, IUHEI, Geneva, p. 62.

25 For a comprehensive review of the successive instruments that have been put into place to strengthen the economic and environmental dimension, see the above-mentioned study by Marc Baltes, Senior Advisor at the OSCE Office of the Co-ordinator of Economic and Environmental Activities, *ibid.*, pp. 61-83.

26 Cf. OSCE Office for Democratic Institutions and Human Rights, *Annual Report 2001*, p. 48, at http://www.osce.org/documents/odihr/2001/12/1842_en.pdf.

27 OSCE Permanent Council, *Decision No. 566, Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area*, PC.DEC/566, 27 November 2003.

28 Cf. Eleventh Meeting of the Ministerial Council, 1 and 2 December 2003, Maastricht 2003, MC.DOC/1/03, 2 December 2001, *Decision No. 3/03, Action Plan On Improving The Situation Of Roma And Sinti Within The OSCE Area*, MC.DEC/3/03, pp. 61-77.

Tolerance and Non-Discrimination

The International Seminar on Tolerance held in Bucharest in May 1995 in co-operation with the OSCE and the Council of Europe, under the aegis of UNESCO, and within the context of the International Year of Tolerance, was at the origin of the increased attention that the OSCE today pays to this topical issue. In June 2001, under the Romanian Chairmanship, a special Supplementary Human Dimension Meeting was convened in Vienna with a view to further promoting tolerance and non-discrimination.²⁹

The fight against intolerance and discrimination has become an ever more important issue for Europe and for the world. The most recent event on the topic was the High-Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, which took place in Bucharest on 7-8 June 2007.³⁰

Results and Lessons Learned

Perhaps the most important feature of the Romanian Chairmanship was the provision of leadership. All those acting on its behalf were not merely reacting to developments; they maintained the strategy and the course of action the Chairman-in-Office had set out from the very beginning. From that point of view, the Romanian Chairmanship was both consistent and persistent.

The OSCE Chairmanship is entrusted to the country as a whole, not just to an individual or two – and consequently the whole country's ability to run the Organization and to manage the problems in the OSCE area is put to the test. Romania proved its ability to perform these tasks on behalf of the participating States.

Through its initiatives and in the way it conducted its business, the Romanian Chairmanship played a significant role in bringing normality to the Organization and restoring the confidence of some participating States that seemed to have lost interest in the OSCE.

The Romanian OSCE Chairmanship was in keeping with the Romanian tradition of distinguished service to international organizations. Before the Second World War, Nicolae Titulescu, a prominent Romanian diplomat, was twice elected President of the General Assembly of the League of Nations. The first East European ever to be elected President of the United Nations General Assembly, in 1967, was Romanian – Foreign Minister Corneliu Mănescu. Romania's contributions to the work of the United Nations and the Conference on Security and Co-operation in Europe were remarkable. These traditions were continued in 2001 at the OSCE. The Romanian Chairman of

29 OSCE Supplementary Human Dimension Meeting on Promoting Tolerance and Non-Discrimination, Vienna, 18-19 June 2001, *Final Report*, CIO.GAL/34/01, 23 July 2001.

30 For details, cf. <http://www.osce.org/item/23554.html>.

the Permanent Council, Ambassador Liviu Aurelian Bota, was awarded the OSCE Medal *Bene Merenti ad OSCE*.³¹

Two historic events have significantly influenced Romania's OSCE-related policies and activities since it held the Chairmanship in 2001: NATO membership in 2004 and accession to the EU as a full member in 2007. In fact, there is no doubt that the successful way Romania fulfilled the tasks of the Chairmanship in a politically difficult and complex year played a role in the decisions taken by these two organizations, which shoulder major responsibilities for European security and co-operation, to admit Romania.

Within the same tradition, Romanian diplomacy has always been active in promoting the peaceful settlement of international disputes. In fact, Romania was one of the originators of the declaration adopted by the General Assembly of the United Nations in this field³² and Romanian diplomats have acquired expertise in both UN peace-making and peacekeeping operations and OSCE conflict settlement.

Some Thoughts Regarding the Present and the Future

Much criticism of the OSCE has been heard during the last few years, particularly from Russia.³³ To a certain extent, this is an encouraging sign. It indicates that Russia and others who criticize the Organization attach importance to it. At the same time, it indicates a crisis of confidence in the OSCE, at least as far as those participating States are concerned.

Legitimate questions arise: Has the OSCE actually fulfilled its 1975 mandate, as adjusted after 1990 by the Charter of Paris and other documents? Do the European and Euro-Asian States, the USA, and Canada still need this Organization? What is the *raison d'être* of the OSCE today?

After the revolutions in the East that led to the collapse of communism, the CSCE/OSCE certainly had a reason to continue to exist. In the early 1990s, it offered a framework to the emerging democracies for their ongoing participation in the dialogue on security and co-operation. Building upon the CSCE, the OSCE was established as an organization and played a significant role – together with other organizations of the European democracies, par-

31 Cf. OSCE, *Former Chairman of Permanent Council receives OSCE Medal*, OSCE press release, 6 February 2002, at: <http://www.osce.org/item/6533.html>.

32 Cf. United Nations, *Manila Declaration on the Peaceful Settlement of International Disputes*, UN Document A/RES/37/15, 15 November 1982.

33 See remarks regarding imbalances between the three dimensions, the need to reform ODIHR, the promotion of one-sided political approaches in regional conflicts by the Russian Foreign Minister at the Ministerial Meeting in Brussels, in: OSCE Document MC.DEL/21/06, 4 December 2006, and references by the President of the Russian Federation to people "trying to transform the OSCE into a vulgar instrument designed to promote the foreign policy interests of one or a group of countries"; Speech at the Munich Conference on Security Policy, 10 February 2007, at: http://president.kremlin.ru/eng/speeches/2007/02/10/0138_type82912type82914type82917type84779_118135.shtml. See also Mikhail Marghelov, *Why is the OSCE needed?* In: *Nezavisimaya Gazeta*, 19 January 2004.

ticularly the Council of Europe, and with the aid of bilateral support programmes – in democratic state building in the countries in Central and Eastern Europe and the ex-Soviet space.

The Organization Today

The OSCE area has changed. And, in a parallel process, so has the OSCE. Today, the OSCE looks very different from how it did 15 years ago.

The most remarkable element of these changes is the eastward enlargement of NATO and the EU. Very important too was the enlargement of the Council of Europe, which now includes all the states of the geographical continent of Europe, from the Atlantic to the Urals.

What are the respective interests of the participating States in the OSCE, in this new international context?

There are more and more signs that Russia feels that the OSCE as it has evolved after the Cold War is no longer an appropriate instrument for promoting its national interests and aspirations. In fact, Russia would seem to prefer an OSCE – or another organization – where its role and decision-making power were similar to those it enjoys in the UN Security Council. At any rate, its criticism of the OSCE needs to be addressed constructively, with a view to alleviating fears and dissipating mistrust and misunderstanding.

The five countries in Central Asia are the only participating States that did not become members of the Council of Europe. For these states, the OSCE is the only organization other than the UN where they can sit together at the same table with the well-established European and North American democracies and discuss security and co-operation issues of common interest. It will probably take a long time for these countries to become real democracies, but their interest in keeping connected to this “club” at all times is, and should be, there.

The path to follow is, as has rightly been emphasized, to develop the participating States’ sense of ownership of the OSCE, and this can be achieved only through a spirit of co-operation as equals, avoiding the impression that the Organization is divided into “teachers” and “pupils”.³⁴

All these concerns should be dealt with by identifying the OSCE’s place (or “niche”) in the complex system of institutions and organizations established by the European states after the Second World War to deal with their security and co-operation problems, and also by building a common vision of how to shape the Organization so that it will serve all participating States.

34 Cf. Dov Lynch, *The Basic Challenges Facing the OSCE*, in Warner (ed.), cited above (Note 23), p.15.

The OSCE is the regional security organization with the largest membership (56 participating States), the most comprehensive definition of security, and the broadest area of co-operation.

Following its enlargement, the European Union now includes almost half of the OSCE States (27 of 56) and in a few years will probably include even more. The impact of the enlarged EU and of its decision to promote a Common Foreign and Security Policy needs to be assessed and used to benefit the OSCE's effectiveness. Obviously, streamlining and coherence of action are, first of all, the responsibility of the participating States, but they also need to be addressed in the OSCE context.

Particular attention needs to be paid to the OSCE's co-operation with the Council of Europe. The Declaration on Co-operation that the two signed at the Council of Europe Summit in Warsaw on 17 May 2005³⁵ should serve as the basis to fully achieve the potential of this co-operative relationship.

The goal of co-operation and co-ordination is being voiced loud and clear in all the relevant organizations. But although officials on all sides speak highly of the progress made, loopholes remain, and there is much room for improvement.

The OSCE's specific role is determined by its particular attributes.

The OSCE was conceived as a security organization with a broad definition of security encompassing three dimensions, and its structures were designed accordingly. Issues related to all these dimensions are considered by the OSCE structures from the point of view of their implications for the security of the participating States.

It also offers a forum for permanent and free exchange of views between partners acting on an equal footing, enabling them to agree on common action, when necessary, on any matter of mutual interest. Indeed, in the OSCE, participating States can air their differences on the widest range of issues, while staying in contact. What is essential in this regard is that all voices are important and have to be heard. All of the states have to be involved in the informal consultations system, which is the basis of decision making in the OSCE.

It is worth mentioning that the Romanian Chairmanship made a major – and largely successful – to involve all participating States more actively in political consultations. An interesting experiment in this regard was to bring together the Central Asian states, the republics of the South Caucasus and the Black Sea countries in informal consultations on issues of concern to the

35 OSCE Permanent Council, *Decision No. 670, Co-operation Between the Organization for Security and Co-operation in Europe and the Council of Europe*, PC.DEC/670, 28 April 2005, Annex, Declaration on Co-operation Between the Organization for Security and Co-operation in Europe and the council of Europe.

OSCE, through the so called Silk Road Caucus. They have been meeting for some time now at the Romanian Permanent Mission to the OSCE.

The decision of the Brussels Ministerial Council to establish three informal subsidiary bodies of the Permanent Council – one for each dimension of the OSCE’s activities – might augur well for a more intense and specialized political dialogue among participating States.³⁶

Need for a Common Vision of the OSCE’s Raison d’Être

During the last few years, the agenda of the OSCE has changed. Some of the problems it deals with arose from the old division of the continent and the totalitarian past of a number of participating States. These have been joined by new problems arising from the difficulties of transition. In addition, the “frozen conflicts” continue to affect several states. Finally, another category of problems consisting of new threats to international security and stability has also emerged in recent years.

In general, the OSCE and its institutions have managed to adjust to the new realities. Nevertheless the Organization’s overall strategic orientation, relevance, and effectiveness have been questioned by a number of countries, the Russian Federation in particular.

Participating States need a shared vision of the purpose the Organization should serve. They should not be only reactive in the sense of continuously adapting the OSCE to the evolving situation, but also proactive, in the sense of shaping a vision of how the Organization can meet their future needs and expectations.

It is against this background that much hope was placed in the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, which was established with the mandate to give new impetus to political dialogue and provide strategic vision for the OSCE in the 21st century, to review the effectiveness of the Organization, its bodies and structures, and to provide recommendations on measures to effectively meet the challenges ahead.³⁷ The Panel succeeded in drawing up an excellent inventory of ideas and initiatives aiming at strengthening the Organization that had been put forward over the years.³⁸ But it achieved no more than that.³⁹

36 Cf. Fourteenth Meeting of the Ministerial Council, cited above (Note 10), *Decision No. 17/06, Improvement of the Consultative Process*, MC.DEC/17/06 of 5 December 2006, pp. 52-54.

37 Cf. Twelfth Meeting of the Ministerial Council, cited above (Note 8), *Decision No. 16/04, Establishment of a Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE*, MC.DEC/16/04 of 7 December 2004, pp. 56-57.

38 *Common Purpose. Towards a More Effective OSCE*, Final Report and Recommendations of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, 27 June 2005, at http://www.osce.org/documents/cio/2005/06/15432_en.pdf.

39 See for an analysis Edwin Bakker/Hinke Pietersma, *The OSCE in Search of a Meaningful Reform Agenda*, in: *Atlantisch Perspectief*, December 2005, p. 23-29, at http://www.clingendael.nl/publications/2005/20051200_cscp_cdsp_art_bakker_pietersma.pdf.

As far as the future of the OSCE is concerned, the “vision thing” is still lacking.

The starting point should be the common values described in the OSCE documents and shared by all participating States. As the OSCE is the only organization covering such a large area – namely almost the whole northern hemisphere – it is and should be an instrument to strengthen security and peace between the states in this area based on these values. While they share these values, the participating States are also eager to maintain their own specific cultures and identities. This strong desire is generally growing even stronger and needs to be respected.

It is encouraging that the EU and the USA have recognized that “differences in history, culture and society mean that the paths taken towards democracy and the rule of law will be different and that the systems of government that result will be varied, reflecting local traditions and preferences” and that “democracy, while it is based on universal values, will not be uniform”.⁴⁰ The OSCE needs to build on that.

The fact that “authoritarian systems or outright dictatorship” prevail in some participating States, as one researcher put it,⁴¹ does not mean that the community of values does not extend there. Sooner or later these values will find their way to implementation in those states, too. It is precisely here that the OSCE has a valuable role: to use its chemistry to make this happen, building on the fact that the participating States not only subscribed to common values but have also undertaken politically binding commitments to implement them.

Regional Approach

The common goal of the participating States is to ensure the security and stability of the OSCE area. At the regional level, the OSCE possesses structures and instruments whose mandates reflect, at least in part, the Organization’s overall mandate.

There are a significant number of regional structures in the Balkans, the Black Sea area, the Danube region, and the Baltic Sea area. However, the OSCE is the only organization with a remit to cover Central Asia. It has the expertise to offer the necessary assistance and support to states in this region, to strengthen their security and to devise measures for conflict prevention.⁴²

40 Joint Statement by the European Union and the United States, *Working Together to Promote Democracy and Support Freedom, the Rule of Law and Human Rights Worldwide*, OSCE Document SEC.DEL/176/05, of 19 July 2005.

41 Pál Dunay, *The OSCE in Unabated Decline*, Real Instituto Elcano, Europe-ARI 1/2007, 12 January 2007, p.4.

42 An interesting report was prepared in 2002 aiming at establishing a long-term strategic concept of what the OSCE is for and what it can accomplish in Central Asia. It contains many recommendations that remain useful today: International Crisis Group, *The OSCE in Central Asia: A New Strategy*, ICG Asia Report No. 38, Osh/Brussels, 11 September 2002.

The OSCE needs to develop a coherent regional approach. In 2006, in a “food-for-thought” paper circulated informally to the participating States, Romania proposed a decision on action at the regional level of just this kind, to the Ministerial Council.

The idea is still valid and worth considering, and is directly related to increasing the relevance of the OSCE for the participating States. On the other hand, there is no doubt room for rationalization of the existing regional structures, institutions, and initiatives.

Continued Adaptation

“Reform” has probably been the most frequently used term in statements, proposals, and initiatives brought by the participating States in recent years. As noted, Romania has been no exception.

Today, there are definite signs of “reform fatigue” in the OSCE. In fact, through constant adjustment – *de jure* and *de facto* – the OSCE has kept adapting to the needs of its participating States. The agenda of the Permanent Council today is different from the one that prevailed during the second half of the 1990s. The Organization has been restructured. New bodies have appeared while others, such as the Senior Council, have been abandoned;⁴³ field missions – temporary or permanent – of the most varied nature have been established or restructured, while others have been closed, having fulfilled their tasks. One cannot accuse the OSCE of becoming set in its ways.

Therefore, with very few exceptions – the most notable being the Russian Federation – the participating States do not want to talk endlessly about the OSCE reform. What needs to be done in the circumstances is to address the specific concerns that lie behind the criticism voiced by Russia and other participating States and try to accommodate them.

Of course, there is a need for the institutions and structures of the OSCE to continue to adapt to meet the evolving needs of the participating States, but this should not occur in the context of large and comprehensive talks about “reform” but rather pragmatically and punctually, as those needs arise.

This can be considered, for instance, in relation to the politico-military dimension. Overall, the strategic security element of this dimension has increasingly lost substance, to the extent that the Forum for Security Cooperation (FSC) can barely justify its existence, and debates in the FSC are becoming inconsequential to the point of irrelevance. However, the dimension has gained substance thanks to the following: The 1999 Vienna Document; the emphasis on policing issues (with special attention to small arms and light weapons and drugs trafficking); border management; involving civil society in security issues; and the fate of the Treaty on Conventional Armed Forces in Europe.

43 Cf. Fourteenth Meeting of the Ministerial Council, cited above (Note 10), *Decision No. 4/06, OSCE Senior Council*, MC.DEC/4/06, 26 July 2006, p. 19.

Another relevant topic concerns places in the OSCE area where the rule of law does not exist. These are the areas of the “frozen conflicts”. The basic concern should be to prevent the deterioration of such conflicts or the resort to the use of force. Patient work and mutual accommodation, with the help of OSCE field presences, are called for to prepare the ground for future peaceful settlement.

A final topic for consideration is the continued need for stronger co-operation and co-ordination among the OSCE institutions and structures. One cannot but agree with the assessment of an experienced diplomat, whose association with the OSCE’s field operations led him to conclude that the Organization “is increasingly performing below its potential”.⁴⁴

Emphasis on the Individual

In the context of its human dimension, the OSCE should put more and more emphasis on the individual and the individual’s rights and needs. It should be a forum where an individual who feels that their rights have been abused or infringed upon is able to air their complaint, either through one of the governments of the participating States, through an OSCE institution, through an NGO, or even directly, as a private person, and seek and find protection.

While agreeing that exchanges in the Permanent Council on national positions relating to human rights are constructive, Romania maintained that it would do even more to increase the effectiveness of the OSCE’s action and would be even more beneficial for the individuals concerned if the Organization were also to examine individual cases of alleged infringements of human rights in participating States and to make appropriate recommendations. In time, this approach has acquired wider acceptance and the Permanent Council now does discuss concrete cases of human rights violations in participating States fairly often under the heading of “Current Issues”, with beneficial effects for individuals in many cases.

The OSCE should persist in pursuing work in this direction and should seek to enlarge the opportunities for individuals in the OSCE area to find support and encouragement when they have exhausted the national possibilities open to them. When it comes to human rights, the cultural or religious specificity of a particular area, which are sometimes invoked in debates, are not acceptable. There are human rights standards, defined in the OSCE’s fundamental documents, towards which all participating States must aim. It would serve no purpose to lower the level of ambition of participating States in any matter related to the promotion and protection of human rights.

44 Ambassador Robert L. Barry, *The OSCE at a Turning Point?*, Basic Publications, Basic Notes, Occasional Papers on International Security Policy, 7 September 2004, at: <http://www.basicint.org/pubs/Notes/2004OSCETurningPoint.htm>.

In this regard, the proposal made by ODIHR to set up a Focal Point for Human Rights Defenders is a most welcome one,⁴⁵ and needs to be further pursued despite the fact that the Ministerial Council in Brussels could reach no consensus on making such a decision.

Adding a Fourth Dimension

Promotion of the OSCE's goals in the new international security environment may benefit by the addition of a fourth dimension to the OSCE – the cultural dimension. This could improve understanding and appreciation of the culture, traditions, and values of the participating States.

The Charter of Paris for a New Europe included a section on culture, recognizing “the essential contribution of our common European culture and our shared values in overcoming the division of the continent” and “the increased importance of the Cracow Symposium” in the context of the recent changes in Europe. However, the Paris conference did not propose to establish any operational structure, confining itself to looking forward to the symposium's consideration of “guidelines for intensified co-operation in the field of culture”.⁴⁶

The Document of the Cracow Symposium (21 May-7 June 1991) includes a number of impressive commitments relating to the preservation of cultural heritage and co-operation on the part of participating States⁴⁷ and calls for further development of these ideas.⁴⁸ However, leaving aside various national initiatives, co-operation on cultural issues has been mentioned only sporadically in debates since, and the Cracow Document has not really been followed up. As late as 2005, the Secretary General of the OSCE could still state that “it is time to consider ways how culture can be a confidence building measure”.⁴⁹

In fact, as far back as 2001, the Romanian Chairmanship introduced a new theme for reflection – a possible role for the OSCE in promoting moral and spiritual values. On 2 April 2001, an informal meeting of the Permanent Council attended by a number of eminent personalities convened to exchange views on ethical and spiritual values as factors for peace and stability. Their aim was to identify a role for the OSCE in this regard. Most panel speakers agreed that there should still be room in the debate on European security for

45 The proposal was made in the context of the ODIHR report entitled *Common Responsibility: Commitments and Implementation*, submitted to the Brussels Ministerial Council, para. 164, at http://www.osce.org/documents/mcs/2006/12/22478_en.pdf.

46 Charter of Paris for a New Europe, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 537-566.

47 Cf. Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States, in: Arie Bloed (ed.), *ibid.*, pp. 583-592, here: paras 20 to 41.

48 *Ibid.*, para. 43.

49 *Opening Statement by OSCE Secretary General Marc Perrin de Brichambaut at the Human Dimension Implementation Meeting, Warsaw, 19 September 2005*, OSCE Document SEC.GAL/199/05, of 23 September 2005.

inter-religious dialogue and discussion of spiritual and ethical values.⁵⁰ Unfortunately, there was no follow-up to that meeting.

A few years later, the Secretary-General of the United Nations launched the Alliance of Civilizations initiative, which was co-sponsored by the prime ministers of Spain and Turkey, both OSCE participating States.⁵¹ The Report prepared by the High-Level Group of the Alliance of Civilizations, published on 13 November 2006, suggested a series of legal and other measures in the areas of education, the media, youth, and migration policy to build bridges between different communities and promote a culture of respect. It is an excellent report, whose recommendations can serve as a basis for an effective programme of action by the international community.

In June 2007, Romania proposed to the Spanish Chairmanship that consideration be given to the adoption at the Madrid Ministerial Council Meeting of procedures and organizational modalities for the purpose of giving effect to the Paris Charter's provisions on culture.

It would be a most appropriate time for the OSCE to develop a cultural dimension, drawing upon long and rich traditions that some participating States have of harbouring a diversity of minorities – ethnic, cultural, and religious – living in peace and understanding.

Ideas have been already aired suggesting that the OSCE should capitalize on this asset by promoting inter-cultural dialogue in the same way that the Cultural Forum helped to unite Eastern and Western Europe in the late 1980s.⁵²

Diversifying Services to Participating States

The OSCE's field presences are important. Some countries consider them to be a sign of a lack of confidence in the democracy they are building and a criticism of their country by the international community. In their view, an OSCE field mission is a stigma foisted on the host country by the international community.

This is not the reality, but unfortunately it is the way those governments look at the OSCE's monitoring of human rights issues.

A German statesman with a great deal of expertise in OSCE matters observed pertinently that "missions can only work effectively when host States do not perceive their presence as a stigma, but as an offer that has been made to them and an opportunity they may wish to grasp" and that "acceptance

50 Cf. Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, MC.DOC/2/01, 4 December 2001, *Chairman-in-Office's Activity Report for 2001*, pp. 43-58, here: p. 54, available at: http://www.osce.org/documents/mcs/2001/12/4173_en.pdf.

51 Recently, the Secretary-General appointed Jorge Sampaio, the former President of Portugal, another OSCE Participating State, as High Representative for the Alliance of Civilizations; cf. United Nations, Secretary-General, SG/A/1060, 26 April 2007.

52 Cf. Walter Kemp, *The Vision Thing: Stimulating the OSCE*, in: Warner (ed.), cited above (Note 23), p. 50.

cannot simply be demanded, but must be gained in a dialogue based on trust”.⁵³

Taking into consideration the historic legacy, cultural differences, and the lack of democratic traditions, one should expect that achieving compliance with OSCE standards will be a long and complex processes, whose success will require patience, diplomacy, and delicacy. Consequently, more thought should be given to diversifying the assistance given by the OSCE, via its field missions, to participating States in transition, to include – in addition to human rights protection – democratic institution building, management of the emerging market economy, good governance in general, and other types of assistance tailored to the needs of each particular state. The idea of thematic missions as a new type of field operation is worth exploring, as it has great potential to enable the OSCE to provide a useful service to the participating States.⁵⁴

Promoting OSCE Values in Neighbouring Areas

The fact that the goal of the Organization is to ensure peace, stability, and security in the whole northern hemisphere explains the OSCE’s co-operation with partners in neighbouring areas: the Mediterranean (Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia) and Asia (Afghanistan, Japan, Korea, Mongolia, and Thailand).

Promoting the OSCE’s values of security, democracy, and human rights in these areas by diversifying and strengthening relations with partner states, involving them in common projects, and seeking new partners – all this helps the Organization to achieve its overriding goal. Special attention should be paid to building bridges with China and developing co-operation with neighbouring regional organizations such as the Shanghai Co-operation Organization.

Stronger engagement with Mediterranean and Asian Partners is also required in order to take into account and manage external factors that influence and affect security in the OSCE area.

Following the good example of the European Union, the OSCE may well agree on, and implement, an “OSCE Neighbourhood Policy”.

53 Gernot Erler, *Germany and OSCE Reform*, Centre for OSCE Research, Institute for Peace Research and Security Policy at the University of Hamburg, Working Paper 15, Hamburg, 2006, p. 9, also available at: <http://www.core-hamburg.de>.

54 For a thorough analysis of this subject, see: Wolfgang Zellner, *The Role of the OSCE in the Conflict-Management Cycle: Possible New Orientations*, Warner (ed.), cited above (Note 23), p. 38-44.

Montenegro and the OSCE¹

Introduction

Although Montenegro was a part of Yugoslavia, and therefore shares the legacy of one of the founding fathers of the then Conference on Security and Co-operation in Europe (CSCE), independent Montenegrin interaction with the OSCE dates back to the late 1990s. One cannot but take into account the rich – and sometimes controversial – contribution that Yugoslavia made to the Conference, particularly, its activity in promoting the CSCE's values and ideas in a Europe that was riven by ideological divides. Belgrade hosted the CSCE follow-up meeting in 1977/78, and Yugoslavia actively contributed to the adoption of the Paris Charter, one of the CSCE's core documents.

At the same time, Yugoslavia was interesting from another point of view. The first ever CSCE/OSCE field operation – The CSCE Missions of Long Duration in Kosovo, Sandjak and Vojvodina – were deployed in the Federal Republic of Yugoslavia (FRY) in August 1992. The Committee of Senior Officials (CSO) took this step in order to “promote peace, avert violence and restore respect for human rights and fundamental freedoms”.² This certainly marked a turning point in the history of the Organization. The FRY is thus both the first OSCE participating State to have accepted an OSCE Mission on its territory and the first to have shut one down. Furthermore, the FRY is the only state to have been suspended from the work of the CSCE by decision of the CSO on 8 July 1992 within the scope of international sanctions in condemnation of its involvement in the war in Bosnia and Herzegovina.

To better explain the OSCE's role in Montenegro, I would like to briefly discuss the broader, regional context in which the Organization has over the years carried out various, sometimes extremely complex activities ranging from crisis management, post-conflict rehabilitation, reconciliation, and institution building to democratization, reform of public administration, and strengthening institutions and the rule of law. By means of the field operations it carried out in the 1990s, the Organization positioned itself as a serious international political actor and developed a strong influence in the Western Balkans, which served as a good basis for the OSCE's early engagement in Montenegro. At the same time, internal developments within the

1 The opinions expressed in this contribution are the author's own and do not necessarily reflect the positions of the government of the Republic of Montenegro.

2 Committee of Senior Officials, 13th CSO Meeting, Helsinki, 29 June-7 July 1992, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 950-952, here: p. 952.

FRY and an open political dispute between Belgrade and Podgorica as a result of a certain degree of movement towards more democracy in Montenegro had removed political hurdles for the OSCE's active involvement.

Three factors have definitively shaped the eight years of Montenegro's relationship with the OSCE:

First, the OSCE's appearance on the Montenegrin political map in the late 1990s was closely linked to the freshly launched reform process. This has remained the key motivating force of the OSCE presence in Montenegro and the most prominent aspect of its work. Second, the OSCE had already gained considerable experience in the region and was willing to assist Montenegro. Third, the Montenegrin authorities wanted to improve the image of their country; to move away from the negative legacy of the type of government that Yugoslavia had in the early 1990s; and to demonstrate political willingness to become a constructive partner to the international community.

"The case of Montenegro" can serve as an example of how constructive co-operation between the Organization and a participating state can be when the interests of the two partners meet. This short analysis will try to shed light on this relationship, emphasizing the specific political situation of a given historical moment and taking account of interest-driven interactions.

In terms of the mandate underpinning the OSCE's activities and the way in which the Organization implemented its tasks, the relationship between Montenegro and the OSCE can be said to have passed through three phases, each characterized by a different degree of involvement in the unique, rather complex, challenging, and sometimes very volatile internal political setting.

The First Phase: 1999-2001. The OSCE as a Pioneer

The OSCE's Office for Democratization and Human Rights (ODIHR) opened an office in Podgorica in late 1999, which became fully operational a few months later in the spring of 2000. The Permanent Council had never adopted a decision to establish a field presence in Podgorica in order to avoid legal, practical, and political objections that would have been raised by participating States during the discussions of a draft decision in the Council.

However, the OSCE found justification for its presence in Podgorica in the political willingness of the Montenegrin authorities for stronger international engagement. "Pursuant to the observation of the May 1998 parliamentary elections in Montenegro, the ODIHR was requested by the authorities to remain represented in Montenegro through a local office. The ODIHR remained on the ground with a small international representation that was temporarily closed during the Kosovo war. Following the end of the armed conflict, the office was re-opened and expanded".³ The re-opening of the Of-

3 OSCE Office for Democratic Institutions and Human Rights, *Annual Report 2000*, 1 December 2000, p. 35.

Office was followed by the signing of the Memorandum of Understanding by the two partners in November 1999, which marked the beginning of the OSCE presence in Montenegro.

From the very beginning of its endeavours, the Office found itself in an extremely challenging situation – an equation with a number of unknowns. Montenegro had just broken off its relations with the Milošević regime in Belgrade, democratic reforms remained at the conceptual stage, society was polarized between the growing but not yet dominant democratic forces on one side and Milošević's resilient disciples and supporters on the other. However, to actively become engaged in such a situation was logical and in the nature of the Organization, as logical as Montenegrin interest in mitigating negative developments and strengthening democratic processes.

Although that first OSCE presence was originally deployed with a fairly modest mandate, which was a logical consequence of the internal developments in Montenegro mentioned above, the Office, which had been set up to assist in the initial stages of democratization, particularly in the area of election legislation, evolved into a fully fledged field operation (in terms of both projects and areas of activities) within a year. "Apart from observing the municipal by-elections on 11 June this year [2000], the office has been engaged in maintaining contacts with leaders of Government, opposition and civil society, as well as in monitoring and analysing domestic political developments."⁴ In the field of democratization the office pursued numerous activities, notably in the fields of legal reform, gender issues, local self-government, and media. In this context, undoubtedly the prime virtue of the Office's work was to reflect the values and principles embodied in the core OSCE human dimension documents.

The first OSCE presence in Montenegro played a unique and unrepeatable role in the history of the OSCE and its field activities. Judged by its impact, deeds, and influence on the OSCE's later presences in the country – achieved despite the delicate political environment – the Office was a very useful, high-profile, and well regarded corrector and facilitator of Montenegrin political life. This was particularly true of the first ten months of its existence, in the period before Milošević was toppled.

To understand these positive results, it is necessary to comprehend the motivation, interests, and goals of the actors concerned at this particular moment and situation. First of all, Montenegro was open to genuine, thoroughgoing co-operation and ready to draw the benefits from it: For Montenegro, the ODIHR Office was not only a valuable partner assisting in various fields and boosting emerging democratic reforms. More importantly, it was an elegant and internationally recognized way out of almost ten years of self-isolation, social degradation, and economic decline. It was Montenegro's ticket to take part in the OSCE framework while the FRY was suspended.

4 Ibid.

Last, and by no means least, the Office served Montenegro as a shield against the intrusion of Milošević's policies.

For the Organization, Montenegro was another test of its capacity to address an acute crisis and diffuse inflammatory disputes. Unlike the current decade, the 1990s were "the golden era" of the OSCE: As mentioned earlier, Montenegro fitted in well with the Organization's overall activities and efforts in the region. Furthermore, the OSCE's engagement in Montenegro at that time served as a springboard for its aspirations towards Belgrade, the only place in the region where the Organization had no success in setting up even an embryo of a long-term presence. The latter was critical for the decision to close down the Office in Montenegro after Milošević had been ousted. With the new signs of democracy in Serbia, Montenegro lost much of its attractiveness. The Office, which had from the very outset been part of a regional strategy and was never purely concerned with the co-operation entered into in Montenegro, had thus lost the main reason for its existence. As one would expect, the last defenders of its *raison d'être* were the Montenegrin authorities.

The Second Phase: 2001-2006: A Full-Scale Mission

The OSCE reacted promptly to democratic change in Belgrade, adapting itself to the new reality and preparing a new type of field presence in the FRY, later the State Union of Serbia and Montenegro. Responding to a letter from the FRY, the Permanent Council welcomed the FRY as a participating State of the OSCE.⁵ Soon after that, the Permanent Council passed a decision on the establishment of the OSCE Mission to the FRY, whose aim was to "provide assistance and expertise to the Yugoslav authorities [...] in the fields of democratization and the protection of human rights, including the rights of persons belonging to national minorities [...] the Mission will also assist and advise on the full implementation of legislation in areas covered by the mandate, and monitor the proper functioning and development of democratic institutions, processes and mechanisms [...] The Mission will assist in the restructuring and training of law enforcement agencies and the judiciary".⁶ As a result, the ODIHR Office in Podgorica was closed down and a new office was opened with a different capacity, now under the auspices of the newly established Mission to the FRY. Though the Mission was active in all three OSCE dimensions, the bulk of its work was focused on democratization, the rule of law, and the enhancement of state institutions.

5 Cf. OSCE Permanent Council, *Decision No. 380, Federal Republic of Yugoslavia*, PC.DEC/380, 10 November 2000.

6 OSCE Permanent Council, *Decision No. 401, Establishment of the OSCE Mission to the Federal Republic of Yugoslavia*, PC.DEC/401, 10 January 2001, p. 1.

At first glance, the situation looked ideal: The country had launched a broad programme of reform; there was political will for thoroughgoing co-operation with the OSCE; the Mission was established upon the invitation of the government. All the signs were good. This was a real window of opportunity for the OSCE's future engagement, and there were a number of areas where concrete assistance was needed. However, nothing is perfect. Political developments within the FRY, the Belgrade Agreement of February 2003, and the constitutional arrangement that was more or less imposed on the constituent parts of the new State Union of Serbia and Montenegro placed the Mission – renamed the “OSCE Mission to Serbia and Montenegro” by the OSCE Permanent Council on 13 February 2003⁷ – in a highly peculiar situation. The environment in which it was operating was both polarized and volatile, there were many problems, and the future of the Union as a state looked bleak. Thus, alongside its explicit mandate, the Mission had an extremely demanding and, in some situations, testing subsidiary task to perform for the OSCE – to defuse tensions between the two constituent republics and to facilitate dialogue on the country's future and a potential Montenegrin referendum on independence. This task fell to the OSCE because the Organization had the largest and strongest, and, I dare say, the most efficient presence in Serbia and Montenegro of all international actors.

The co-operation between the OSCE Mission and the EU at this particular juncture was multifaceted, but two features were particularly important:

From the moment the OSCE Mission was deployed, its performance was seen as indispensable and indivisible from the country's overall efforts on the road to EU membership. The Organization has enjoyed a high profile in Montenegrin society, working hand-in-hand with the authorities and playing a productive role in numerous areas, from judicial and police reform, to the modernization of local self-government. The synergy between the Mission's work and the country's pro-EU agenda was obvious and broadly accepted across the Montenegrin political spectrum. In this context, the Mission's work, and particularly activities that went through its Office in Podgorica, were understood as a logical continuation of the previous efforts of the OSCE/ODIHR presence.

At the same time, ever since the formation of the State Union of Serbia and Montenegro, the Mission had occasionally pretended – more or less openly – to play the questionable role of an official interpreter and analyst of the EU position on the future of the State Union. Although this would have been understood as driven by the Mission's unique situation when compared to other international agencies in Montenegro, in practice it opened up a dilemma of how far it could go in performing this non-original OSCE task. Because it was on the spot, in the area of conflicting interests between diamet-

⁷ Cf. OSCE Permanent Council, *Decision No. 533, Renaming the OSCE Mission to the Federal Republic of Yugoslavia*, PC.DEC/533, 13 February 2003.

rically opposed political forces, the Mission could not but assist, and its support was widely accepted. On the other hand, at an exceptionally sensitive time, by stepping out from the original scope of the work envisaged by its mandate and interpreting its task and goals more broadly, the Mission ran the risk of failing to give due recognition to the legitimate political forces that were advocating the independence of Montenegro as a legitimate goal – and which appeared to be prevailing. A very narrow line divides the neutral provision of expertise from the exclusive protection of a specific political position (of those who were legitimately striving to preserve Serbia and Montenegro). The OSCE and the Mission had to tread watchfully on this thin “path of neutrality” in order to safeguard its objectivity and enjoy the full respect and confidence of all the parties concerned. Although it did stumble from this path a couple of times in the first few years, in the months leading up to the referendum on independence, the Organization and the Mission did exactly what was required of them.

To complete this picture, one should bear in mind the broader political stage on which this play was being acted out. That includes not only the cohabitation of Serbia and Montenegro in one state, and the (im)balance of their interests and strengths, but also the different ways in which they were perceived by the international community. Even more significantly, the interests and plans developed by global political actors following the democratic transformation in Belgrade critically influenced the situation in Montenegro at that moment. Under the new circumstances, Montenegro was not the focus of the international community and the OSCE, especially at first. Nonetheless, the new and less encouraging circumstances did not change the main course of Montenegro’s policies, but only determined the rate of progress.

Apart from the strategic goal of independence, which lay outside the mainstream of European thought at that time, other key priorities set by the Montenegrin authorities, such as democratization, strengthening state institutions, and reform in the police sector and the judiciary, did correspond entirely with the aims of the OSCE. Montenegro widely accepted the Mission and its mandate, and co-operated closely with it on various projects. In this, the second phase of the OSCE’s engagement in Montenegro, the Mission was ready for the continuation and acceleration of overall democratic reform in the very unusual situation of an internationally recognized state whose future was limited or at least uncertain. In such a peculiar situation, there was no other logic but to abide by universal standards and values as overarching principles. This was the common denominator for interaction between the OSCE and Montenegro in that delicate period. Once again, Montenegro, while strengthening practical co-operation with the OSCE and the Mission, wanted to demonstrate its commitment to Europe. The OSCE, on the other hand, had an interest in preserving its strong role in this changing society and influencing processes from the inside.

The litmus test for both sides was the referendum on independence: It gave Montenegro a chance to show its political maturity and respect for democratic practice and standards, while the OSCE was able to demonstrate its experience in this matter and its even-handedness. Both sides undertook legal and political activities, and there were many points of intersection:

The OSCE was actively involved in work on the referendum legislation from the outset. During 2001 and 2002, when the question of the referendum was raised for the first time, OSCE experts made several appraisals of the existing legislation, and gave recommendations and suggestions on how to improve it.⁸ Assessing Montenegro's referendum legislation was a highly sensitive aspect of the OSCE's overall election-related activity that required the Organization to become involved at an early stage and to play a major role. Furthermore, it was yet another chance to take an inside role in coordinating a course of action that was universally perceived as close to what the OSCE was created for in the first place. The Organization therefore emphasized its indispensable role in the drafting of legislation, which was built on its long experience in elections as well as ODIHR's previous co-operation with the Montenegrin authorities and the existing field presence in the FRY.

At the same time, international and regional circumstances were unfavourable with regard to both the timing and the very idea of a referendum and therefore required a considered strategy to neutralize the potential discontent of those who did not agree to its being held, and to Montenegro's display of the clear political will to co-operate closely with international actors. For the sake of legitimacy and in acknowledgement of the OSCE's role in this area, Montenegro deliberately invited the Organization to take a full range of action. At this early stage, the Montenegrin authorities realized that the referendum could only be organized and recognized if it met the principles and standards well established in European practice. For the same reason, the OSCE had a role to play throughout the entire procedure.

From the very beginning of this exercise, the ODIHR experts identified three groups of issues that later proved to be central when establishing the legal framework for the referendum on independence: 1) The question of the size of the majority required to guarantee an incontestable outcome; 2) the issue of which voters should be eligible to take part in the referendum (should Montenegrin citizens permanently living in Serbia be enfranchised, and if so, how?); 3) the question of interpreting the constitution: Would the

8 On this point see: OSCE Office for Democratic Institutions and Human Rights, *Assessment of the Draft Referendum Law for Conducting Referendum Elections in the Republic of Montenegro*, Warsaw, 22 January 2001; OSCE Office for Democratic Institutions and Human Rights, *Assessment of the Referendum Law, Republic of Montenegro, Federal Republic of Yugoslavia*, Warsaw, 6 July 2001; and OSCE Office for Democratic Institutions and Human Rights, *Comments on the Draft "Referendum Law on the State Status of the Republic of Montenegro", Federal Republic of Yugoslavia*, Warsaw, 5 November 2001.

outcome of the referendum need to be endorsed by a two-thirds parliamentary majority?

A short review of the findings and recommendations outlined in the first Assessment of the Referendum Law will illustrate the OSCE's argumentation and the extent to which this was agreed upon by the parties concerned and taken up in the 2006 Special Referendum Law as the "legal framework for the referendum [that] provided a solid basis for the conduct of a referendum that respected fundamental democratic rights and, in general, met with international standards for electoral processes that apply to the holding of referenda".⁹

Referring to the qualified majority, the Assessment commented that "the Law on Referendum in the Republic of Montenegro requires a simple majority of registered voters to cast ballots and a simple majority of those casting ballots to approve a referendum. International law and the OSCE commitments contained in the Copenhagen Document include no standards on the issue. However, best international practice in conducting referendums in similar situations informs us that some level of weighted or qualified majority is preferable in order for the outcome of a referendum to be less contestable and stability safeguarded".¹⁰

Addressing the question of who is enfranchised to vote in the referendum, and referring to the demand of some political parties in Montenegro "that for a referendum on the State and legal status of Montenegro, the Federal Republic of Yugoslavia citizens born in Montenegro but living permanently in Serbia should be enfranchised",¹¹ ODIHR decided not to recommend inclusion of such federal citizens, enumerating five legal arguments for this recommendation.¹²

Finally, after analysing the constitutional provisions and the various readings of their meaning, ODIHR concluded that the rather long and complicated process requiring a two-thirds parliamentary majority was intended to apply to cases where parliament attempts to introduce major changes to the constitution without a referendum and "that this procedure should not be necessary if a referendum has already been held".¹³ Although cautious of making a final ruling, the report says that "a referendum is usually considered as the supreme democratic form of expression, and should therefore take precedence over other mechanisms".¹⁴

The first Assessment of the Referendum Law set out the principles upon which the proposed preconditions for the referendum were ultimately based

9 OSCE Office for Democratic Institutions and Human Rights, Republic of Montenegro, Referendum on State-Status, 21 May 2006, OSCE/ODIHR Referendum Observation Mission, *Final Report*, Warsaw, 4 August 2006, p. 1.

10 ODIHR, *Assessment of the Referendum Law*, cited above (Note 8), pp. 2-3, here: p. 2.

11 Ibid., p. 2.

12 Cf. *ibid.*, p. 8.

13 Ibid., p. 4.

14 Ibid.

(they were to be validated by the EU and the international community). In extensive discussions between experts prior to the referendum, the three questions mentioned above were the most controversial ones. Following a rather legalistic approach, ODIHR strongly defended the position given in the Assessment. Even in the most difficult case of the qualified majority, the Organization has never moved from its original position that no specific percentage should become the final solution for this outstanding problem. However, on this question, political arguments appear to have prevailed over legal ones and an unprecedented formula (never before applied in Europe – and unlikely to be applied again) was introduced in Montenegro.¹⁵

The Montenegrin authorities finally endorsed the proposed formula for the sake of the process itself. Fully aware of what was at stake, they shared the same attitude as international actors (the OSCE included), namely that the procedure must be participatory, inclusive, and democratic in order to narrow the current gap between the two blocs in Montenegrin society and guarantee the country's future stability. A broadly accepted notion of the shape the process should take was the meeting point between the legal and the political views which led to the *sui generis* solution stipulated in the 2006 Special Referendum Law. This law “was the result of a consensus that followed political party negotiations in early 2006, and was able to maintain cross-party political support for its full implementation, including on contentious issues such as the majority requirement for the decision to be made”.¹⁶

At the same time, the implementation phase was for many reasons as important for the OSCE/ODIHR and Montenegro as were the lengthy legal preparations and inter-party negotiations. The continued bipartisan work on this issue was not a matter of coincidence but the result of political momentum and reciprocal interest in resolving it in a suitable manner:

ODIHR, which was criticized for its performance in the area of elections, and found itself characterized by a group of OSCE participating States as imbalanced and exceeding its mandate, found itself in the unique situation of observing a referendum on independence for the first time. Though the OSCE was not the leading actor, it was actively involved in all the preparatory phases: observing preparations, campaigning, the referendum itself, the aftermath, and, most importantly, giving the preliminary assessment of the manner of how it was conducted. In this way, the OSCE and ODIHR had an opportunity to display their objectivity, their non-partisan approach, and to prove that they were capable of coping with the very complex situation, carrying out the most demanding tasks, and maintaining the trust of divergent political groups.

15 The Referendum Law “placed two criteria for a decision in favour of the independence to be considered as valid. The minimum turnout requirement that at least 50 per cent of registered voters participate in the referendum, and the qualified majority requirement that 55 per cent of valid votes needed to be cast for the ‘yes’ option.” ODIHR, *Final Report*, cited above (Note 9), p. 5.

16 Ibid., p. 1.

For Montenegro, the referendum and its organization in a democratic and peaceful manner was undoubtedly a decisive historical moment. The Montenegrin authorities took the view that the success of the referendum very much depended on the provision of appropriate assistance by the international actors. Thanks to their presence and active involvement, international institutions including the OSCE gave credibility to the results and helped Montenegro remove all the political hurdles, tension, and distrust that might have emerged to mar the post-referendum period. ODIHR's preliminary assessment that the future status of Montenegro was "determined peacefully, with legitimacy and certainty" and that the referendum was "conducted in line with OSCE and other international standards related to democratic electoral processes"¹⁷ was a much-needed vindication of the maturity of those who were advocating the referendum. Moreover, the way the referendum was conducted with an obvious readiness to abide by the highest standards and to co-operate closely with the international community was seen as a sign of the nature of the future state and a signal as to what its strategic aims are likely to be.

This co-ordinated course of action brought the multifaceted issue of the Montenegrin referendum to an end, avoiding the violence that was so common in other crises in the former Yugoslavia. Thus, instead of producing a turbulent domino effect in the neighbourhood, Montenegro contributed to regional stability. "The independence referendum in Montenegro is an important European signal: after the tragic developments in the Balkans in the 1990s, this referendum shows that the peoples of the region have learnt from the past and are now taking their decisions about the future peacefully and democratically",¹⁸ declared the Austrian foreign minister, Ursula Plassnik, in her capacity as President-in-Office of the European Council.

The Third Phase: Montenegro as an OSCE Participating State

Montenegro's smooth and speedy accession to the Organization was a logical consequence of its having resolved the protracted status problem in a democratic manner with the consent of international community. Several weeks after the referendum, Montenegro became the 56th OSCE participating State.¹⁹ Driven by the same set of political interests as before, Montenegro and the OSCE soon reached an agreement on the establishment of the OSCE field mission in Podgorica.²⁰ The Mission has a broad mandate and is based on an ambitious concept similar to that of the former Mission to Serbia and

17 Ibid.

18 Montenegro chooses independence, in: *Europa Newsletter*, 2 June 2006, at: http://europa.eu/newsletter/archives2006/issue82/index_en.htm

19 Cf. OSCE Permanent Council, *Decision No. 725, Accession of Montenegro to the OSCE*, PC.DEC/725, 21 June 2006.

20 Cf. OSCE Permanent Council, *Decision No. 732*, PC.DEC/732, 29 June 2006.

Montenegro. As envisaged by its mandate, the role of the Mission, among other things, is to “assist and promote the implementation of OSCE principles and commitments as well as the co-operation of the Republic of Montenegro with the OSCE, in all dimensions, including the politico-military, economic and environmental and human aspects of security and stability”.²¹

The mandate is almost the same, but the politico-social environment is rather different. For the first time since it embarked on its “Montenegrin adventure”, the OSCE faces a situation that is clearly defined. The foundation for this was laid down by the success of the referendum, the “velvet divorce” between Serbia and Montenegro, the broad acceptance of the referendum’s results by the previously sharply divided electorate, and – it should be particularly emphasized – by the open, constructive, and trusting co-operation that set the tone for future interaction between the two partners.

Not by chance was the OSCE the first international organization that Montenegro joined. A cluster of strategic goals, set by Montenegro as soon as it regained its statehood and embodied in the Euro-Atlantic agenda, have produced a new impetus for further consolidation of reform and created a strong platform for OSCE-EU synergy in the field. With the mandate it has been given, the Mission has ample opportunities to provide assistance to the Montenegrin authorities in numerous critical areas. The support will be successful to the extent that it is goal-oriented, carefully tailored to meet specific Montenegrin interests, developed in co-operation with all the relevant social actors, and the Montenegrin authorities in particular, and takes account of the domestic political, economic, and social requirements that will determine the course of reforms in years to come.

At the same time, the relationship has gained a new dimension – a new quality deriving from full Montenegrin participation in the work of the Organization. For the first time, Montenegro, in its capacity as a participating State, can influence the work and decisions of the Organization. Of course, as a small state its influence is constrained by the political interests and strengths of the participating States, as well as the consensual character of the Organization. Nevertheless, by its accession, Montenegro has increased its ability to build partnership relations with the OSCE Mission and thereby to help shape the latter’s profile and guide its activities. To remove any doubts that may occur in this context, it should be made clear that Montenegro will continue with its constructive approach towards the OSCE in the belief that the Mission can boost domestic reform and the pro-EU agenda in several areas. These range from judicial reform and strengthening law enforcement institutions to capacity building in the defence sector in order to fulfil OSCE commitments in the politico-military dimension and become part of the regional confidence and security building network. As Montenegro fulfils more and more of its pro-EU agenda, the Mission should shift its focus to the implementation of environmental and economic projects. Going further, in-

21 Ibid.

spired by the practice already established in previous cases, and taking into account the positions of other participating States on this issue, one can foresee the Mission ceasing its field activities altogether as Montenegro gets closer to the EU.

In conclusion, and taking responsibility for not being precise enough, I would reiterate that, from the very outset, these two partners identified the common denominator for co-operation and, as long as this “glue” holds, their relationship will continue.

Thanks to its size, Montenegro has always been relatively manageable for the OSCE in even the most sensitive political situations. It has provided a good opportunity for the Organization to demonstrate its efficiency and its capacity to address a real challenge such as a referendum on independence. The OSCE has thereby also opened the way to playing a continued role in post-referendum Montenegro, confirming that it remains an important contributor to the transformation of the Montenegrin political and legal landscape, and synthesizing its work with EU regional strategic planning. If that can be accomplished smoothly, the OSCE will have played an exemplary role.

The OSCE is viewed as a good instrument for initially bringing Montenegro out of isolation, for providing the necessary legal framework (widely accepted in Montenegro) for the referendum process at a critical moment in recent history, and, finally, for assisting the country in fulfilling its pro-EU agenda. All those who have followed political and social developments in Montenegro in the last few years have witnessed the high profile that the OSCE has enjoyed in Montenegrin society and the respect it has won while carrying out its ambitious tasks.

Montenegro and the OSCE have had what could be described as long, vibrant, sometimes complicated, but ultimately productive relationship. I remain confident that, in the end, both Montenegro’s and the OSCE’s history will record that this relationship has been positive for the development of both parties.

Parliamentary Reform in the Republic of Kazakhstan

Kazakhstan, having chosen its own path of development, is confidently paving its way to the future. Every year, its standing in the international arena grows. In the short time since attaining independence, Kazakhstan has laid down stable foundations for its further economic, social, and political development. In the words of President Nursultan Nazarbayev:

We laid down the foundation for a completely new economic system, a democratic constitutional state, strengthened modern social institutions, and significantly changed the quality and standards of living.

We maintained internal stability, ensured a sustainable social basis for development, and built the best economy in the region. Kazakhstan has become a full-fledged and responsible member of the international community fulfilling important functions of maintaining geopolitical stability and international security in our region.¹

As the President concluded in his address, the process of complex economic and political modernization “must take place in the interests and with the direct participation of all our people, of all strata and institutions of our society”.²

The Expansion of Parliament

In his address to the deputies of both chambers of Parliament on 16 May 2007, President Nazarbayev announced amendments to the constitution that, while retaining the presidential system, would substantially extend Parliament’s powers, a reform that would almost entirely change the system of government from presidential to presidential-parliamentary.³

The major aim of political reform is “movement toward such a modern democratic executive system which will be able to provide effective man-

1 Address by the President of the Republic of Kazakhstan Mr. Nursultan Nazarbayev to the People of Kazakhstan, 2007, at: http://www.regulator.kz/page.php?lang=2&page_id=216.

2 Ibid.

3 Cf. *A new stage in the democratization of Kazakhstan – the expedited development of a free democratic society*, Address by N.A. Nazarbayev, President of the Republic of Kazakhstan, to the joint meeting/session of the chambers of the Parliament of the Republic of Kazakhstan, Astana, 16 May 2007, at: <http://www.kazakhstanembassy.org.uk/cgi-bin/index/284>.

agement of the society and the country, while at the same time preserving political stability in the country and maintaining all constitutional rights and freedoms of our citizens.”⁴

The reforms were outlined in the President’s address to the nation of 28 February 2007 and further elaborated in a speech given by the President at a joint session of both chambers of the Parliament on 16 May 2007. Parliamentary reform is being carried out in the context of a programme of general political reform in Kazakhstan, the key elements of which are as follows: keeping the presidential system, phased introduction of reforms, creating balance in decision making, national dialogue, and consolidation of major political forces.

The modernization programme was formalized in the “Law on Amendments and Addenda to the Constitution of the Republic of Kazakhstan”⁵ of 21 May 2007. One element of the parliamentary reform was to increase the number of deputies in the Parliament. Paragraphs 2 and 3 of Article 50 in the constitution of the Republic of Kazakhstan have consolidated this number: “Fifteen members of the Senate [author’s note: the upper chamber of Parliament] are appointed by the President of the Republic, taking into account the need to guarantee the representation of the interests of the various national cultures and other significant societal interests in the Senate. [...] The *Majilis* [author’s note: the lower chamber of Parliament] consists of 107 deputies, elected in accordance with the procedure defined in the constitutional law.”⁶ Paragraph 1 of Article 51 defines more concretely the composition of the *Majilis*: “Ninety-eight of the 107 deputies of the *Majilis* shall be elected by universal, equal, direct, and secret ballot. Nine deputies are elected by the Assembly of the People of Kazakhstan.”⁷ The reform also increased the number of senators, with the presidential quota rising from seven to 15 deputies, some of whom are appointed after consultations with the Assembly of the People of Kazakhstan.

The reform has raised the number of deputies in the lower chamber of Parliament from 77 to 107. Of this number, 98 are elected by proportional representation, and nine represent the Assembly of the People of Kazakhstan, who are elected according to the relevant law. This ensures that the interests of the large ethnic groups that constitute the core of Kazakh society are taken into account. The total number of deputies in Parliament now stands at 154, which means that 38 additional seats were created by the reform (formerly

4 Address by the President of the Republic of Kazakhstan Mr. Nursultan Nazarbayev to the People of Kazakhstan, cited above (Note 1).

5 O vnesenii izmenenii i dopolnenii v Konstitutsiyu Respubliki Kazakhstan. Zakon Respubliki Kazakhstan ot 21 maya 2007 goda N 254 [Law on Amendments and Addenda to the Constitution of the Republic of Kazakhstan. Law of the Republic of Kazakhstan of 21 May 2007, no. 254], in: *Kazakhstanskaya Pravda*, No. 76 (25321), 22 May 2007, pp. 1-2; available online at: <http://ru.government.kz/docs/z070254.htm> (all quotations from this source translated by the author).

6 Ibid.

7 Ibid.

there were 116 deputies). The enlarged Parliament can be seen as approaching the ideal size for a population of 15 million. In terms of international comparison, the Georgian parliament has 150 deputies (for a population of nearly five million), in Hungary, with nearly ten million inhabitants, there are 386, and in the Netherlands, whose population of 16.5 million is similar to Kazakhstan's, there are also 150. The number of citizens represented by one parliamentary deputy in various democracies varies from 557,757 (in the US, but without taking into account the state legislatures) to 43,484 persons (in the UK). In Germany, there are 120,967 citizens per member of parliament, in France 67,817, in Italy 62,222, and in Canada 77,966. Taking into account the ratios of deputies to citizens in other states, the law makers decided on the figure of 98,701 as optimal for Kazakhstan.

A related area concerns the relative representation of women and men in the Senate and the *Majilis*. The number of women candidates in the 2004 *Majilis* elections was higher than during the previous elections in 1999. A total of 24 women (22 per cent) were nominated on the party lists of the eight parties and two blocks, and 87 women (17 per cent) were nominated in a single member constituency. Compared to the 1999 *Majilis* elections, the number of women candidates more than doubled.⁸ While this represents an improvement, much work remains to be done to increase the number of women in the *Majilis* and the Senate. Measures need to be taken to encourage women to become more involved in politics, and especially in political parties, to teach female candidates electioneering techniques, to increase the number of woman senators appointed by the President, and to increase the number of women on the party lists for election to the *Majilis*.

Proportional Electoral System and Political Parties in Parliament

The key aspect of the parliamentary reform was to strengthen the role of the political parties in the process of parliamentary elections and in the work of the Parliament in general. This was achieved above all via the introduction of a proportional electoral system. Proportional representation electoral systems are used by more than 60 countries worldwide, including the vast majority of democracies. In adopting a proportional electoral system, Kazakhstan has built upon the experience of democratic countries around the world.

In order to guarantee the equal representation of political parties on the election commissions, a proposal was made to give each party not represented on the election commissions the right to appoint its own representative with the right to voice advisory opinions. This applies to election commissions at all levels and at any stage of the electoral period.

8 Cf. OSCE Office for Democratic Institutions and Human Rights, *Republic of Kazakhstan, Parliamentary Elections, 19 September and 3 October 2004, OSCE/ODIHR Election Observation Mission Report*, Warsaw, 15 December 2004, p. 17.

During the September/October 2004 elections to the *Majilis*, a system was used that combined first-past-the-post ballots to single-member constituencies with a proportional representation system using party lists. However, the lists made up only a small proportion of the total number of seats, and it was decided to use proportional representation to elect the vast majority of members in the next elections to the *Majilis*.

During the discussions of the problems of political modernization, the state committee established for the development and concretization of the democratic reform programme for Kazakhstan, taking into consideration a range of views that were expressed by representatives of the public, the Parliament, political parties, and various government ministries and departments, suggested electing half of the deputies according to the majority voting system and half on the basis of proportional representation. But during the joint session of both chambers of Parliament, it was decided to reject this proposed compromise. Reflecting on the experience of other countries, it was eventually decided to elect all the *Majilis* deputies using proportional representation. This type of system was chosen because it best represents the real will of the people while also taking into account the country's special features. Furthermore, by increasing the role of political parties, proportional representation can help to encourage the division of power among Kazakhstan's political forces.

There are currently ten political parties active in the Republic of Kazakhstan. Seven of them will participate in the August 2007 elections of deputies to the *Majilis*, which will be based on proportional representation.

- Nur-Otan (Fatherland's Ray of Light)
- Village Social Democratic Party (*Auyl Sotsial-Demokratyalyk Partiya*)
- Rukhaniyat
- The Party of Patriots
- The Democratic Party Adilet
- The Democratic Party of Kazakhstan Ak Zhol
- The Communist Party of Kazakhstan
- The People's Communist Party of Kazakhstan
- The Nationwide Social-Democratic Party (NSDP)
- Naghyz Ak Zhol (True Bright Path)

The last four or five parties position themselves in opposition to the ruling Otan party.

While it would be possible to make the political parties larger, reducing their number to two or three, it would also be possible to enlarge the party space by creating a larger number of small and middle-sized parties. Ultimately, the best option would be to create a number of large parties.

Strengthening the role of Parliament also depends on the deputies and thus on the political parties that support them. These parties have developed

their own policies and have their own personnel, who could join the government. In the future, the leadership of Kazakhstan plans to consult with the parties on how to best solve the country's problems. This element of the reform programme is a major step forwards for Kazakhstan. There can be no one party with a monopoly on power such as the Soviet Communist Party had.

Legislation has been put in place to enhance the role of the party fractions in the *Majilis*, and these are to become the basic instrument for the realization of political goals. The powers of the fractions have been enhanced. It is planned to finance political parties from the state budget. It should be noted that fractions can only be established in the *Majilis* but not in the Senate. After taking into account the opinion of the state committee for the development and concretization of the democratic reform programme and the views of the opposition, the President will appoint the Prime Minister, following consultations with the fractions and with the consent of the majority in the *Majilis*.

The introduction of proportional representation for the election of deputies to the *Majilis* as a constitutional norm is a historic step in the direction of increasing the role of political parties in the area of elections. This reform means that the Prime Minister will represent the party that controls a parliamentary majority, enhancing the role of political parties in the formation of the government. Moreover, the party that controls a parliamentary majority will be responsible for the formation and further actions of the government, which will have to implement the programme of the party that has won the election.

In connection with the state financing of political parties, the question arises as to whether all registered parties will receive this money or only parties that have members elected to Parliament. I believe that the prevailing practice worldwide is correct: The state should only finance parties that have had members elected to Parliament, because they have won the trust of the electorate and gained legitimation. By assisting these parties, we support the majority of the electorate. We think that the volume of financial aid should depend on the percentage of the votes received by each party.

The Assembly of the People of Kazakhstan and the Parliament

The political modernization of our multiethnic state is possible only if public stability is ensured and harmony and friendship among the peoples of Kazakhstan are maintained.

This important task is fulfilled by the Assembly of the People of Kazakhstan, which was created in 1995 and has become a unique means of implementing the state's national policy. Its work is based on the principle of

equality of opportunity for all citizens of the country, independent of their national and religious affiliation.

According to the constitution, the Assembly of the People of Kazakhstan has the role of providing representation of Kazakhstan's various ethnic groups in social and political life. The representation of the Assembly of the People of Kazakhstan in the *Majilis* enhances the role of this body and increase its authority, while contributing to the further consolidation of peaceful relations and harmony between national groups. As mentioned above, nine *Majilis* deputies are elected by the Assembly of the People of Kazakhstan.

Because Kazakhstan is a multinational country, it is necessary to represent the interests of all the ethnic groups, and particularly the largest, in the political decision-making process. The Assembly of the People was the obvious means by which this could be achieved, and it was granted the right to delegate representatives to Parliament. This is why the number of deputies was increased to the benefit of the Assembly in the Parliament. The precise mechanisms for the delegation of Assembly representatives is defined in detail in the relevant legislation. The delegates are elected by secret ballot during the session of the Assembly on the basis of recommendations received from the Assembly's regional offices.

According to President Nazarbayev, the political parties should take into account the multi-ethnic composition of the Kazakh people when making their lists, thereby ensuring that the country's various ethnic groups are represented in both *maslikhats* (local councils) and in Parliament. Their voices have to be heard when important decisions are made.

Ownership of the Mandate of Deputies and Possible Recall of Deputies from the Parliament

Article 51, paragraph 4, of the Kazakh constitution defines the requirements a citizen must meet in order to have the right to stand as a parliamentary candidate: "A deputy of the Parliament may be a citizen of the Republic of Kazakhstan who has been a permanent resident in its territory during the last ten years. A deputy of the Senate may be a person who has reached thirty years of age, has a higher education and has been in work not less than five years, and has been a permanent resident for not less than three years in the territory of the respective oblast, major city or the capital of the Republic. A deputy of the Majilis may be a citizen of the Republic of Kazakhstan who has reached twenty-five years of age."⁹

While Parliament is in session, the question may arise of whether a deputy's mandate belongs to the deputy him- or herself or to the political party

9 Law on Amendments and Addenda to the Constitution of the Republic of Kazakhstan, cited above (Note 5).

for which he or she stood. It is our view that voters give their votes not to an individual candidate, who is included in the party list, but to the political party that nominated him or her. Consequently, if a deputy changes his or her political views and leaves this party, this deputy is no longer able to represent the voters who voted for this party. It would thus be an infringement of the will of the voters if the mandate belonged to the candidate and not to the political party, and the mandate therefore cannot belong to the deputy.

Moreover, the fact that a deputy's mandate belongs to the political party that placed the candidate on its list has been determined by the Constitutional Council. Accordingly, a deputy's mandate is withdrawn if the party on whose list the deputy was elected ceases to exist or the deputy ceases to be a member of this party. This is reaffirmed by the new version of Article 52, paragraph 5, of the Constitution of the Republic of Kazakhstan: "A deputy of the *Majilis* shall be deprived of his or her mandate 1) if the deputy leaves or is excluded from the political party, as a member of which he or she was elected, in accordance with the constitutional law; 2) if the political party, as a member of which the deputy was elected, in accordance with the constitutional law, ceases to exist."¹⁰

Previously, the constitution did not bind deputies by an imperative mandate, i.e. the requirement to vote along party lines. This no longer applies. The introduction of the imperative mandate, whose breach results in the recall of a deputy, guarantees that the party maintains a common position during parliamentary voting. This is also the logic of the proportional representation system according to which the deputies of the *Majilis* are elected. In addition to losing their mandate if their party ceases to exist or if they leave the party, deputies shall also be deprived of their mandate in cases of resignation, death, being declared legally incapable, missing, or dead, or in other cases provided by the constitution or other law. Furthermore, a parliamentary deputy (of the Senate or the *Majilis*) shall be deprived of his mandate in case of 1) establishing permanent residency beyond the boundaries of the Republic of Kazakhstan, 2) being duly convicted in a court of law, or 3) denaturalization.¹¹ Moreover, the powers of the appointed deputies in the Senate may be terminated before their terms have expired on the decision of the President of the Republic. The powers of the *Majilis* are also terminated in case of its dissolution.¹² This does not apply to the Senate.

10 Ibid.

11 Cf. *ibid.*

12 Cf. *ibid.*

The core of the parliamentary reform was to give important additional powers to the Parliament. These were granted in the Law on Amendments and Addenda to the Constitution of the Republic of Kazakhstan of 21 May 2007.

Before the additional powers were affirmed in law, there were lively discussions, which produced several proposals on how Parliament's powers and responsibilities could be extended. The aim was to find the most effective ways of carrying out the tasks that need to be performed within the scope of the next stage of the development of the Republic of Kazakhstan.

The Senate has received new powers that allow it to carry out the *Majilis*'s lawmaking function if the latter is dissolved before the appointed time.

The Senate also has the right to approve the appointment of the Chairperson of the National Bank (a new power), the Prosecutor General, and the Chairperson of the National Security Committee of the Republic of Kazakhstan. These appointments will not take place without parliamentary consent.

As noted above, the government of the Republic of Kazakhstan is formed and functions on the basis of a parliamentary majority. The *Majilis* plays the key role in approving the Prime Minister and the whole government.

The parliamentary fractions shall meet to discuss candidates for the post of Prime Minister. The deputies vote in the *Majilis* according to party lines, and after consultations among all fractions of the parties represented in the *Majilis*, a majority vote approves the nomination of a candidate to the position of Prime Minister of the republic.

Another goal of the reform is to strengthen Parliament's powers to execute effective control over the work of the government. The government is not only accountable to the President, but must also answer to Parliament. The aim here is to raise the quality of the work performed by the executive and the state services it provides, and to guarantee the accountability and transparency of its activities. The *Majilis* now only requires a simple majority to express a vote of no-confidence in the government rather than the two-thirds majority that used to be necessary. Because the government represents the interests of the parliamentary majority, there is no need for a qualified majority to pass a vote of no-confidence.

The constitution defines two cases where a vote of no-confidence in the government can be held by the Parliament. The first is if the Parliament rejects the government's report on the implementation of the budget, and the second is if the Prime Minister himself calls for a vote of no-confidence after a government-proposed draft law has been rejected. A further means of strengthening of the role of Parliament has been the adoption of a simplified procedure for holding a vote of no-confidence in an individual minister. Both chambers of Parliament possess this right.

Two thirds of the Constitutional Council and the Accounts Committee are appointed by the Parliament, which has dramatically increased the role of the legislature. The composition of the Constitutional Council is now more democratic, with the equal participation of the two chambers of the Parliament.

Article 53 (paragraph 2) of the constitution defines important supervisory functions held by the two chambers of the Parliament with respect to the government and the Accounts Committee: "Parliament at a joint session of the Chambers shall [...] approve the reports of the Government and the Accounts Committee on the implementation of the republican budget."¹³ The amended constitution also observes that "if the Parliament does not approve the report of the Government on the implementation of the republican budget, the Parliament shall be considered to have expressed a vote of no-confidence in the Government."¹⁴

The strengthening of Parliament's position with regard to the central executive power is also founded in Article 56, paragraph 2, of the constitution, which now states: "The Majilis by a majority of votes of the total number of deputies of the Majilis on the initiative of no less than one fifth of the total number of deputies of the Majilis has the right to express a vote of no-confidence to the Government."¹⁵

A further measure to strengthen Parliament and extend its powers can be found in paragraph 6 of Article 57 of the constitution: Parliament "has the right to hear reports of the members of the Government of the Republic on their activities on the initiative of no less than one-third of the total number of the deputies of the Chamber, and, as a result of this hearing, adopt an appeal by a majority of votes of the total number of the deputies of the Chamber to the President of the Republic of Kazakhstan to discharge a member of the Government from office in the case of non-observance of the laws of the Republic; if the President of the Republic refuses such an appeal, then the deputies, by a majority of votes of the total number of the deputies of the Chamber, shall possess the right, six months after the first appeal, to request the President once again to discharge the member in question. In this case, the President of the Republic shall release the member in question from a position in the Government."¹⁶

Relations between Parliament and the government are being put on a new foundation. An example of the changing relationship is contained in Article 61, paragraph 7, of the constitution: "When a draft law submitted by the Government is not adopted, the Prime Minister shall have the right to raise a motion of confidence in the Government at a joint session of the Chambers. A vote on this motion shall be held no less than forty-eight hours from the

13 Ibid.

14 Ibid.

15 Ibid.

16 Ibid.

moment a vote of confidence is called for. If the call for a vote of no-confidence does not receive the majority of votes of the total number of the deputies of each of the Chambers, the draft law shall be deemed adopted without voting. However, the Government may not use this right more than twice a year.”¹⁷

The new constitution, in Article 57, paragraph 1, further grants the *Majilis* the right to “appoint [...] two members of the Constitutional Council, two members of the Central Election Commission for a five-year term, [and] three members of the Accounts Committee for a five-year term to control implementation of the republican budget.”¹⁸ Paragraph 3 of Article 71 also concerns the powers of the Senate and the *Majilis*: “Two members of the Constitutional Council shall be appointed by the President of the Republic, and two members each shall be appointed by the Senate and the *Majilis*.”¹⁹

Joint sessions are now only to take place when very important issues are to be considered.

The overall result has been to grant real powers to both chambers of Parliament, thus creating a balance between them. We proceed from the assumption that the division of powers between the President and the Parliament has to be reasonably balanced. This increases the chances that democratic solutions will be found to the political questions that the country faces.

The political modernization of Kazakhstan is a significant step down the road of political transformation. The serious efforts made by the state and the people helped Kazakhstan to secure a favourable decision on Kazakhstan’s bid to assume the Chairmanship of the OSCE in 2010.

17 Ibid.

18 Ibid.

19 Ibid.

II.

Responsibilities, Instruments, Mechanisms,
and Procedures

Conflict Prevention and Dispute Settlement

The OSCE's Slow Withdrawal from Croatia¹

Eleven years after the OSCE established a presence in Croatia, it is now foreseeable that the mission could close its remaining field offices and Zagreb headquarters within the next twelve months. For mission members in the field, developments in Croatia since 1996 justify the OSCE's withdrawal in the near future. Although Croatia, in terms of its state and non-state institutions, may not be a perfectly consolidated democracy, it is a functioning and self-sustaining one – that is the OSCE's view.² Whether this accurately represents conditions on the ground is the subject of the current contribution. At its heart is the question of the extent to which socio-political change in Croatia has been influenced by the presence and activities of the OSCE. Because the transformation of internal political structures also led to changes in the OSCE mission, the article shall begin with an overview of the structural development of the mission.

The Structural Evolution of the Mission

A brief look back: The OSCE Mission to Croatia opened its doors in July 1996, barely a year after the end of the war in the Balkans. Seven international members and a handful of Croatians commenced activities in Zagreb, Vukovar, and Knin. In subsequent years, the mission grew and established an extensive field presence in the parts of Croatia that had been most badly affected by war. The mission reached its greatest physical extent in 1999 with 286 international and 500 Croatian staff, distributed between the Zagreb headquarters, the co-ordination centres in Vukovar, Sisak, and Daruvar, and in 15 field offices and other smaller offices, known as sub-offices. This distributed field presence has always been typical of the OSCE Mission to Croatia. The OSCE began to withdraw from the regions as early as 2001, gradually dismantling its network of field offices in response to the election of Croatia's first democratic government. The first step was to eliminate the level of co-ordination offices. The offices themselves were redesignated field offices, although they retained very similar functions to before. The mission continued to downsize its field presence in the following years by closing individual sub-offices. The first field offices – in Osijek und Karlovac – were closed in the first half of 2007. The field office in Gospić and the sub-office

¹ The opinions expressed in this contribution are those of the authors alone.

² The current article is based on interviews with twelve OSCE mission members, conducted by the authors in early April at the headquarters in Zagreb, the field office in Vukovar, and the OSCE office in Knin.

in Pakrac had followed them by September 2007. It can be assumed that the field offices in Knin und Vukovar will be the last to be closed, reflecting the particular problems that those regions face.

The specific division of responsibilities among the different levels of the OSCE presence in Croatia – between the field offices, the co-ordination offices, and the headquarters in Zagreb – developed in the first few years following 1996. At first, internal working processes were not precisely defined, particularly in areas of the mandate that were new for the OSCE. In many areas of work, the mission grew more professional as a result of its activities in the field.

Refugee return was one of the new fields of activity. The OSCE shared key tasks in this area with the UNHCR. The latter co-ordinated and financed the work of the local partner organizations that performed humanitarian work on the ground. While the UNHCR undertook humanitarian and logistical assistance, the OSCE supported Croatian institutions with questions of policy and the creation of the legal framework for return. Both the OSCE and the UNHCR offered independent expert advice to returnees, an offer that has been taken up by many and remains popular. As well as refugee return, the mandate of the OSCE mission assigned it tasks in several other areas. These included media development, the promotion of an active civil society, police education and training, the establishment of human and minority rights, and the reform of Croatia's justice system.

On the whole, the OSCE used the "agenda setting" method in its work: Problems identified by OSCE members in the field were raised continuously at local, regional, national, and international levels.

We raised an issue at every possible occasion when there was a delegation coming including the representatives of the international community. We raised the issue at the ministry level and all the time with the local interlocutors.³

The field offices played a particularly crucial role in this work. They served as the eyes and ears of the mission, and the problems they identified would be documented and data gathered in support. The reports of the field offices were collected at the headquarters in Zagreb and the extent of the problem analysed: Is the phenomenon restricted to a specific region or does it affect all of Croatia? What are the consequences for those it affects? What would need to be done to solve it?

The background reports from the field were vital for communicating with the relevant Croatian ministries and the government and for negotiating solutions. They enabled the OSCE to discuss, criticize, and – after a compromise was successfully reached – play a role in formulating draft laws and proposed amendments. The duration of negotiations between representatives

3 Interview conducted with staff at the Vukovar field office.

of the international community (OSCE, EU, UN) and the Croatian government depended in every case on how much it would cost to solve the problem in question. Following the adoption of a law or decree or the amendment of an existing law, Croatian institutions would then take steps to implement the changes. At the same time, the OSCE began the task of follow-up observation. Only thanks to the OSCE field presence in the regions and localities was it possible to examine whether and how a law passed in Zagreb was actually implemented.

In 2006, the mission's work in four areas of responsibility was brought to a close. The OSCE decided that Croatia could best take charge of its own future progress in the areas of media and civil society development, the reform of police structures, and the quality of human and minority rights. The OSCE believes that international observation and advice remains necessary in the area of judicial reform and in relation to the refugee return issue. The Croatian government has set ambitious targets to achieve by 2008. It aims to make significant progress in the remaining fields of activity, in order to bring international supervision to an end once and for all.

The Mission's Exit Strategy

The extent to which the OSCE is following a plan for the closure of its mission to Croatia is unclear. Some mission members at the headquarters in Zagreb were not even aware of a plan for closure, while others presented and explained the OSCE's exit strategy to us there. Members of several mission offices told us that no such strategy existed.

In actual fact, the closure of the mission may not require an explicit strategy at all, as one is contained implicitly in the work of the mission to fulfil its mandate: By conducting training events, seminars and workshops, and other educational activities for NGOs, organs of state, and other institutions over the years, the OSCE has already been working towards the time when the latter are able to take over its responsibilities. Consequently then, the exit strategy consists in closing and dismantling the mission's units and offices and withdrawing OSCE personnel. For the mission offices in practical terms, closure means intensifying the handover of responsibilities to the Croatian authorities. For instance, the OSCE asked the local Offices for Displaced Persons and Refugees (ODPRs) in the administrative districts of Osijek-Baranja and Vukovar-Sirmium to continue to organize the regular coordination meetings between NGOs and the local authorities following the OSCE's pull-out. The aim here was to ensure that this exchange of information would become permanent. At ministerial level, the OSCE, in cooperation with the delegation of the European Commission, UNHCR, ICTY, and the US embassy, initiated a consultative process for the conclusion of cooperation simply known as the "Platform".

With the aim of resolving the issues remaining on the mission's mandate, the Platform was agreed upon by Croatia's prime minister, Ivo Sanader, and the head of the OSCE mission, Jorge Fuentes Vilallonga. This consultation mechanism consists in plenary meetings between the OSCE mission and various ministries, in which mandate-relevant activities are addressed systematically.⁴

Although sometimes presented as a novel departure, the Platform meetings are in fact nothing new. Meetings have long been held between the Ministry of the Sea, Tourism, Transport, and Development and the OSCE's refugee return unit. The only novelty is their expansion to include the OSCE's rule of law unit, which has held monthly meetings with the Croatian Ministry of Justice since the start of 2007. Another novelty is meetings involving several ministries (justice; the sea, tourism, transport, and development; and foreign affairs) and the OSCE's remaining units for refugee return and rule of law. The declared intention of the Platform is to accelerate the withdrawal of the OSCE mission via intensified communication at the highest political level.

The simultaneous closure of the field offices, already described here as the eyes and ears of the mission, raises the question of the Platform's effectiveness. Staff in the field offices are already complaining that decisions taken centrally in Zagreb do not reach the local and regional levels rapidly or effectively enough. This is particularly the case with respect to efforts to protect the rights of national minorities and certain issues relevant to refugee return.⁵ It has also been noted that documentation of observations in the field only reaches the international negotiating table in a shortened and fragmentary form after field reports have been sorted for relevance, summarized, and shortened in Zagreb. By closing its field offices, the OSCE mission is diminishing its significance for the reform process in Croatia, because "the OSCE Mission to Croatia drew its strength from its field presence".⁶

Time to Go?

Both Croatian officials and the OSCE mission members interviewed agreed that 2007 was an appropriate moment for the OSCE to end its mission in the country. Not because all problems relevant to the mandate have been solved, but rather in the expectation that a model of how to solve all the outstanding issues without the OSCE will be found by the end of the year.

On the other hand, opinions differ as to what condition the country will be in when the OSCE leaves. The assertion has repeatedly been made that

4 Cf. Organization for Security and Co-Operation in Europe, Mission in Croatia, *Report on Croatia's Progress in Meeting International Commitments since 2001*, 9 June 2006.

5 Cf. *ibid.*

6 Interview conducted with staff at OSCE headquarters, Zagreb.

Croatia is now a democratic country. The fact that the European Union officially opened membership negotiations with Croatia in October 2005 is cited as clear evidence of this. Nonetheless, doubts remain as to whether Croatian democracy is functional, especially given the serious need for judicial reform. The authorities lay a great deal of weight on legislative measures, yet there is a lack of progress in implementing them, which the Croatian side says will of necessity take many years. This clearly reflects a belief that Croatian law merely needs to be adapted to conform to international standards in order to enable the latter's application. It also reveals the one-sidedness – because merely formal – of the activities being undertaken by the Croatian government to fulfil the EU's accession criteria. The following aims to demonstrate this with reference to refugee return and human and minority rights by highlighting what Croatia has accomplished in collaboration with the OSCE in over ten years.

Mission Accomplished?

The tragedy of the civil wars in Croatia and Bosnia-Herzegovina for many people was that they were forced to flee. In Croatia alone, over half a million people were driven to seek temporary accommodation either within or beyond the country's frontiers. The governments of the signatory states of the 1995 Dayton Peace Agreement swore to enable the refugees to return. In Croatia, the first refugee return programme was initiated by the Tudman government three years later. This, however, could not even begin to keep the promise it had made: to guarantee the return of *all* refugees. Since the arrival of the OSCE in 1996, the Organization has considered the introduction of legal and administrative regulations that would allow the return of Serbian and Croatian refugees in equal measure to be one of its most important tasks. During the 1990s, the background situation meant that the prospects of achieving this were very poor. Unlike the leadership of Bosnia and Herzegovina, the Croatian government enjoyed unrestricted autonomy. Under the nationalist HDZ government of Franjo Tudman, the return and integration of refugees remained an ethnically one-sided affair. While Croatian refugees were assisted in returning to their former homes, Serbian refugees found their efforts to return were hampered. This was generally achieved by means of legal instruments that caused delays in both the transfer of property and in the state-financed reconstruction of Serbian houses. Only with Ivica Račan's accession to power in 2000 were the first efforts made to improve the ethnic balance of those returning. From this point on, Croatia increased its endeavours to integrate into European and international structures. The EU's close co-operation with the OSCE meant that the Croatian government could not go on ignoring the OSCE's demands and proposals. The EU accession process created new opportunities for the OSCE to draw attention to urgent

problems and to present the Croatian partner institutions with suitable means of solving them.

Despite all international efforts, the demographic consequences of the displacement of Croatia's population could not be undone. Although nearly all houses were returned to their rightful owners, many Serbian-owned properties that had been destroyed were not rebuilt. Moreover, the majority of Serbian owners did not return permanently, but rather sold their houses and land or opted to return to their former homes only in the summer months. There is still no solution to extreme cases, which remain problematic, such as those of Serbs who, on asserting their rights to a property, receive demands from the legally legitimated Croatian "occupiers" for financial restitution for investments the latter have made in the property. The sums demanded are often so high as to make it impossible for the legal owners to buy back their property.

The question of tenants' rights abrogated by Serbian tenants who fled also remains unresolved. It took years of hard negotiations with the Croatian government before an arrangement was reached that granted the claimants a formal right to housing but no claim on specific former residences. Here, too, there have been significant problems with implementation. Pre-war tenants in parts of Croatia that were not badly damaged by the war are forced to make use of a government programme for which there is no formal legal basis. They are therefore reliant on the government's willingness to uphold its promises and have no means of asserting their claim to a home in law. OSCE mission members working in these areas report that the programme to build new homes is progressing only slowly if at all. According to the government, building work on the homes of a majority of the 4,425 applicants should be completed between 2007 and 2010.

In regions affected particularly badly by the war (known as the Areas of Special State Concern), there is a legal basis for claims to living space. Here, however, the pre-war tenants are in the difficult situation of being merely one of several groups seeking allocation of homes by the state. In the hierarchy of allocation, they come after Croat settlers who have recently arrived from other parts of Croatia or from other countries, and who are granted accommodation before them. For returning displaced persons and refugees who were formerly tenants, there is no guarantee even after 15 years that they will have somewhere to live in Croatia in the foreseeable future.

If you want to hear the truth at this point we still do not register any practical progress regarding finding a final solution for tenancy rights holders.⁷

In all likelihood, the OSCE will be unable to observe the completion of the home-building programme, as it is due to conclude its withdrawal from the

⁷ Interview conducted with staff at the Knin field office.

country in 2007. Whether Zagreb-based EU officials or representatives of Croatian civil society based in the field will be able to fill the gap left by the withdrawing OSCE observers remains an open question.

In the Balkan area, it is very easy to sign a commitment. Full implementation is always a long-lasting process, which needs to be monitored. So this is why the question of who will keep an eye on the situation when the OSCE leaves is a logical question.⁸

OSCE mission members make contradictory estimations of the potential of Croatian civil society to ensure the fulfilment of state obligations, but they tend towards pessimism. For instance, it has been quite clearly shown that local NGOs are incapable of continuing the OSCE's work of observing Croatia's war-crime trials, as they lack the necessary legal basis, expertise, and independence, which the OSCE as an international organization possesses. Even a largely independent local organization would have been in a difficult position and always open to accusations of a lack of objectivity and impartiality.⁹

A further observation made by OSCE staff is that the dismantling of the OSCE mission is being accompanied by a reduction in NGO activity. The future of the NGOs, and hence the continuation of work on mandate-relevant cases, is not secure. It remains uncertain whether local partners will receive the financing necessary to fund their work.

Finally, a vital institution for the detection of abuse is the ombudsman. The OSCE was working hard to expand the ombudsman's capacities and financed the field visits of this institution. Despite this, his capabilities and the extent of his impact remain very limited, according to OSCE staff.

In sum, and particularly with regard to the current reduction of NGO activity, the OSCE's exit strategy, i.e. the handover of monitoring activities to civil society organizations, appears flawed. The OSCE is therefore concentrating above all on the improvement of unclear or inadequate legal provisions, such as those concerning the granting of accommodation to returnees, to enable people with mandate-relevant problems to go to the Croatian or European courts to demand that the law be upheld and the government keep its promises.

Judging by the pace of implementation, it won't be finished this year, it won't be completed the next year and not even the year after. That is why it is very important that remedies are in place for citizens to appeal.¹⁰

8 Ibid.

9 Source: Interview conducted with staff at the Vukovar field office.

10 Ibid.

In completing our consideration of the process of refugee return in Croatia, it is necessary to mention that, since 2000, no longer only Croatian but also increasingly Serbian refugees have been able to return to their houses in Croatia. From a historical perspective, the legal recognition of the expulsions as an injustice represents a decisive paradigm shift. The flight of the civilian population from their homes had until then been “tolerated” as an unavoidable consequence of war. However, in the case of Croatia, this revolutionary change remained very much a limited success. The Croatian government succeeded, under the eyes of international observers, in implementing a policy of giving administrative preference to the ethnic majority over the ethnic minority. In this way, the return of the “national enemy” was put back for years. A serious opportunity to return came too late for many families. In ten to fifteen years, they had given up their plans to move back. It is understandable that they opted to live their lives in their new homes – even if they did not choose them – over an uncertain future.

As a consequence, while nearly all the Croatian refugee families have returned to their pre-war homes, of the 350,000 Serbian refugees, only 120,000 have officially returned. Moreover, many of these official returnees have only formally registered at their former place of residence, in order, for instance, not to lose the right to property, a place to live, citizenship, or reconstruction subsidies. The official count of Serbian returnees is therefore misleading: After subtracting all the pseudo-returnees, international organizations calculated that there were only some 80,000 permanent Serbian returnees.

Human and Minority Rights in Croatia

A further area of OSCE activity concerned ensuring the observance of human and minority rights. The focus here lay on establishing group rights for ethnic minorities in Croatia.¹¹ Since 2002, Croatia has had an exemplary minority protection law (The Constitutional Law on National Minorities). Croatia’s national minorities enjoy correspondingly comprehensive political and cultural rights that aim to strengthen their position relative to the Croatian majority. External pressure brought by the international community has proved decisive in bringing about a change of direction in the legal treatment of the minorities. However, the implementation of the minority protection laws has been less exemplary. So far, there has been no success in efforts to counteract discrimination against minorities in the public sector. It is still necessary to belong to the “right” ethnic group if one is seeking a position in a school,

11 According to the 2001 census, the population of Croatia consists of 90 per cent ethnic Croats, 4.5 per cent Serbs, and five per cent other minority groups: Bosniaks, Italians, Hungarians, Albanians, Slovenians, Czech, Roma, Montenegrins, Slovaks, and Macedonians.

hospital, in an administrative position, or even in the local fire service. In the private sector, by contrast, there are positive developments towards ethnicity playing less of a role in recruitment.

Considerable concern has also been voiced regarding the Croatian courts. Reports by the OSCE, Human Rights Watch, and Amnesty International all criticize the courts as tainted by prejudice and bias, with court decisions and penalties often disadvantaging members of the Serbian minority.¹²

From Watchdog to Partner

Both the Croatian side and the OSCE see their co-operation as having evolved through three phases. The start and end of these phases are closely linked to changes of government in Croatia.

The Croatians tend to stress that the various OSCE heads of mission have decisively influenced the relationship. The current head of mission, Ambassador Jorge Fuentes Vilallonga, is viewed positively in Croatia as a result of the diplomatic way he has led discussions that have made it possible to reach compromises on controversial questions in negotiations conducted between parties that see each other as equals.¹³

For its part, the OSCE states that the opportunity for constructive co-operation was considerably restricted between 1996 and 2000. The willingness of Croatian institutions to co-operate with the OSCE was minimal during the regime of Franjo Tudman, when the OSCE was trapped in the role of a passive observer. Only with the formation of Ivica Račan's government did a period begin in which the OSCE advanced from being merely a watchdog to providing advice. However, although Račan's government made the right noises, little was achieved during his period in office. This was a consequence of the difficult coalition that dominated his period in office, hampering the government's room to manoeuvre. Ironically, it was Tudman's party, the HDZ, now under the leadership of Ivo Sanader, which enabled the decisive reforms and dramatically improved the quality of co-operation with the OSCE. All the OSCE staff we have questioned as well as those on the Croatian side we have interviewed report a significant shift in co-operation between the OSCE and the Croatian authorities as of 2003.

As late as early 2003, he [the administrative head of the ODPR branch office in Vukovar-Sirmium county] would openly refuse to meet us, would find excuses or assign an employee to meet us who

12 Cf., e.g. Amnesty International, *AI Report 2006*, at: <http://web.amnesty.org/report2006/hrv-summary-eng#2>; Human Rights Watch, *Human Rights Watch Report 2006*, London 2006.

13 Source: Interview at the Foreign Ministry in Zagreb with the Co-ordinator for Co-operation with Organizations of the International Community.

was not empowered to give any information. It changed through a bit of insistence from our side and through ministerial mediation, which we asked for. After being forced to meet us, he was at first not co-operative but finally understood that there was nothing to fear and that it was more convenient to share the information we were asking for.¹⁴

The handover of power from Ivica Račan to Ivo Sanader brought about a clean break in terms of both the quality and the quantity of contact. OSCE staff were greeted with more openness. They found they could pursue their work more actively. Meetings between the two sides – both local and national – became regular occurrences, allowing the formation of common interests.

We remember times when some mayors or some community's representatives refused to meet us. Basically the OSCE mission in its very beginning was mostly a monitoring mission due to the intransigent attitude of the politicians. As soon as the mission managed to create an atmosphere, in which apart from the monitoring role it became an assistant and almost a partner, the situation changed.¹⁵

As of 2003, it was no longer utopian to demand concessions from the Croatian government in areas that had previously lain outside the discussion.

There has been a lot of change, though whether it is just a change of rhetoric is another question. But even so called right wing parties were changing their approach.¹⁶

The OSCE succeeded in building up a relationship of trust with both the political elites and the population and in communicating that the Organization's work and the implementation of the necessary reforms are in Croatia's interest. The Organization changed from being an unpopular spy into a mentor within the EU accession process and a partner in discussions on key domestic reforms. These included refugee return and justice-related issues. A number of OSCE mission members link the shift in attitude towards the OSCE with the progress of the EU accession process.

EU accession is certainly a means that helps one to develop a different view, even if it is only on the surface.¹⁷

14 Interview conducted with staff at the Vukovar field office.

15 Interview conducted with staff at the Knin field office.

16 Interview conducted with staff at the Vukovar field office.

17 Interview with the head of the Vukovar field office.

In recent years, ever since Croatia has become a serious candidate for EU membership, we have immediately registered a change of attitude towards the OSCE on all levels.¹⁸

Although Croatia had already made its application to join the EU in early 2003, official accession negotiations did not begin until October 2005. The negotiations had been due to commence in March of that year, but were delayed for several months due to criticism of Croatia's lack of co-operation with the ICTY. In December 2005, just a few months after the start of the negotiations, former general Ante Gotovina was extradited to the Hague.¹⁹ Ten years after August 1995's Operation Storm (*Oluja* in Croatian), Croatia thus conceded to a longstanding demand of the ICTY, which was seen as a decisive step forward in relations with the Croatian government. The improvement in co-operation with the ICTY is being reinforced by the return of the first war crime cases to Croatian courts, such as, in November 2005, those of Mirko Norac and Rahim Ademi, both of whom were indicted for war crimes against the Serbian population. War crime proceedings nonetheless remain a very sensitive issue and the greatest challenge for Croatia. In the meantime, the Croatian justice system has also taken the initiative in the area of war-crime trials by bringing proceedings itself in several cases. By handing responsibility for key cases to the Croatian courts, the ICTY and the international community have demonstrated their faith in the local judiciary, despite complaints at the slow pace of judicial reform. International observers of the Croatian domestic war-crimes trials are strongly critical of the alleged application of double standards, claiming that members of different ethnic groups receive different punishments, and that Croatian service personnel accused of crimes frequently escape without punishment.²⁰

In summary, the initial delays to the EU accession negotiations in Croatia had less to do with socio-economic factors than with political issues. As well as the long-lamented lack of co-operation with the ICTY, these included the delays in the return of the Serbs and the incomplete implementation of minority rights.

The Minimum or the Maximum of the Politically Possible?

Given the initial situation, the OSCE's overall prospects of achieving the results it desired were hardly promising. However, this weak position also con-

18 Interview conducted with staff at the Knin field office.

19 Ante Gotovina, a former member of the French Foreign Legion, was commander of the Split Operative Zone during Operation Storm in August 1995. Hence, it was he who ordered the advance of Croatian troops to Knin, at the centre of the self-proclaimed "Republic of Serbian Krajina". Within the area under his control – between Split and Knin – many war crimes were committed against the Serbs who remained.

20 Cf. Amnesty International, cited above (Note 12).

tained a hidden advantage: If the OSCE had been provided with greater powers, there would have been significantly less acceptance on the part of the Croats.²¹ Nonetheless, only with the developing EU accession process did the OSCE's work gain power and the ability to influence the domestic political situation in Croatia, ultimately stimulating necessary reforms.

The fact that it was the foreign ministry and not the interior ministry that co-ordinated communication between the OSCE's headquarters and the Croatian ministries points to the Organization's significance in Croatia, which is considered in the overall context of international relations and EU integration. Joining the EU is one of the key goals of Croatia's political leadership, as it is in other South-Eastern European countries. In examining how far Croatia has met the political preconditions necessary for accession, the EU relies on the wealth of information gathered by the OSCE. Without the presence and activity of the OSCE, the reform process in Croatia would have moved more slowly, and the results in sensitive areas would have been even more one-sided. The process of returning property is as good as completed, and the reconstruction of private houses is considerably advanced. The mission did prove successful in placing contentious issues on the agenda. It considers one of its key results to have been to encourage the former conflict parties to enter into dialogue rather than forcing them into premature reconciliation.

These results were only possible in the second half of the mission's existence and were very closely linked with the prospect of EU membership. They would certainly not have been achievable if there had been no co-operation between the EU and the OSCE.

One constraint that should be mentioned is the generally difficult situation within which the OSCE's field missions are required to operate, which makes it hard for the Organization to operate effectively. For instance, the planning horizon for the mission is generally only a year in advance, and it is unclear whether the work being performed in a given year will be continued into the next. The high turnover rate of international mission members also slows things down. In this regard, Croatia actually suffers less than other countries that host OSCE missions, and international staff generally serve longer there than in the OSCE Mission in Kosovo, for instance. Being able to rely on staff members remaining for more than a year is of great benefit for the mission's work. Nonetheless, in 2007, the year of the intended withdrawal, new international personnel are still frequently arriving in Croatia poorly prepared by the countries that have sent them. Instead there is a policy of "training on the job". OSCE staff have themselves criticized the lack of a programme to help them learn the local language.²² With regard to the question of whether and how more could have been achieved, however, we re-

21 Interview conducted with staff at the Vukovar field office.

22 Interview conducted with staff at Zagreb headquarters.

ceived only hesitant answers that were only rarely constructive, let alone self critical.

Summary

Evaluating the work of the mission is certainly not unproblematic. Mission members explain that whatever criteria we use, they need to take account of what was politically possible.

It is difficult to say we could have achieved more. Without the OSCE we would not even have the 13 per cent of minority return in the area of Knin. It always depends on the aspect from which you judge or estimate a success or a failure.²³

Even though it took years for the Croatian government to agree to even discuss the topic of refugees' lost tenancy rights, the level of – ethnically one-sided – refugee return achieved can still not really be considered a success. While the government has declared that the OSCE Mission to Croatia achieved the maximum possible, OSCE staff state that frequently achieving a minimum of success was accepted, and that often too late. According to mission headquarters, the passing on of experience gathered by the mission members in the course of their work was left entirely to the individual. There is no mechanism for self evaluation – let alone independent evaluation – of the OSCE's international work.

23 Interview conducted with staff at the Knin field office.

The Future of the OSCE Presence in South-Eastern Europe¹

Introduction

The OSCE has a long and distinguished history of providing assistance to governments and societies in South-eastern Europe. This dates back to the early 1990s, when the OSCE deployed its first field operations in response to the armed conflicts that had engulfed the region. It is not surprising then that the OSCE's presence in South-eastern Europe has covered the entire range of OSCE activities, from early warning, conflict prevention, and crisis management, via post-conflict rehabilitation and the rebuilding of inter-community relations, to supporting democratic consolidation. Moreover, no other region where the OSCE has operational experience illustrates so well the depth of OSCE activities in the field and the scope of the Organization's multi-dimensional vision of security.

While the region's violent conflicts and their aftermath once provided the stimulus for the establishment of an extensive network of OSCE field presences in South-eastern Europe, such purpose has now given way to long-term engagement in transition processes and democratic consolidation of the states in this region. As of mid-2007, the OSCE had seven field operations altogether in the region, the Mission to Montenegro having been launched in the summer of 2006. Since the Organization's role in South-eastern Europe has been so wide-ranging, its field operations there have required the allocation of extensive resources and the deployment of large numbers of personnel. Sixty-nine per cent of the OSCE's total field operation budget is spent in the region. South-eastern Europe also hosts the largest concentration of international and national OSCE staff members – nearly 2,000 – and the Mission in Kosovo has the highest number of staff of all OSCE field operations. This strong operational presence has been the main vehicle for the OSCE's engagement in the region. Before turning to discuss its future, let us briefly review the OSCE's involvement in the region so far. By considering this long-term engagement, the OSCE and its participating States can assess what they have learned. This is particularly true with regard to a region that has seen major change over the last fifteen years: from violent conflict to democratic consolidation, with prospects of further integration into European institutions.

¹ The views expressed in this article are the personal opinions of the authors and not the official views of the OSCE and its participating States. The authors would like to thank their colleagues, Dov Lynch, Calin Stoica, Sophie Massal, and Marcin Czapinski for their comments and contributions in preparing this article.

Across the region, OSCE missions share similar priorities: to strengthen states, to consolidate democratic institutions and values, and to foster regional co-operation.

The activities of the field operations in the region are multi-dimensional, covering the politico-military, economic and environmental, and human dimensions, and vary according to the needs identified by host countries. The list of activities is long, ranging across legislative and electoral support; judicial reform; police development and education, particularly with regard to creating a multi-ethnic police force and implementing community policing standards; assisting governments in fighting organized crime and corruption; strengthening local government; supporting citizen participation and civil society development; and assisting with educational reform. All of these activities contribute to the comprehensive capacity- and institution-building endeavours in which the OSCE plays an active role, along with other actors from the international community.

The OSCE has also been successful in supporting and facilitating regional co-operation processes to deal with the long-term consequences of war: the return of refugees and the proceedings on war crimes. These issues are also critical for the re-establishment of constructive inter-community relations. With the assistance of the OSCE's Conflict Prevention Centre, four of the OSCE missions in the region – Bosnia and Herzegovina, Croatia, Montenegro, and Serbia – have established mechanisms to enhance cross-border co-operation in these areas. Such regional co-operative processes, the so-called "4x3 Initiative" on refugee return and the "Palić Process" on interstate co-operation in war crimes proceedings, are also excellent examples of the OSCE's close co-operation with other international organizations, in this case with the European Union and the United Nations.

The OSCE has also been at the forefront of efforts to improve inter-community relations in the region, a process that is still far from complete and will continue to require OSCE engagement, especially in Kosovo/Serbia. OSCE efforts in the area of inter-community relationship building have taken place at two levels: first, through the creation and institutionalization of effective confidence-building measures – for example, in police development and training, media training, the protection of minority rights, or education and tolerance building; and second, through long-term reform programmes designed to benefit communities. In particular, most OSCE field operations in South-eastern Europe have played a crucial role in the creation of a multi-ethnic police force and in training police officers in community-based policing. The efforts of OSCE field operations to promote tolerance and non-discrimination in the multi-ethnic societies of South-eastern Europe mirror the Organization's efforts to promote inter-cultural dialogue and inter-faith co-operation across the entire OSCE area. Given the region's importance as a

crossroads of cultures, religions, and national and ethnic groups, OSCE assistance to youth, education, and the media are in themselves crucial confidence-building and security-enhancing measures.

Intense and wide-ranging interaction with other regional and international organizations is also part of the OSCE's engagement in South-eastern Europe, and demonstrates the OSCE's complementary role in the region as well as the specific added-value it creates. The OSCE works in close co-operation not only with the EU and NATO, but also with the UN, the Council of Europe and other regional actors such as the Stability Pact for South Eastern Europe, and the South East European Cooperation Process (SEECP). The most illustrative example of complementarity and added-value is provided by the OSCE's co-operation with the UN in Kosovo, where the OSCE mission will serve as a pillar of the UN interim administration (UNMIK) as long as UN Security Council Resolution 1244 remains in effect. This institutional arrangement is unprecedented in the history of the OSCE or that of the region, although OSCE field operations in South-eastern Europe have worked alongside other international actors, as in Bosnia and Herzegovina or in the former Yugoslav Republic of Macedonia. The OSCE also works closely with the EU, NATO, and the UN in assuring a smooth transition following the settlement of Kosovo's status and the termination of Security Council Resolution 1244.

In addition, OSCE missions in the region are in many cases key partners for the implementation of joint projects. A series of such joint activities exist with the Europe Union, and especially with the European Commission. The "Ohrid Process on Border Management and Security in South-eastern Europe" is another excellent example of successful co-operation between the OSCE, the EU, NATO, and the Stability Pact for South-eastern Europe. The OSCE and NATO have in the past also worked closely on disarmament issues, such as the elimination of small arms, and on security sector reform. Moreover, governments in the region make full use of their co-operation with OSCE missions as a means of achieving their foreign policy objectives. These processes have also reinforced OSCE-EU interactions.

Thus, in many respects, the OSCE as we see it today was forged in South-eastern Europe, in response to the conflicts of the 1990s and the difficulties of complex transition processes. Over the past fifteen years, much has been achieved, and with some success, given the difficulties that come with shifting from a post-conflict environment to one dominated by democratic consolidation and extensive reforms.

The Prospects for Future OSCE Involvement

In April 2007, the OSCE's Presence in Albania celebrated its tenth anniversary, with a fifteenth anniversary to be celebrated by the OSCE Spillover

Monitor Mission to Skopje in September. While these events demonstrate the long-term nature of OSCE field operations and the Organization's commitment to South-eastern Europe, they also raise the question of the prospects of continued OSCE involvement in the region in the coming years. In particular, voices calling for a re-assessment of the OSCE's role in South-eastern Europe are beginning to be heard more loudly in the OSCE forum in the context of plans for the EU and NATO to enlarge to include these countries. Some participating States believe that the OSCE's increasingly limited resources must be redistributed from the field operations in South-eastern Europe to other OSCE regions, in particular Central Asia and the South Caucasus. While there is not yet a consensus on the future of the OSCE presence in South-eastern Europe, there are signs that in the next few years the Organization will witness some significant changes as far as its field operations are concerned. This is especially relevant as some of the host countries themselves are increasingly supportive of a scaled-down OSCE presence.

Before discussing some of the changes that we are likely to witness when it comes to the OSCE's field presence in the region, it is crucial to place these in the context of the challenges that lie ahead for both South-eastern Europe and for the OSCE. First, the basic challenge for the governments of the region is to continue on the path to successful transition and democratic consolidation, as this will be a prerequisite to their fulfilling their Euro-Atlantic aspirations. Concern has already been expressed by a number of international actors that in some countries of the region the pace of reform is slowing down or that not enough has been done to consolidate the progress made. Co-operation among local governments is also important, especially when it comes to border security and management, fighting organized crime, or combating trafficking in narcotics and human beings. All these are security challenges that will still require the continued assistance of international actors, including the OSCE.

It is also crucial for the region to come to terms with its past. For Serbia, for example, full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) is essential as it affects the country's relationship with its neighbours as well as with the EU. Settling Kosovo's future is also a pressing challenge, as a delay in that process will have uncertain implications for the region and beyond. Already the OSCE and the EU, both of which will be the primary actors in a post-status Kosovo, are co-ordinating their future activities in the field.

For the OSCE and its participating States, continued engagement in South-eastern Europe also means carefully meting out its limited resources while maintaining a level of involvement in the region that allows for continued assistance to South-eastern European countries in tackling the political, socio-economic, and societal challenges that are likely to remain for the near future. These include complex reforms, which for the most part have already been underway for years, such as legislative and election reform, prop-

erty reform, the creation of a civil registry, the strengthening of rule of law and other broad-based judicial reform. Thus, seeing through the consolidation of good governance is one argument for a continued OSCE field presence in the region, even if on a smaller scale than at present.

Furthermore, the governments in South-eastern Europe continue to require assistance with socio-economic development. While the OSCE does not have the financial resources to fund large-scale infrastructure or economic development projects, it nevertheless has an impressive record of providing assistance on a small scale, such as with training to help with the setting up of small enterprises or helping small companies to develop sound business strategies. The high level of unemployment in the region, particularly among young people, remains a concern, as they can more easily be exploited for extreme nationalist purposes at times of economic insecurity.

There also continues to be a need for reconciliation in the region, as well as inter-community relationship building. Kosovo is a good case in point, as reconciliation between the Serbian and Albanian populations there will be a long-term process. The same is true of Bosnia and Herzegovina, where reconciliation is also slow to proceed for a number of political reasons. Here again the OSCE missions in South-eastern Europe remain important, as they have a wide-ranging repertoire and long-term experience in confidence-building measures and in facilitating constructive inter-communal relationship building.

As to the future of its engagement in South-eastern Europe, the OSCE currently faces a series of institutional developments, including the present trend toward downsizing and phasing out field operations. Croatia may be the first country in South-eastern Europe to experience mission closure as the mandate of the OSCE Mission to Croatia is nearing completion, most likely by 2008, if not sooner. This will be the first step in the "phase-out cycle" we are likely to witness in the next few years. Some of the OSCE's field operations in the region have already undertaken considerable downsizing, with more to come in the next two to three years. The exception of course will be Kosovo, where the Organization is likely to face the challenge of creating a mission structure independent of its present UNMIK pillar and with a new mandate, since the current mandate of the OSCE Mission in Kosovo will end with the adoption of a new UN Security Council Resolution.

A major challenge for the OSCE will be to continue to co-operate and co-ordinate its activities with other international organizations in the region. Again, Kosovo provides a good example of such co-operation and co-ordination. However, there are other areas for co-operation, many of which already exist and need to be expanded further. In particular, joint OSCE-EU activities will remain crucial, not only for South-eastern Europe but for the OSCE as an organization as well, as it allows the OSCE to draw on the EU's political and financial support. Almost half of the OSCE's participating States are EU members, and these provide more than 70 per cent of the

OSCE's core budget, while their extra-budgetary contributions are crucial for the implementation of many OSCE activities in the field, including in South-eastern Europe. Well-established and extensive mechanisms for co-operation already exist, both on the political level as well as on the levels of programmes and projects.

In conclusion, it should be emphasized that even though the OSCE is likely to face a number of developments in the region – including the down-sizing and potential closure of some of its field operations as well as a growing role in assisting other international actors in maintaining stability and security in the region – South-eastern Europe will always remain crucial for the OSCE when it comes to the Organization's capacity- and institution-building experience. It would also be right to emphasize here that OSCE missions are not intended to stay forever. When they were opened in the 1990s, they were only supposed to remain for two to five years. Nobody would have expected them to still be there a decade or more later. One of the crucial lessons learnt over the last fifteen years in South-eastern Europe is that the international community and governments and communities across the region must act together to embed peace and craft stronger institutions and societies. Another important lesson tells us that even the strongest endeavours to assist in building more democratic and just societies do not yield results if political will among those who are on the receiving side is lacking. Unfortunately, a shortage of political will continues to blight many states of South-eastern Europe.

It is important to note that the OSCE has not only stood by the governments and societies in South-eastern Europe in difficult times – past and present – but is firmly committed to seeing its engagement brought to conclusion when the time comes. This will, of course, entail the transfer of its institution- and capacity-building competencies to local ownership.

The OSCE Centre in Ashgabad: The Way Ahead

Central Asia and Turkmenistan

After the collapse of the Soviet Union, Central Asia, with its rich energy resources, has become a unique geostrategic region in the heart of Eurasia, between Europe, Russia, and China. Facing various threats to regional security and development, Central Asian states are challenged to define their foreign policy priorities and their means and spheres of regional co-operation.

Located at the crossroads of civilizations, trade, transport, and communication routes, and surrounded by political turbulence and dynamic economic opportunities, Turkmenistan occupies a special position in this geopolitically important region.

Turkmenistan's total area is 488,100 sq km, with desert covering some 90 per cent. The country's lifeline is the Amu Darja river. According to official figures, the population is more than six million, although this figure is widely disputed. The country has a young population and a high birth rate, with 40 per cent of people under 15 years of age. Half of all the population of Turkmenistan live in rural areas. Human settlements are concentrated along the southern, southeastern, and northeastern borders, while the vast central, northwestern, and northern areas are virtually uninhabited. Turkmenistan's ethnic structure is less diverse than many of the Central Asian states; ethnic Turkmen comprise more than 80 per cent of the population. Traditional tribal and territorial community allegiances are still strong.

Since the first year of its independence, Turkmenistan has taken its own unique path of development. Despite the surrounding political instability in the region, Turkmenistan managed to preserve stability in the country and "avoid many of the troubles that have afflicted other former Soviet republics of Central Asia".¹

As an independent state, Turkmenistan became a member of a number of international and regional organizations, such as the UN system, the OSCE, the Organization of the Islamic Conference, the World Bank, IMF, EBRD, ECO, and NATO's Partnership for Peace Programme.

On 12 December 1995, the United Nations General Assembly unanimously recognized Turkmenistan's status of permanent neutrality. Since that date, the concept of permanent neutrality has been the guiding principle of the country's security policy. Turkmenistan avoids political and military alliances, giving bilateral relations priority.

1 Rory Mulholland, Turkmenistan Relishes Neutral Status, in: *The Los Angeles Times*, 14 October 2001.

During the years of independence, Turkmenistan has made significant progress. The country's economy has grown steadily, with particular progress in the development of the oil and gas, textile, and construction sectors. By providing free gas, electricity, and water to all citizens and maintaining low prices for communal services, transport, and basic foodstuffs, the government ensures a relatively high level of social security and stability. Yet the country faces many problems, such as drug trafficking, a lack of the rule of law, slow progress in democratization, corruption, and human rights violations.

Turkmenistan and the OSCE

The OSCE was the first organization to show a genuinely strong interest in the Central Asian region after the five Central Asian countries, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, became independent. In becoming participating States of the OSCE, the Central Asian countries explicitly subscribed to its principles and common values, and agreed to apply all commitments and responsibilities deriving from OSCE documents. The Central Asian states made a determined pro-democratic and pro-reform choice and pledged to act in their politics and practices accordingly. In return, they wanted the OSCE to support their reform and transformation processes, including the mobilization of funds for development assistance, and, in particular, the provision of additional guarantees of their independence, sovereignty, territorial integrity, security, and stability funds.

In 1992, in its first year of independence, Turkmenistan, along with the other former Soviet republics in Central Asia, recognized the Helsinki Final Act and other CSCE commitments, and thus became an OSCE participating State even before joining the UN.

In July 1998, the OSCE Permanent Council decided to establish a permanent presence in Ashgabad in order to intensify co-operation between Turkmenistan and the OSCE. In December 1998, a Memorandum of Understanding on the establishment of an OSCE Centre in Ashgabad was signed by the OSCE and the government of Turkmenistan, and in January 1999 the OSCE Centre in Ashgabad commenced its activities.

The mandate of the OSCE Centre in Ashgabad calls for it to assist the host country in implementing OSCE principles and commitments, and to promote the co-operation of Turkmenistan with the OSCE in all spheres of activities. The Centre's mandate also includes establishing and maintaining contacts with local authorities, universities, and other institutions of higher education and research as well as with non-governmental organizations. Facilitating contacts between Turkmenistan and OSCE authorities and institutions and organizing visits by high-ranking OSCE representatives to Turk-

menistan comprise another important aspect of the Centre's activities.² Practice has shown that such visits are of great use in terms of advancing the understanding of the role of the OSCE and promoting co-operation with the host country.

Since its opening, the OSCE Centre in Ashgabad has assisted Turkmenistan in translating OSCE commitments and values into concrete policy. The Centre's activities focus on promoting regional co-operation, strengthening border security, combating terrorism and trafficking in arms, drugs, and human beings; establishing the framework for the transition to a market economy; raising public awareness of environmental issues; promoting the rule of law and human rights; and strengthening the development of civil society. The Centre established and maintains close co-operation with international presences and organizations.

For the time being, the Centre's staff encompasses six international and nine national staff members. The Head of the Centre is Ambassador Ibrahim Djikic from Bosnia and Herzegovina.

The Current Political Situation in Turkmenistan

On 21 December 2006, President Saparmurat Niyazov, the country's first leader since independence and president for life since 1999, died.

Immediately after President Niyazov's death, the Security Council and the Cabinet of Ministers appointed the long standing Vice Chairperson of the Cabinet of Ministers (overseeing education, science, health, information, tourism, and culture) Gurbanguly Berdimuhammedov acting president and convoked the *Halk Maslahaty* (people's council), Turkmenistan's supreme constitutional body, in order to schedule presidential elections. The transition of power went smoothly, and the situation in the country remained calm and stable.

On 11 February 2007, six candidates selected by the *Halk Maslahaty* contested Turkmenistan's first multi-candidate presidential elections. Acting President Berdimuhammedov received 89.23 per cent of the votes and was sworn in on 14 February. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) sent an Election Support Team of eleven experts to enhance the Centre's capacity to follow the elections. The Election Support Team was present in all five regions and in the capital in the lead-up to the poll and on election day itself. Members of a delegation from the OSCE Parliamentary Assembly, who had visited the country for consultations with the acting head of the *Mejlis* (assembly), Akdja Nurberdiyeva, and were still in the country on election day, were also permitted to visit a number of polling

2 Cf. Organization for Security and Co-operation in Europe, Permanent Council, 179th Plenary Meeting, PC Journal No. 179, Agenda item 4, *Decision No. 244*, PC.DEC/244 of 23 July 1998 on the establishment of the OSCE Centre in Ashgabad.

stations. The task of the ODIHR Election Support Team was not to observe in the official sense, but rather to collect information on the elections process in Turkmenistan. The willingness of the authorities to accept an expert team demonstrated a new degree of openness. Together with Turkmenistan's authorities and the Centre's staff, the team identified possible areas of future co-operation. Minimum conditions with regard to the campaign and election process and compliance with ODIHR election observation methodology would have to be established in order for future ODIHR observation activities to be undertaken. ODIHR conducted a preliminary assessment of the law on presidential elections adopted by the *Halk Maslahaty* on 26 December 2006 and stands ready to extend its technical support in bringing election-related legislation in line with existing commitments and methodology.

President Berdimuhammedov embarked on a government programme based loosely on the policy of late President Niyazov and in line with Turkmenistan's policy of permanent neutrality, but which also addresses areas in need of reform and development. He set the following priorities:

- agricultural, educational, healthcare, and social reforms (including increased internet access);
- developing infrastructure, the textile and food industries, and the oil and gas sector; and
- enhancing legal protections for citizens.

Immediately after assuming office, the new president began focusing on reforming the social and educational systems. In March 2007, parliament adopted a new social security code that aims to improve the pension and state benefit system. Pensions that were cut in January 2006 were re-established and minimum pensions were introduced as of 1 July 2007. State and social benefits are also to be increased. The period of education in secondary schools was increased from nine to ten years, and at institutions of higher education from four to five years. The subjects of physical education and social sciences are being reintroduced in the curriculum.

Since Berdimuhammedov took office, Turkmenistan has demonstrated increased openness and expressed willingness to intensify dialogue and co-operation with international organizations such as the UN, the OSCE, and the EU. In his meeting with the OSCE Chairman-in-Office, President Berdimuhammedov stated that Turkmenistan fully supports OSCE assistance, especially in important elections, but also in areas such as border management, combating drugs, legislation reform, and administrative capacity building. The growing number of Turkmenistani participants in OSCE events and the country's initiative to host the preparatory conference of the OSCE's Economic Forum demonstrates its increasing interest in the OSCE.

The Centre's Activities

Since the OSCE Centre in Ashgabad opened in 1999, its activities have significantly expanded in variety and scope. In close co-operation with Turkmenistan's government and international donors, the Centre carries out numerous projects that fall under its mandate and meet the country's needs.

Politico-Military Dimension

Confidence and Security Building and Regional Co-operation

Turkmenistan has gradually increased its co-operation in the area of confidence- and security-building measures. Turkmenistan has participated in the annual exchange of military information and in the inspection and evaluation regime established by the Vienna Document on Confidence- and Security-Building Measures.

As part of the OSCE Centre in Ashgabad's programme on "Promoting confidence and security building in Central Asia", the Centre organizes workshops on identifying and tracking small arms and light weapons and on combating the illicit arms trade. The threat stemming from man portable air defence systems (MANPADS) has also been addressed in this context. The Centre initiated the translation of the Handbook on Small Arms and Light Weapons and the Vienna Document into the Turkmen language to ensure greater dissemination and comprehension.

The Centre facilitates the participation of Turkmenistan's representatives in OSCE events on confidence and security building. The participation of two representatives of Turkmenistan's defence ministry in the regional workshop on confidence building and regional co-operation through mine action, which took place in Almaty in March 2007, was a good opportunity for the representatives of Turkmenistan's armed forces – which have destroyed all anti-personnel mines – to share their experience on the implementation of the Ottawa Convention on the ban of landmines with their colleagues from Central Asia and the South Caucasus.

Border Security and Border Management

Strengthening border security and improving border management is another area of active co-operation between Turkmenistan and the international donor community. The Centre assists Turkmenistan in strengthening border security through technical support and training.

Examples of such co-operation include the organization of practical training events for mid-level law enforcement personnel on integrated border management at Turkmenbashi airport and ferry terminal and at the Farap border crossing point on the Turkmen-Uzbek border.

In co-operation with EU TACIS, the Centre organized English language and basic computer training courses for state customs personnel from Ash-

gabad and the regions. By the end of 2006, nearly 300 customs officials had been trained. The courses are continuing. Recently, customs officials who had successfully passed the basic computer courses developed a computer-based customs clearance programme that will reduce waiting time at border crossing points.

Anti-Terrorism Issues

Turkmenistan's authorities do not see an immediate threat of home-grown or foreign terrorism or extremism. They are, however, interested in OSCE activities in the field of anti-terrorism.

In 2004, the Centre organized a seminar that focused on the global fight against terrorism. The training event on border management also addressed techniques for preventing terrorist acts, which caused a lively interest among the participants from law enforcement agencies and the judiciary. In addition, the Centre facilitated the participation of six police officers from Turkmenistan in the OSCE regional project on strengthening regional co-operation among law enforcement canine services in Central Asia to combat organized crime and terrorism more effectively, which was organized by the OSCE Project Co-ordinator in Uzbekistan. The four-month training programme, which began in May 2007, was aimed at improving practical and theoretical skills of dog handlers and training tracker dogs to find explosive devices and weapons, apprehend armed criminals, and release hostages during counter-terrorist operations. In November 2007, the Centre conducted a workshop for security officials on fighting terrorism and safeguarding fundamental rights.

Combating Drugs

Drug abuse and drug-related crimes continue to be significant problems for Turkmenistan. The Centre supports efforts to combat drug abuse and drug trafficking through workshops and practical training both in the country and abroad. Previous training events were highly appreciated by Turkmenistan's authorities, and the Centre's experts are well-regarded by other donors. In July, the Centre implemented three three-day practical training courses for border and customs officials at border crossing points on the Turkmen-Iranian border.

Policing

With its unique experience in policing, the OSCE can provide valuable assistance to Turkmenistan's police force, which faces serious challenges, such as crime, corruption, arbitrariness, and a lack of confidence in the police on the part of citizens. To assist Turkmenistan in restoring people's confidence in the police and raising the level of professionalism of police officers, the Centre, in co-operation with the Turkish Police Academy in Ankara, organized two one-week training courses in community policing, one in 2006 and another in 2007.

Promoting Small and Medium-Sized Enterprises

Promoting small and medium-sized enterprises (SMEs) is one of the Centre's key activities within the economic and environmental dimension. The Centre addresses economic development through activities focused on the mechanisms of a market economy and the development of private entrepreneurship and tourism. The programme includes a series of lectures on the global economy and international economic relations, as well as on global financial markets and international finance, the publication of a four-volume collection of domestic law for entrepreneurs, and the development of a curriculum for entrepreneurs and a business simulation class for interactive methods of learning and practical business management. To contribute to higher education in the field of economics and business, the Centre plans to support the development of resource centres and training activities that enable young entrepreneurs to navigate the legal and institutional obstacles.

Since early 2004, the Centre, in co-operation with EU TACIS, has supported a revolving micro-credit fund for voluntary farmers' associations. The project has helped six associations to create economic opportunities in rural areas, such as a citrus greenhouse and a cheese factory.

In 2006, the Centre supported the training of about 200 young people from Ashgabad and the regions in taking advantage of employment opportunities, career building, and tourism management. More than half of the participants found a job in the tourism sector after having received the training, and some of them were granted an internship in the tourism services sector.

The Centre responded to Turkmenistan's interest in tourism development by supporting a study tour for employees of the Ancient Merv Archaeological Park to the United Kingdom and supporting the publication of a tourist brochure about the ancient site of Merv. It also plans to assist the country in developing community-based tourism (CBT) models, which will help citizens to generate income and establish small enterprises. In addition, as Turkmenistan is interested in developing its Caspian coastline, the Centre may contribute to a conference or training event aimed at the developing the tourism industry in this area.

Environmental Activity

Under its programme on environmental protection, the Centre supports the implementation of the National Environmental Action Plan (NEAP). The Centre supported the NEAP Resource Centre and the publication of environmental monthly bulletins, and facilitated the participation of an environmental journalist in the International Environmental TV Festival. The Centre also equipped and refurbished resource centres in Ashgabad and Mary and supported a series of environmental summer camps organized in co-operation with the municipality of Khazar on the Caspian Sea.

Human Dimension

In the human dimension, the Centre offers regular legal consultations to individuals, who have raised issues ranging from acts of torture, denial of freedom of movement, and the absence of due process to eviction without proper compensation and harassment of minority and religious groups. The Centre, through legal consultation and the drafting of appeals to courts, has helped to obtain the release of unfairly sentenced persons, assisted individuals in exiting the country, and more generally helped citizens gain access to their rights. The Centre has also helped a number of individuals to address the State Commission for Consideration of Citizens' Complaints Regarding the Activities of Law-enforcement Agencies established by the new government in February 2007.

The Centre offers OSCE legal expertise and advice on best practices for the country's legislative reform. Co-operation in this sphere is expected to develop substantially, specifically in the sphere of electoral and criminal justice reform.

Human Rights

In co-operation with Turkmenistan's National Institute for Democracy and Human Rights, the Centre organizes regular seminars on international human rights standards for law enforcement personnel, legislators, judges, and prosecutors. Specific seminars on human rights standards related to arrest, detention, and the right to defence were held throughout 2006 and 2007. In addition, a course on international law and human rights was organized at the Turkmen State University for students of the International Law department, and in 2007, a seminar on international standards for democratic relations was organized for domestic elections observers.

Civil Society

The Centre facilitates the participation of civil society representatives in conferences, seminars, and workshops abroad. Turkmen citizens and officials participated in the OSCE supplementary human dimension meeting on upholding the rule of law and freedom of association and assembly in Warsaw, and in the working group on education organized by the OSCE High Commissioner on National Minorities in Astana. In addition, the Centre supports a number of health and reproductive rights centres across the country and summer camps for young people that aim to promote their active participation in public life and the development of Turkmenistan.

Education

The Centre supports English language and computer courses delivered to employees working in the fields of education, healthcare, transport, engineering,

and administration in Ashgabad and in all the provinces of Turkmenistan. The programme complements the EU TACIS Tempus programme and aims to strengthen the professionalism of state officials and help them communicate effectively with the international community.

The Centre pays special attention to youth education and development. It supports the operation of five resource centres where computer, English classes, and training courses on various topics (gender, leadership, writing and journalism skills, healthy lifestyles) are held. More than 1,000 individuals have so far participated in these activities. The publication of a trilingual teacher's aid and methodology training manual, a resource book for teachers of English as a foreign language, and brochures on HIV/AIDS and drug abuse complement these activities.

The Centre delivers presentations across the country on the OSCE Academy in Bishkek and contributes to the academy's master's programme by facilitating the applications of local candidates.

The Centre's Information Unit, which opened its doors in February 2006, provides information on OSCE principles, commitments, activities, and related research, as well as computer and internet access. It receives about 300 visits from ordinary citizens, scholars, and researchers from Ashgabad and the regions each month. The Information Unit also organizes training events, round tables, discussions, and presentations on political, economic, environmental, and human rights issues ranging from freedom of the media to gender issues and domestic violence.

Summary and Prospects

In more than 15 years, Turkmenistan and the OSCE have come a long way. There is still much to do – the OSCE and Turkmenistan must continue to work intensively to promote steady progress towards political and economic reforms, and democratic transformation, as well as ensuring security, stability, and well-being in the country and the region.

In the future, the Centre will continue to focus on establishing a platform for the exchange of experience and knowledge between Turkmenistan and other OSCE participating States, and expanding its co-operation with government institutions and civil society representatives in order to promote Turkmenistan's full implementation of OSCE commitments. In the Centre's programmatic activities, special emphasis will be placed on such areas as the rule of law, education, environmental awareness, SME development, policing, and combating drug use and trafficking. Programme activities which attract the greatest interest and are especially successful will be continued and extended. The Centre welcomes important initial steps undertaken by Turkmenistan to increase its openness with the international community and begin the process of reform in a number of key areas, and offers its support to this

reform process and the intensified dialogue and co-operation with the OSCE and OSCE institutions. It is hoped that Turkmenistan will make full use of the available opportunities to co-operate with the OSCE in various spheres of mutual interest and concern.

The OSCE Project Co-ordinator in Uzbekistan¹

On 30 June 2006, the OSCE participating States established a new form of co-operation with the Republic of Uzbekistan when the OSCE Centre in Tashkent became the OSCE Project Co-ordinator in Uzbekistan.

The Project Co-ordinator in Uzbekistan was tasked with assisting the government in its efforts to ensure security and stability, including combating terrorism, violent extremism, illegal drug trafficking, and other transnational threats and challenges; supporting the government in the areas of socio-economic development and environmental protection; and assisting the government in the implementation of OSCE principles, including those related to the development of civil society.

The field presence continued the OSCE's work of assisting the authorities in fighting terrorism and drug trafficking. It strengthened its efforts in the economic and environmental fields, focusing particularly on the promotion of entrepreneurship and good governance in local communities. The OSCE also encouraged gender equality and took steps to fight trafficking in human beings.

Priorities and Projects

Capacity-Building

The Project Co-ordinator facilitated the participation of Uzbek officials in a number of workshops organized under OSCE auspices, focusing on issues such as combating terrorism, travel document security, and suppressing illicit drug trafficking. As a follow-up measure, the Uzbek authorities presented their recommendations for future joint activities with the field presence.

Internet Café for Journalists

The field presence provided free internet access for media representatives during the first part of 2006. Journalists, media professionals, and students of journalism used the resources of the internet café and training courses offered to improve their computer and internet skills.

¹ The opinions expressed in this article are the author's alone and do not necessarily reflect the official positions of the OSCE or any of its institutions.

Legal Clinic for Journalists

The field presence organized consultations and legal support for journalists and media representatives. The lawyers of the OSCE-supported legal clinic briefed journalists and media representatives on media-related legislation, advised journalists on compliance with national legislation before publishing their articles, and provided legal defence and representation in courts.

Information Training Centre

In co-operation with EuropeAid,² the OSCE Project Co-ordinator in Uzbekistan established an information training centre for the deputies in the lower house of parliament and provided equipment, assistance in daily operation, and guidance in elaborating an appropriate curriculum for the centre. In addition, the Project Co-ordinator and EuropeAid published a book on the “Legislative Chamber of Parliament of Uzbekistan” and organized a study tour for parliamentarians to the EU countries and Russia.

Labour Migration Management

In January 2006, the field presence facilitated the participation of an Uzbek delegation in a workshop on “Labour Migration Management in Central Asia” that was held in Almaty. The delegation included representatives from the Ministry of Internal Affairs, the Centre for Effective Economic Policy under the Ministry of Economics, the Ministry of Labour and Social Protection of the Population, and the Centre for Social and Marketing Research.

Promoting Entrepreneurship

The field presence held training courses on the basics of entrepreneurship for young people jointly with the National Youth Social Movement and offered a series of business training courses for women in co-operation with the Women’s Committee of Uzbekistan. Under the project “Promoting Development of Arbitration and Supporting Farmers in Uzbekistan”, the OSCE, the Farmers’ Association of Uzbekistan and the NGO Legal Problems Research Centre implemented training courses to educate local lawyers in the development of arbitration and on farmers’ rights. Based on the participants’ comments, the OSCE developed recommendations to help them deal with the obstacles they face in running their businesses.

2 EuropeAid is the Directorate General of the European Commission responsible for external aid programmes and projects across the world.

Fight against Illicit Drug Trafficking

The OSCE's field presence funded the publication of 1,000 copies of the information bulletin regarding the drug situation in Central Asia in 2005, which was prepared by the National Information Analytical Centre on Drug Control under the cabinet of ministers of Uzbekistan. It is drawn from information received from the national centres on drug control in neighbouring countries.

Security Issues in Regional Transport

The Project Co-ordinator supported the participation of an Uzbek delegation in the OSCE's 2006 Economic Forum, which focused on transportation issues. As a follow-up, the office of the Project Co-ordinator published a guidebook which contained international road transport rules and regulations and practical tips for locally based international truck drivers.

Promoting Good Governance in Local Communities

During the first half of 2006, around 150 representatives of the self-governing communities or *mahallas* from the Ferghana Valley participated in a pilot training course on the basics of budgeting, accounting, and financial reporting initiated by the Republican Mahalla Foundation. This course, organized by the Project Co-ordinator, provided participants with the tools needed to manage communities efficiently and raised awareness about the representatives' rights, opportunities, and responsibilities.

Environmental Education

The OSCE supported the working group that is drafting a secondary school curriculum on environmental education focusing on water conservation issues.

Empowering Women

The field presence, together with governmental, non-governmental, and international organizations, followed up the training course "Improvement of the National Mechanism on Gender and Development" with a series of regional training events that reinforced participants' capacity to promote gender equality issues. The office also supported two television profiles of Uzbek women leaders, organized two round-tables in the regions on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and supported publication of 100 copies of the Handbook on National and Monitoring Reports on CEDAW Implementation in Uzbekistan.

Preventing Trafficking in Human Beings

From February to July 2006, the field presence focused its activities on the prevention of human trafficking with two awareness-raising campaigns conducted in close co-operation with regional law enforcement authorities. The field presence translated the ODIHR Handbook on National Referral Mechanisms into Uzbek.

Building Capacity at the Ombudsman Institution

In February, the OSCE field presence supported the ombudsman institution by organizing seminars on the ombudsman's work and related workshops in the regions. The OSCE funded the publication of 1,000 copies of the handbook *Ombudsmen of the World*, which details a number of countries' experiences in developing ombudsman institutions. In co-operation with the Uzbek ombudsman, the field presence organized a conference on "Strengthening Co-operation between the Ombudsman and the Legislative Chamber of the National Parliament" with the participation of international experts.

Support for Legal Education

The field presence supported the development, publication, and distribution of the manual "Legal Remedies at Civil Courts".

Prison Reform

In 2006, the field presence provided 1,100 Russian- and Uzbek-language books as well as free access to the internet to teachers and trainees of the Prison Training Centre's Resource Unit, which was established by the Project Co-ordinator in Uzbekistan in co-operation with the Ministry of the Interior in 2005. About 400 staff members from penitentiary establishments throughout Uzbekistan took advantage of these opportunities.

Fifteen Years of Transformation in Central Asia and the OSCE

One central element in the crisis of the OSCE¹ is the question of the relationship between the Organization's Western participating States and the leaders of those states that accuse it of pursuing a one-sided policy against them, consisting in enforcing the "human dimension" (democracy, rule of law, and human rights) in a way that infringes basic principles of the Helsinki Final Act, "such as non-intervention in internal affairs and respect for the sovereignty of nations".² Of course, this rebuke is aimed at the West. The Western countries continue to insist that all OSCE States have to conform to the CSCE Charter of Paris for a New Europe of 1990, in which the participating States "undertake to build, consolidate and strengthen democracy as the *only* system of government of our nations".³

"The key problem [...] seems to be disagreement over the human dimension."⁴ How to overcome this central contradiction is indeed the biggest question. It is one that needs to be answered by not only all sides within the OSCE, but by Europe as a whole. For both, the search for a compromise solution is extremely important, as Europe should prepare itself to take on a new policy field: dealing with the Euro-Asiatic continental space. By means of the OSCE, Europe has expanded its political borders to China and Afghanistan. On its southern flanks, this Euro-Asiatic area is bordered by a belt of Islamic states.

Europe, the Russian Federation, Central Asia, China, India: The scale of the emerging shared Euro-Asiatic continental space is unique. It amounts to Europe's most important "strategic reserve" in every regard. If Europe wants "to become self-determined in this world"⁵ and "to achieve global actor-

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- 1 Cf. *Managing Change in Europe – Evaluating the OSCE and Its Future Role: Competencies, Capabilities, and Missions*, compiled by Wolfgang Zellner, CORE Working Paper No. 13, Hamburg 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, pp. 389-430.
 - 2 Ministry of Foreign Affairs of the Russian Federation, Information and Press Department, Statement by CIS Member Countries on the State of Affairs in the OSCE, Moscow, 3 July 2004, at: http://www.ln.mid.ru/brp_4.nsf/0/3be4758c05585a09c3256ecc00255a52?OpenDocument. The statement was signed by nine CIS states, but not by Azerbaijan, Georgia, and Turkmenistan, and was presented to the Permanent Council of the OSCE on 8 July 2004 by the Russian delegation.
 - 3 Conference on Security and Co-operation in Europe, Charter of Paris for a New Europe, Paris, 21 November 1990, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: p. 537 (emphasis added).
 - 4 *Managing Change*, cited above, (Note 1), p. 15.
 - 5 Egon Bahr, Europas strategische Interessen [Europe's Strategic Interests], in: *Internationale Politik* 4/2007, pp. 86-97, here: p. 93 (this and all subsequent translations from non-English sources by the author).

hood”⁶ as it appears determined to do, strategic partnerships in this area will be *the* central condition. That is particularly true in the context of transatlantic relations, as Egon Bahr, the architect of the Federal Republic of Germany’s policy of détente vis-à-vis the Eastern bloc in the 1960s and 1970s, describes: “The closeness that we experienced during the Cold War between America and Europe will never be recaptured.”⁷ As a result, Bahr concludes: “The only way for Europe to achieve self-determination is by emancipating itself from America.”⁸ And furthermore: “It is Europe’s responsibility to ensure that ‘co-operation’ is the keyword of our century.”⁹

European self-determination, the Euro-Asiatic continental area, strategic partnerships, co-operation as the keyword of our century: If, in terms of these premises, one examines how, after 15 years of transformation in Central Asia, the geostrategic heart of this area, the socio-political environment, the character of the ruling elites, and their preconditions for co-operation have developed, and if one compares the situation today with the conditions that prevailed when the Charter of Paris was signed, bearing in mind the West’s Central Asia transformation strategy, a picture emerges that is described in the following section.

New Regional and National Identities

Fifteen years of transformation have radically changed Central Asia, its societies, and the living conditions of the roughly 60 million people and 40 ethnic groups that live there. The most important result of the transformation period is that, for the first time in their history, they possess their own states and are in charge of their own national destinies. For the peoples of this region, this is a major historical watershed.

At the same time, a process has begun to restore Central Asia’s traditional geopolitical place and role as a bridge between eastern and south-western Asia, Russia, and Europe. In the course of this process, the region’s traditional civilizational, cultural, and religious face has rapidly reasserted itself. On the one hand, Islam and the Muslim character of the majority of the population are becoming increasingly prominent – between 60 and 90 per cent of the populations of each country are practising Muslims. On the other hand, the secularism inherited from the Soviet period appears to have relatively deep and firm roots, as reflected in the state-building processes. All the Central Asian states have secular constitutions. The need to avoid conflict between secularism and Islam is one of the key issues facing the region in the future.

6 Ibid., p. 88.

7 Ibid.

8 Ibid.

9 Ibid., p. 87.

Over the last 15 years, the countries of Central Asia have developed close co-operative relations with their most important southern and eastern neighbours: China, India, Pakistan, Afghanistan, Iran, and Turkey. As a result, Central Asia is gradually returning to the circle of Islamic states to which it historically belonged. With the exception of Turkmenistan, all the Central Asian countries are members of the Shanghai Cooperation Organisation, which also counts China and Russia as members, and India, Iran, and Pakistan as observers.

The West has been insistent in its attempts to influence internal transformation processes, which will be the subject of further discussion below.

Transformation and Western Pressure

In evaluating the Western transformation strategy it is important not to neglect the political, economic, and theoretical climate that predominated in the West during the period following the break up of the Soviet Union.

For the West, the transformation of socialist systems into capitalist ones was a political project from the start. The priority was the irrevocable uprooting of all political and economic foundations of the socialist social system. Attempts at restoration of whatever kind had to be forestalled. The most certain way of achieving this appeared to be reforms that created facts on the ground as directly and rapidly as possible, without what could be called “evolutionary delays”: the implantation of a market economy and a Western-style political system. It was therefore also necessary to open the doors to outside influence in the young states of the post-Soviet area to enforce the implementation of these reforms.

Theoretical discussions at that time over the best way to “manage” transformation became intertwined with those on the repercussions of globalization for international relations and politics. In foreign policy practice, a kind of “post-national” conceptual approach began to predominate. It assumed that “the role of the nation state has been considerably relativized by the increased importance of human rights and the globalization of the economy and society”¹⁰, and that the nation state’s powers in a number of strategic aspects of sovereignty (democracy, human rights, rule of law; economic and financial policy) should be restricted and opened to intervention by external actors.

This “post-national” approach was diametrically opposed to the task of creating nation states in Central Asia for the first time. It was strengthened by the view that democracy is also a guarantee of security. The prominent German peace researcher Ernst-Otto Czempiel recommended that democratiza-

10 Address by Joschka Fischer, Minister of Foreign Affairs of the Federal Republic of Germany, at the Fifty-fourth Session of the United Nations General Assembly, New York, 22 September 1999, at: <http://www.germany.info/relaunch/politics/speeches/092299.html>.

tion be made the “primary and central topic” of foreign policy: “After all, if all the political systems in the Euro-Atlantic system are democratized and developed, i.e. if the same states and conditions that characterize the Atlantic community prevail everywhere, the problem of comprehensive security is solved, and stability and non-violence are permanently guaranteed. Non-violent, interventionist contributions to the democratization of all political systems must become the heart of foreign policy in global civil society [...] German foreign policy must give the strategy of democratization the highest priority.”¹¹

The theoretical discourse also created links of conditionality between democracy and market economy. “The only condition under which a market system and democracy can be *implanted simultaneously* and can come to thrive is when they are forced upon a society *from outside* and guaranteed in the long term by international relations of dependency.”¹²

In this way, a package approach came into existence that aimed at the simultaneous transformation of all political, economic, and social systems in a “frontal assault”. As Madeleine Albright expressed it in a speech of April 2000 in Tashkent: “The best way to take a bitter pill is simply to swallow it whole.”¹³

According to this approach, the strategic links in the chain were “the revolutionary installation of an entrepreneurial class”,¹⁴ the determined and comprehensive privatization of state and collectively owned property; the introduction of the instruments of a market economy; where possible, a change of elite; the reorganization of the political system as a representative democracy and with its characteristic division of powers.

By means of international organizations and bilateral relations, the West thus exerted considerable pressure on all transformation processes and on the leaderships of the Central Asian states that had to implement them. The OSCE as “one of the agents of change”¹⁵ has played and continues to play a central role in this scenario. By considering the human dimension as “the core of efforts to guarantee comprehensive security”¹⁶ in Central Asia, the

11 Otto Czempel, Interventionen in Zeiten der Interdependenz [Interventions in the Age of Interdependence], in: Peace Research Institute Frankfurt (ed.), *HSFK-Report 2/2000*, Frankfurt am Main, p. 22.

12 Carl Offe, *Tunnel am Ende des Lichts. Erkundungen der politischen Transformation im Neuen Osten* [Tunnel at the End of the Light. Inquiries into the Political Transformation of the New East], New York 1994, p. 65 (author's emphasis).

13 *Speech by the Secretary of State, Madeleine K. Albright*, University of World Economy and Diplomacy, Tashkent, April 7, 2000.

14 Offe, cited above (Note 12), p. 60.

15 *Managing Change*, cited above (Note 1), p. 12.

16 Organization for Security and Co-operation in Europe, *OSCE Meetings on Human Dimension Issues 1999-2001. A compilation of final reports from OSCE Supplementary Human Dimension Meetings and Human Dimension Seminars*, Warsaw 2001, p. 7.

OSCE made itself one of the central supports of the Western strategy towards the societies and leaders of Central Asia.¹⁷

The Qualities and Dynamics of Internal Transformation Processes

Influenced by the political culture, social hierarchies and loyalties with deep historical roots, and economic conditions in each country, the transformation process proceeded differently in each case. In Turkmenistan, for instance, progress was minimal, while in Kazakhstan, the results have been substantial. Overall, the following picture has emerged.¹⁸

Regional Differentiation

After 15 years, a certain degree of differentiation is evident: Kazakhstan, thanks to its rich reserves of oil and gas and extensive market reforms, and Turkmenistan, with its large fossil fuel resources, stand out. Kazakhstan, (at 2.7 million km² the ninth largest country on earth) has become something of a regional power. The proven reserves of its three largest oil fields comprise around 53 billion barrels. Kazakhstan also possesses around six per cent of the world's iron ore reserves, and is responsible for some 2.3 percent of copper production. With a population of only 15.2 million, Kazakhstan has received direct investment of 28.4 billion US dollars since 1993. That amounts to 80 per cent of all inward investment in Central Asia. GDP growth in recent years was around nine per cent.

At the other pole are the least economically developed states: Kyrgyzstan and, in the far south-east of Central Asia, Tajikistan.

Uzbekistan occupies an intermediate position. All three states border on the Fergana Valley, a conflict zone steeped in traditional Islam. They appear to be developing into a geo-political group.

On the Economic and Political Consequences of Transformation

In the economy, the transformation has been systemic. While the extent differs from country to country, radical economic reforms and extensive privatization have been implemented, the private sector has been boosted, and most currencies are freely convertible. In general, the foundations of market economies have been laid, and the possibility of returning to a socialist economic system can be effectively ruled out.

17 "Human dimension issues have become the most important fields of activity of the OSCE." In: *Managing Change*, cited above (Note 1), p. 26.

18 For a more comprehensive analysis see: *Pyatnadsat let, kotorie izmenili Tsentralnyuyu Aziyu* [Fifteen Years that Have Transformed Central Asia], International Centre for Strategic and Political Studies, Moscow 2006.

The same is true in the political sphere. Despite the existence of many limitations, basic democratic structures are present in every state: a democratic constitution, parliament, jurisprudence, multiple parties, NGOs, and parliamentary and presidential elections.

Nevertheless, these countries are still dominated by authoritarian regimes led by powerful presidents. However, here too, a degree of variety should not be overlooked: from totalitarian, as in Turkmenistan, to a kind of “enlightened guided democracy”, as in Kazakhstan.

Measured against the criteria of representative democracy, however, the political transformation shows serious weaknesses: There is no genuine separation of powers, no system of checks and balances to keep the power of the state under control, human and civic rights are restricted and often brutally violated, media freedom is limited, democratic means for the transfer of power do not exist, the system of parties, trade unions, and NGOs is weak and is still not fully integrated into the parliamentary system. A report by the Bertelsmann Foundation estimates that “with the exception of the Communist parties, no party possesses either a broad membership or a stable basis in society.”¹⁹

Particularly damaging for the future development of the individual states and the region as a whole is the monopolizing of power in the hands of relatively small ruling groups whose focus lies on particular interests. This leads to a high degree of particularist narrowness, which particularly hampers the development of the regional co-operation that is vital for the development of the whole region.

The Economic Consequences of Transformation for the State-Formation Process

Most of the Central Asian states, with the exception of Kazakhstan (at least according to Kazakh publications), experienced rapid economic decline following the dismantling of the Soviet Union. From the mid-1990s, a relative recovery took place, though levels equivalent to the late Soviet period were not achieved. On average, GDP growth from 1997 to 2001 averaged 6.1 per cent.²⁰

In Kyrgyzstan, Tajikistan, and, to some extent, Uzbekistan, privatization of the former state sector and the weakening of the collectivized sector led to deindustrialization. The bulk of the means of production is worn-out and uncompetitive. Foreign investments are generally not being made in the development of industry, but in the exploitation of energy resources.

19 Bertelsmann Stiftung (ed.), *Bertelsmann Transformation Index 2003*, Gütersloh, 2004, p. 163 (author’s translation).

20 Cf. Asian Development Bank, *Asian Development Outlook 2005*, at: <http://www.adb.org/Documents/books/ADO/2005/default.asp>.

With the exception of Kazakhstan and Turkmenistan, who can rely on profits and a certain boost to their industrial sectors thanks to revenue accumulation as a result of their oil and gas resources, the Central Asian states thus find themselves in the same economic situation as most developing countries. They are namely reliant on the extraction and export of raw materials: energy sources (fossil fuels [3.3 per cent of global natural gas reserves] and hydroelectric power), precious metals, cotton, ore, aluminium, and uranium (19.7 per cent of global reserves).

The strategic dangers of this one-sided economic profile are well-known: technical underdevelopment, a high degree of dependence on fluctuations in the prices of raw materials, unemployment, and environmental degradation. In addition, all the profits from the export of raw materials are appropriated by a small circle of entrepreneurs, which leads to a weak internal market and exacerbates social polarization.

In other words, after the collapse of the division of labour that characterized the USSR, the transformation strategy was not focused on the creation of a solid basis for the self-sustaining economic development of the young states.

Effects of Transformation on the Quality of Life of the Population

There can be no doubt that transformation has drastically reduced the quality of life of the population. Central Asia remains far from fulfilling the UN millennium goals for social development. Poverty is a fundamental problem throughout the region. For instance, the proportion of the population with a daily income of less than one US dollar was 56.6 per cent in Tajikistan, 40.8 per cent in Kyrgyzstan (both 2003), 27.5 per cent in Uzbekistan (2000), and 27.9 per cent in Kazakhstan (2002).²¹ The above-mentioned report by the Bertelsmann Foundation estimates that “everywhere the social divide is growing wider [...] Poverty is spreading, especially in rural areas, and is increasingly including a gender component [...] The formerly large potential for education is disappearing.”²² The report diagnoses “sclerosis of the education and social systems and increasing poverty.”²³

No Change to the Basic Social Framework

Social subsystems remain trapped in patriarchal social structures with specific leadership mechanisms characterized by a social “pyramid” with a strong leader at the apex, who holds the system together by means of a hierarchical system of relations consisting of traditional loyalties and material

21 Asian Development Bank, *Basic Statistics 2006*, at: <http://www.adb.org/Statistics/pdf/Basic-Statistics-2006-Web.pdf>.

22 Bertelsmann Stiftung (ed.), cited above (Note 18), p. 172 (author’s translation).

23 Ibid., p. 174 (author’s translation).

bonds. The reference point of collective consciousness of the population, which remains largely rural, is not so much the “*citoyen*”, i.e. the bearer of civic rights, although this model has taken on political and social life among the population of the major urban areas, but rather the group, the extended family, clan, and region.

These networks are the foundation of political power and its justification. While these networks taken together do amount to a plurality, it is not the unrestricted plurality of Western democracy. In political life, this hampers the establishment of independent civil and political institutions, and imposes restrictions on the autonomy of the individual. Currently, the growing poverty of the mass of the population is driving them back to the groups and extended families that function as substitutes for the social security systems they no longer have.

The Maintenance of Peaceful Conditions for the Functioning of Society

In December 2006, at a conference held by the Friedrich Ebert Foundation, Bulat Sultanov, the director of the Kazakh Institute of Strategic Studies, assessed that the “general political situation in Central Asia remains tense”, “negative trends are growing stronger”, and the internal situation in a number of states is “unpredictable”.²⁴ He justified his views in reference to many of the phenomena mentioned above.

The strategy described at the start of pursuing radical transformation of all social, economic, and political systems *simultaneously* carries a high risk of destabilization. It creates dissatisfaction in a society that still remembers the high level of social security provided under the Soviet model, politicizes it, and places it, for a specific historical phase, in a state of tension. This raises the conflict-readiness of the society as a whole. The Tajik civil war, in particular, showed that system transformation could also politicize and mobilize the entire society in a negative direction. This general effect can itself trigger a violent chain reaction that can lead to the society fracturing and losing what could be considered its “natural” potential for civil conflict management. In Tajikistan, the process ended in the wholesale collapse of the society into anarchy and the temporary failure of the organs of state. Similar aspects of anarchy were also evident in Kyrgyzstan’s “Tulip Revolution”.

24 Bulat Sultanov, *The Current Political Situation in Central Asia*, paper given at a conference held by the Friedrich Ebert Foundation on “The Future of Regional Co-operation: Central Asia 2020, 11-13 December 2006.

Consequences

Several consequences can be drawn from this:

1. The key goal of the Western transformation strategy – the uprooting of the political and economic foundations of the Soviet type of society – has been achieved. There is no way back to the old Soviet imperium. That is a great victory, maybe even a historic one.

The Rubicon has also been crossed in the transformation to a market economy. Even if Western companies are not yet satisfied in every area – there seems to be no way back to a centralized, state-controlled economic system.

2. The transformation strategy has failed in the urgently necessary task of creating and consolidating the economic foundation for further state formation. The record with regard to the living standards of the overwhelming majority of the population is also clearly negative. Here the transformation is not only revealed to be entirely regressive, it is also hampering the transition to democracy by failing to establish the economic foundations for a social market economy and democracy. Criticism of the transformation process in this area therefore has to be particularly strong, given that these foundations were already established once during the period of Soviet rule. While the Soviet leadership did not make use of them for the development of democracy, the West has tolerated their final collapse. Here the West must face the question of how much distance from modernity it can accept without risking a civilizational regression for which it would itself be party responsible.

A great divide between rich and poor is being created, such as we know from the majority of developing countries, with all the social and political risks that this brings, including Islamist radicalization.

3. The West has so far failed to achieve its goal of establishing political systems in its own image. Sober reflection is needed on the question of whether and over what timescale this can be remedied. In all likelihood, liberal democracy will not be able to take root in the Central Asian societies in the foreseeable future. There is considerable evidence that it may prove impossible to ever achieve this goal to the satisfaction of the West.

What are the circumstances that support this hypothesis?

Growing Self-Sufficiency

To resist the West's democratization offensive, the Central Asian states have performed a fairly successful "entrenchment". They were helped in this by the West's own miscalculations. In its haste to promote the "revolutionary in-

stallation of an entrepreneurial class” (Offe), it entirely failed to identify the *type* of entrepreneurial class that would arise against the background of the specific character of Central Asian society.

The winners of a strategy of forcing “revolutionary” privatization “from above” were the large clans, above all those of the “first transformation generation”, because they were the only ones with the administrative and financial resources to make privatization work in their interest following the break-up of the Soviet Union. Never before had the clan system, a closed social group that opposes the opening of society, received such an economic boost as during privatization “from above”. Even in the Soviet period, the fusion of political, economic, and military power in the hands of one individual was not as tight and all-encompassing as currently in the clans of this “first generation”.

The paradox consists in the fact that the West’s strategy of transformation failed both to separate political and economic power, and to create the social basis for the “open society” that it would like to see. In fact, these policies have to some extent led to the opposite result: the emergence of a type of capitalism that can be characterized as “family-clan-bureaucratic capitalism”. The new entrepreneurial class installed in “revolutionary” circumstances is essentially undemocratic. And so is the political system that this class has installed.

The dilemma for the Western democratization strategy is that it would have to abolish this type of capitalism in order to achieve the type of democracy that it would like to see. That, however, is something that the West would not dare to do, and it thereby places the basis for a successful realization of its democratization strategy in doubt. Furthermore, this class of clan oligarchs of the “first generation”, which holds political, economic, and military power, will, sooner or later, have to make way to competition from new entrepreneurial classes of a second and a third generation. The latter will seek to acquire political power, but will not relinquish their economic strength. These struggles will drive future domestic political battles and will determine their shape and direction. However, they will not “abolish” the predominant type of capitalism nor the aversion of its representatives towards the separation of political and economic power, the open society, and Western-style democracy.

The second “line of entrenchment” that the Central Asian leaderships are currently excavating in their effort to retain power is collective security, union, and co-operation in the Shanghai Cooperation Organisation, an international organization with unparalleled human and economic potential. This alliance is quickly gaining substance, as is readily apparent in connection with the oil and gas sector – an area of enormous strategic consequence.

Nineteen of the 127 projects for economic co-operation in the SCO framework are devoted to the energy and transportation sectors, and particu-

larly to co-operation between Russia, China, Kazakhstan, India, Iran, and the other Central Asian states.

Kazakhstan-China: In 2006, the Atasu-Alashankou oil pipeline went online. It supplies China's largest refinery. As of 2011, an additional 20 million tonnes of oil is to be extracted, amounting to 20 per cent of Chinese oil imports. Plans also exist to connect this pipeline with the West Siberian pipeline system at Omsk. The following are also planned:

- An additional pipeline system stretching from the Kazakh port of Atasu to China (3000 km). Cost: three billion US dollars. Annual capacity: 50 million tonnes.
- In 2006, Kazakhstan joined the Baku-Tbilisi-Ceyhan oil pipeline.
- Via a joint venture with the Russian company Gazprom, the Kazakh company KazRosGaz is to supply 6.5 billion cubic metres of natural gas to Omsk and Europe.
- Gas will be delivered to Ukraine and the Russian Federation via the Central Asia-Centre (Turkmenistan, Uzbekistan, Kazakhstan) pipeline.
- The Russian oil company Rosneft is to explore for oil on the Kazakh shelf in the Caspian Sea.

Russian Federation-Uzbekistan: In October 2005, Russia's Gazprom and Uzbekistan's Uztransgaz concluded a contract dealing with gas transportation between 2006 and 2010. It allows Gazprom to use 90 per cent of Uzbekistan's pipeline capacity, which is also the means by which Turkmenistan exports its gas.

Russian Federation-China: In July 2005, the Russian company Rosneft and the Chinese Sinopec signed an agreement to enter into a joint venture to explore for oil as part of the Sakhalin-3 project. The Indian company ONGC also has a 20 per cent holding in this.²⁵

"Lessons"

With regard to the key notions of European self-determination, the Euro-Asiatic continental space, strategic partnerships, and co-operation as the keyword of our century – what "lessons" can be drawn after 15 years of transformation?

1. The type of capitalism that has arisen in Central Asia, the "family-clan-bureaucratic capitalism" described above, and the entry of the Central Asian states to the SCO have changed the political balance of power between Europe and Central Asia to the latter's benefit and continue to do

25 All figures are taken from *Central Asia, Report on Transformation*, Instytut Wschodni, Warsaw 2005.

so. The leaderships of Central Asia are no longer dependent on Europe for their political and economic survival. They have a choice.

2. Central Asia occupies a favourable central position in the Euro-Asiatic continental space. Both the region's growing power in relation to Europe and the understanding that is finally growing in Europe of Central Asia's special role create a new but quite central challenge for European politics: If the Central Asian states are no longer forced to climb into the European "boat" by circumstances, but are still interested in tying their boat up alongside ours, as the meeting of foreign ministers on the EU-Central Asia strategy in Astana in March 2007 made clear, then the time has arrived for Europe to examine how it can learn to deal *democratically* with successful autocratic regimes as equals. Thankfully, the OSCE exists for this purpose.
3. Measured *against* the West's original strategic goals (and not popular expectations), the achievements of the transformation accomplished under the leadership of the ruling Central Asian elites and Western pressure are not at all bad. In this respect, we can certainly speak of successful leadership, especially if we bear in mind that these are extraordinarily complex processes, and that, in Central Asia, transformation, state formation, and the creation of national identities have to be managed simultaneously. In fact, the West could be satisfied with these results. It could also accept that the ruling elites do not want the West to interfere in their structures of power.

In considering the area as a whole, the results of China's transformation should also be taken into consideration. China has decisively chosen to develop along a capitalist path. In objective terms, it is immaterial that this process is being led by a communist party, but subjectively it is of considerable import. That is because it demonstrates that even a communist party as powerful as the Chinese one sees no realistic alternative to the market economy as a means of enabling the desired rate of economic development. This view can be said to be shared by the leaderships of all the countries in the Asian part of the OSCE. It is of the greatest importance for the West's future strategy – more significant than the fact that the introduction of the capitalist economic order is not being steered by a political model of the kind the West would like to see, but rather by a Chinese one, a Central Asian one, a Russian one, and so on.

Thus, in the last 15 years, in the Central Asian part of the OSCE, geo-strategic constellations have shifted, the social-systemic landscape has changed, elites have rearranged themselves, their character, their interests, and the preconditions for their co-operation. The days of high optimism are coming to an end, and the West can no longer believe that it will be able to implement its "democracy as the only system of gov-

ernment”²⁶ in the massive post-Soviet space, with its high degree of plurality in terms of social nature and political culture. Attention must also be paid to ensuring that new contradictions do not undermine the still existing conditions that enable strategic partnerships and co-operation. These contradictions have already caught up with the OSCE. The most significant is that between the West’s desire to shape world-wide democratization processes and the actually existing structures of governance. If one were to follow the premises detailed above, it would be necessary to examine the practical political consequences that would arise from correctly recognizing that “external promotion of democratization cannot be imposed, exported, or executed. It can only play the role of a catalyst, optimizing tendencies towards liberalization and democratization that are already present in the target country. But not in Marx’s sense that ‘an idea becomes a material force when it grips the masses’.”²⁷

Can the Contradiction be Overcome?

Doing so will be difficult, but it is worth a try. Hence the following considerations:

1. With regard to essential changes in the international and regional environment and new tasks arising as a result, the discussion of the OSCE’s responsibilities needs to pay more attention to the Organization’s *future* character. A choice needs to be made between the vision of the OSCE as a “regulator” of co-operation and security in the spirit of Euro-Asiatic continental partnership, on the one hand, and an insistence on defending the Organization’s conception of itself as a motor of “proliferation” of the liberal-democratic model in the post-Soviet area, which has grown following the victory over the Eastern Bloc, on the other. With the former, the OSCE would first of all be providing Europe with a strategically indispensable service: adjusting its principles and steering instruments for a partnership with a view to co-operation and security, enabling the reconciliation and harmonization of interests. Furthermore, a renegotiated relationship of this kind would make it easier for key Euro-Asiatic countries, including Russia and the states of Central Asia, to make their choice of strategic partnerships, over which they are still indecisive, in favour of a secure future with Europe within a shared continent. This could also help to dispel fear of competition, which is a

26 Charter of Paris for a New Europe, Paris, 21 November 1990, in Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 537-566, here: p. 537.

27 Wulf Lapins, *Demokratieförderung in der Deutschen Außenpolitik* [The Promotion of Democracy in German Foreign Policy], Berlin, March 2007, p. 16.

source of mistrust, and which is felt in particular by the Russian Federation with regard to its Asian and Central Asian neighbours. Without some sort of reconciliation of interests between Europe and the Euro-Asiatic OSCE states, the latter might at some point agree to sign a “non-proliferation treaty” of quite another kind, one that China would perhaps not look upon with disfavour.

If current deliberations result in a decision that favours co-operation and security in the spirit of Euro-Asiatic continental partnership, it would be no “step backwards” for Europe, but rather a step forwards, as the reconciliation and harmonization of interests could mobilize potential opportunities for Euro-Asiatic co-operation that have not yet been fully recognized: in terms of economics, foreign policy, mutual cultural enrichment, and global policy.

The deliberations over a new relationship must of necessity be a joint task. Geographically, there would be no need for an extension of the OSCE area as it currently stands. The initial concern would be to build confidence between the European and Euro-Asiatic OSCE participating States. A subsequent step would be for the latter to seek to build confidence with their Asian partners.

2. The EU is of central importance for this vision. Following its enlargement to 27 members, it is now more European than the OSCE and may be considered the *de facto* authentic European community of values.

The CSCE, the OSCE’s forerunner, never considered itself as a “community of values” but rather as a means to an end: the creation of a regime of co-operation and coexistence, peaceful East-West relations, and the principles, instruments, and mechanisms necessary to bring it about. The CSCE was a community with a particular purpose. If either of the two sides had claimed to embody the genuine European community of values, then neither would the CSCE have become a “success story”, nor would the OSCE exist today. In the same way, the OSCE cannot realistically be seen as the incarnation of the European value community, but is rather a conglomerate of Euro-Asiatic states and values. Some of its participating States are even dominated by more or less traditional and patriarchal Islamic societies – Islamic in terms of religion, culture, and values. There are profound differences in terms of socio-political orientation and values, which ultimately form the background to central matters of dispute, such as those concerning “democracy as the only system of government” and the contradictions arising from it.

“Anyone who invokes a community of values without differentiating needs to be aware that this can turn into an act of submission, when one’s own values are no longer clearly represented.”²⁸ The West “no longer clearly” represents democracy in key aspects of its inter-

28 Egon Bahr, cited above (Note 5), p. 87.

national conduct. Since the West's leading power, and the player of a central role in the OSCE, has openly supported "regime change", it has been evident that democrats are by no means guarantors of peaceful relations between states. Against this background, a number of Euro-Asiatic OSCE participating States are more than unsettled.

Promoting democracy in a way that contains hidden demands for submission cannot even function as the lowest common denominator in relations between the European and the Euro-Asiatic OSCE participating States. Given the premises underlying these considerations, however, what is needed is rather the highest common factor: for the OSCE, its principles, its functioning as a whole, and its priorities for action. There needs to be legally anchored partnership and co-operation, reliability and predictability in relations, and guarantees for the upholding of stability and mutual security. There is a need to accept a plurality of domestic governance models, value systems, cultures, and religions, their coexistence in the OSCE, and the setting of priorities for all parties.²⁹

It should be possible for the OSCE to achieve this under the current conditions by acting as a "regulator" of co-operation and security in the spirit of Euro-Asiatic continental partnership. It should also be possible to achieve the necessary division of responsibilities between the EU and the OSCE. The precedent of finding a shared basis that can unite two difficult partners already exists: the CSCE's Helsinki Principles. The example they set should be taken up again and adapted to new challenges.

29 The international "Alliance of Civilizations" commission convened by Kofi Annan in 2005 demonstrated what the real priorities are here. Cf. Alliance of Civilizations, *Final Report*, 6 October 2006, at: <http://www.unaoc.org/repository/report.htm>.

The Human Dimension and
Democratic Development – Focus on Tolerance and
Non-Discrimination

Tolerance, Non-Discrimination, and Anti-Semitism in the OSCE – The Emergence of a New Field of Activity¹

Ever since the signing of the Helsinki Final Act of 1975, the field of activity known as the human dimension (originally the “third basket”) has been a central – if particularly controversial – aspect of the work of the CSCE/OSCE. Nonetheless, one would seek in vain any mention in the Final Act of the issues we now bring together to form the triad of “tolerance, non-discrimination, and anti-Semitism”. Although point seven of the Decalogue contained in the Final Act does name “Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief” as a guiding principle for relations between the participating States, it did little more than refer to the Universal Declaration of Human Rights and other relevant international covenants. And while non-discrimination was of course a topic of concern for the CSCE until the end of the Cold War in the late 1980s, it tended to be highlighted selectively, and above all with reference to the protection of national minorities.

The prominent role currently played by this trio of topics was thus by no means inevitable from the inception, and nor should we take it for granted today. It required a long process of political awareness-raising and subsequent implementation, which was certainly not straightforward within the OSCE. Ultimately, however, the OSCE has made a firm commitment to meeting this challenge. Today, the view that intolerance, discrimination, and – as a special case of the above – anti-Semitism not only represent grave violations of human dignity but also constitute a fundamental challenge to the cohesion and therefore the stability of democratic societies is universally accepted among OSCE participating States. The issue is now given the significance it deserves.

The Development of the Topic

While CSCE/OSCE documents from the 1990s contain many references to the necessity of combating intolerance and discrimination, racism, and xenophobia, they tend to be framed in very non-specific terms. At this time, virtually no mention is made of anti-Semitism. Nor was the effort made to turn resolutions into practical programmes of action. The closest the Organization came to this was in the mandate of the High Commissioner on National Mi-

1 The opinions expressed in this contribution are the author's alone.

norities, who was called upon to pay special attention to “all aspects of aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism” by the CSCE Council in Rome in December 1993.²

The events of 11 September 2001 lent this issue new topicality. Bearing this in mind, the OSCE foreign ministers adopted a decision at their meeting in Bucharest on 3 and 4 December 2001, in which they expressed concern over “manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism”³ and called for effective steps to be taken to counter these phenomena. As an initial framework for this, a catalogue of measures for combating terrorism was adopted in Bucharest.

This triggered an intensive debate within the OSCE, which lasted throughout the whole of 2002. In Vienna, the Portuguese Chairmanship established an informal group consisting of representatives of around a dozen participating States to discuss the issue. The debate very soon began to turn on the question of anti-Semitism. To a large extent, this was the result of external stimuli: On the one hand, in Washington in May 2002, the US Congress’s Helsinki Committee held a hearing into “Anti-Semitic Violence in Europe”, a reaction to the UN-organized world anti-racism conference that was held in Durban in 2001, and which had, on the instigation of the Arab nations, singled out Zionism for condemnation. This appeared to implicitly lower the threshold of tolerance of anti-Semitism.

A further political factor was the adoption of a resolution by the OSCE parliamentarians at their summer session in Berlin in July 2002, which called upon the OSCE to act decisively to combat anti-Semitism and to hold a conference dedicated to this topic. The US and German delegations were the main movers behind this, led by Congressman Christopher Smith (Republican) and Member of the *Bundestag* Gert Weisskirchen (SPD), respectively. The German position was less the result of concern that Germany could find itself in the dock as a result of anti-Semitic incidents within its borders but was rather based on the conviction that it was necessary to pursue the struggle that had been relentlessly carried out against anti-Semitism within Germany unreservedly within the international framework of the OSCE as well. Further contemporary political factors may also have played a role: Following the rejection of American policy in Iraq by the German government, anti-Semitism represented a topic in relation to which Germany could demonstrate solidarity with the USA.

The engagement of the parliamentarians, which was supported by many NGOs, including the major Jewish organizations in the USA, was quickly

2 Conference on Security and Co-Operation in Europe, Fourth Meeting of the Council, Rome, 30 November - 1 December 1993, in: Arie Bloed (ed.), *The Conference on Security and Co-Operation in Europe. Basic Documents, 1993-1995*, The Hague 1997, pp. 192-214, here: p. 212.

3 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. 5 by the Ministerial Council, pp. 411-412, here: p. 411.

replicated at governmental level. Here, US-German understanding was again of crucial importance. The first result was Ministerial Decision No. 6 on Tolerance and Non-Discrimination, which was adopted by the Porto Ministerial Council in December 2002.

It strongly condemns “all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism”⁴ and calls for “separately designated”⁵ conferences to be convened on these topics. There was much wrangling over the wording of this document. This provided the first clear evidence of the internal divisions that existed within the OSCE on this issue: A number of participating States, particularly those from the Mediterranean area, but also the United Kingdom, were vehemently opposed to treating anti-Semitism separately from the topic as a whole and suspected that the aim was to pre-emptively disallow criticism of Israel for the way it was combating the *Intifada*. The critics also argued that singling out anti-Semitism created a “hierarchy of suffering” that was inappropriate, given the discrimination also suffered by Muslims.

The USA opposed this position. As late as the run-up to Porto, the US government had treated anti-Semitism as a secondary issue within the OSCE. A briefing on current OSCE questions given to Congress on 10 October by then Assistant Secretary of State Elizabeth Jones gave no hint that the issue was a priority. This had changed completely by the time of the Porto conference. By then, the USA, supported above all by the German delegation, was resolutely in favour of prioritizing anti-Semitism as a result of the historically proven danger that it poses.

Delegations that had hesitated up to that point now fell into line. The result was a paragraph that decisively condemns anti-Semitism as “a major threat to freedom”.⁶ As a concession to critically minded delegations, a passage was also included in the decision that rejected violence against Muslims and the “identification of terrorism and extremism with a particular religion or culture”.⁷

Porto brought about a change of course that was followed by the incoming 2003 Dutch Chairmanship. During that year, the basic framework of relevant decisions that remain binding to this day were developed and endorsed by the OSCE foreign ministers at their December conference. However, once again this did not occur without disputes that brought the OSCE to the edge of disintegration. The controversy once more concerned the extent to which anti-Semitism should be assigned a special place within the overall area of non-discrimination. In the course of this debate, it became clear that

4 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 421-455, Decision No. 6, Tolerance and Non-Discrimination, pp. 449-451, p. 450.

5 Ibid., p. 451.

6 Ibid.

7 Ibid.

there was no agreement among the participating States regarding the priority of the fight against anti-Semitism.

The focus of attention now shifted to the conference project. A concept paper presented by the Dutch Chairmanship in early March recommended – without placing any stress on the issue of anti-Semitism – that a conference be held on all aspects of tolerance and non-discrimination, including “discrimination against Muslims”. This did not go unopposed. A key role in the formation of opinion on this issue was played by an informal group established by the OSCE Chairmanship and including members of some 20 delegations. No less important was the discussion within the EU, whose members accounted for almost half of OSCE participating States. The influence of the German delegation was critical here. After much fraught debate, hesitant EU delegations – critically the UK, but also Belgium and the Netherlands – were ultimately persuaded of the expedience of a separate OSCE conference on anti-Semitism.

A preliminary step towards this was an OSCE meeting on anti-Semitism, which was held in Vienna on 19 and 20 June 2003. Prominent political representatives, including the former mayor of New York, Rudy Giuliani, and Robert Badinter, a former French minister of justice, spoke in favour of an international conference on the topic. Claudia Roth, a Member of the German *Bundestag* and the German government’s human rights commissioner, gave a speech strongly supportive of the plan. The many NGOs present at the conference, above all Jewish organizations from the USA, called for new initiatives in the fight against anti-Semitism. At the close of this meeting, in accordance with the instructions of the Foreign Office, I issued an invitation on behalf of the German delegation to a conference on anti-Semitism to be held in Berlin, provisionally in the spring of 2004.

This set the scene for the next stage of the OSCE’s discussion. On 4 and 5 September 2003, a further meeting was held in Vienna to consider racism, xenophobia, and discrimination. The “two-conference model” appeared to be firmly established. However, much additional persuasion was required before this was truly the case. In the meantime, the OSCE Human Dimension Implementation Meeting, which was held in Warsaw from 6 to 17 October 2003, in accordance with a decision adopted by the Permanent Council on 30 January, shortly after Porto, had a special focus on “the prevention of discrimination, racism, xenophobia, and anti-Semitism”.

Warsaw provided a platform for many programmatic statements articulated not only by representatives of governments but also by NGO activists. For Germany, Claudia Roth repeated her government’s invitation to a conference on anti-Semitism in Berlin. The US representative welcomed this emphatically, adding a call for the OSCE participating States to unambiguously distance themselves from all instances of anti-Semitism. He called particularly for steps to be taken in the area of education. Representatives of NGOs, and the Anti-Defamation League in particular, went further, establishing a

connection between anti-Semitism and hate propaganda against Israeli policy inspired by Arab governments. During the debate, there were attempts (for instance by the representatives of Azerbaijan and Moldova) to establish a link between the topic of discrimination/anti-Semitism and unresolved internal conflicts, thereby leveraging it for these countries' own political ends.

The Warsaw meeting was the prelude to final negotiations among the OSCE delegations in Vienna, which aimed to enable the foreign ministers to make operational decisions at their annual meeting in Maastricht in early December. The bulk of the work was carried out by the above-mentioned informal group of some 20 delegations created by the Dutch Chairmanship; once again, informal discussions among the delegations of the 25 EU countries, among whom there remained significant differences of opinion regarding the best way to continue, had a strong influence on the course of the negotiations.

Controversy still reigned over the extent to which anti-Semitism should be given a special place within the overall context of non-discrimination. Although the Netherlands, the holder of the OSCE Chairmanship during 2003, was one of the more sceptical countries, nonetheless, it ultimately acted fairly to ensure a compromise was reached. This was possible thanks to close co-operation between Germany and the United States, expressed in the form of regular working- and high-level contacts. In bilateral meetings, the German and American delegations attempted to win the more sceptical countries round to their views, among them, crucially, Russia. The fact that Russia finally did agree to a compromise it was willing to support, if not enthusiastically then at least loyally, was largely a result of these efforts.

This compromise solution served the OSCE foreign ministers in Maastricht as a template for a decision establishing the basis of further activities in this area. A speech given to the plenary by Germany's foreign minister Joschka Fischer on 1 December, in which he underlined his personal commitment to combating intolerance, and anti-Semitism in particular, helped to persuade those who remained unconvinced as to urgency of the topic.

The Maastricht decision considers intolerance and non-discrimination in their totality, and thus includes problems relating to Roma and Sinti, gender equality, and migrants. Nonetheless, anti-Semitism was still singled out for special attention. The agreement on the following detailed programme of action appeared to suggest that prior disagreements had largely been resolved:

- Holding conferences on anti-Semitism in Berlin on 28 and 29 April 2004 and on racism, xenophobia, and discrimination in Brussels on 13 and 14 September 2004; agreeing to hold a further meeting on internet propaganda and hate crime in Paris on 15 and 16 June 2004.
- Calling upon all OSCE participating States to collect statistics on hate crimes and make regular reports. Close co-operation with other organizations already active in this area was recommended, above all the UN, the EU, and the Council of Europe.

- Charging ODIHR to work closely in this area with relevant internationally active institutions as an information and co-ordination centre and to give guidance in the form of proven best practices.

After two years of intense debate, the OSCE had succeeded in creating a binding programme of action for all participating States. This framework has remained valid to the present day. During the following year (2004), it was filled out with decisions on further concrete measures.

The Berlin Anti-Semitism Conference of 28 and 29 April 2004 and Follow-Up Meetings

The next stage was the anti-Semitism conference agreed upon in Maastricht, which was held at the German foreign office in Berlin on 28 and 29 April under Bulgarian chairmanship. It became the climax of all the OSCE's efforts on this range of topics, and there was a remarkable degree of media interest in almost every OSCE state. If the OSCE's aim was to raise public awareness in its participating States of the antidemocratic and misanthropic nature of anti-Semitism, this was achieved here.

The event in Berlin was originally considered merely a "special conference". However, this was the first time in the history of the Organization that a conference of this type had been attended by such eminent persons.

Many OSCE participating States, including the USA, Canada, Poland, Romania, and Spain, had sent their foreign ministers. The opening speech was given by the German president, Johannes Rau. He called for more civic engagement in the fight against anti-Semitism and argued that, while criticism of Israeli actions is not impermissible *a priori*, it must nonetheless always be made in an appropriate form. Chancellor Gerhard Schröder of Germany, who received the conference participants in the Chancellery, condemned anti-Semitism as a threat to democracy. Holocaust survivors Simone Veil and Elie Wiesel spoke movingly to the conference participants. The Israeli president, Moshe Katsav, planned an official visit to Germany to allow him to speak to the conference.

On 22 April, immediately prior to the Berlin conference, the OSCE Permanent Council in Vienna had adopted the text of a decision on combating anti-Semitism drawn up jointly by the German and US delegations. Once more, differing viewpoints on a number of matters could be seen to have played a role in the drafting of this document, including the role of education in combating anti-Semitism, which had been criticized by the delegation of the Holy See. The text of the decision upon which consensus was finally reached became the basis of a declaration made in Berlin by the Bulgarian foreign minister, Solomon Passy, on behalf of the OSCE Chairmanship. At its heart was a categorical condemnation of anti-Semitism in all its manifest-

ations. By stating that international developments “including those in Israel”⁸ could never justify anti-Semitism, the declaration took sides on an issue that had previously been a matter of some controversy. In the following – operational – section of the declaration, the participating States committed themselves to a number of concrete tasks relating to legal systems, education, and the media. The supervisory capacity of ODIHR was confirmed. Although it was left to the next ministerial council to adopt the formal decision, the Berlin declaration amounted to a set of instructions for this. In this respect, too, the conference broke new ground: it was the first time that an event classified as a special conference was effectively granted decision-making powers.

The success of the Berlin conference inspired the participants at the other two conferences scheduled for 2004: one largely expert-level meeting in Paris, focusing on combating hate crime and anti-Semitic propaganda, and a further special conference on combating racism, xenophobia, and discrimination, which was held in Brussels in September, again with much high-level political participation. Both produced draft resolutions for the OSCE foreign ministers; in Paris, the USA again stressed its particular interest in the topic by presenting a ten-point programme for combating hate speech on the internet.

After the political climax, which had been achieved above all by the special conference in Berlin, the focus of the OSCE’s work turned more and more to the implementation of its programmes. The key issue here was the appointment of personal representatives of the Chairman-in-Office, whose task – at a time when work was already underway to establish the ODIHR/OSCE anti-Semitism programme of action – was to promote the fight against intolerance, discrimination, and anti-Semitism both within the participating States and beyond. In relation to this, an old dispute erupted in a new form: Should there be a single special representative responsible for every aspect of the overall topic, or should various tasks be shared among several people? In this dispute, supporters of a vehemently holistic standpoint were opposed by those who also wanted to highlight in the OSCE’s operational activities the fact that anti-Semitism is a particularly dangerous form of intolerance. Expressions of concern that the OSCE should be careful not to introduce a “hierarchy of suffering” were again voiced in this context.

This dispute dominated preparations for the OSCE’s annual ministerial meeting, which was due to convene in Sofia in 2004. The US position, which had obviously been strongly influenced by Jewish organizations, was clearly defined. It was officially formulated by Assistant Secretary of State Elizabeth Jones, who, in a hearing before the US Congress on 15 September, called for the creation of a separate OSCE representative for anti-Semitism; the powers

8 OSCE, Bulgarian Chairmanship, The Chairman-in-Office, Berlin Declaration of 29 April 2004, available online at: http://www.osce.org/documents/cio/2004/04/2828_en.pdf; also reprinted in: Gert Weisskirchen, The OSCE Anti-Semitism Conference in Berlin, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 317-328, here: pp. 326-327, p. 326.

of the proposed representative were to include the ability to make recommendations. In Vienna, there was initially considerable opposition to this concept, not only from Russia, but also from a number of EU states.

Russia had remained critical but disengaged during the whole anti-Semitism debate and had kept a relatively low profile at the special conferences. There was mistrust, as a leading representative of the Russian delegation once expressed it in Vienna, of developments that amounted to “merely political show”. Ultimately, however, Russia was always ready to co-operate and support the compromises that were reached, and was generally understanding of Germany’s active role on this issue.

The disagreement over the question of the special representative was finally resolved by means of a compromise in which the mediating role of the German delegation was once again of crucial importance: It was agreed to establish three personal representatives of the OSCE Chairman-in-Office, including one with responsibility for combating anti-Semitism, and another for combating intolerance and discrimination against Muslims. All three were required to exercise their offices in close co-operation with each other. Explicit mention was made of combating Islamophobic tendencies in EU countries. Shortly before Sofia, this compromise once more ran into trouble due to the energetic intervention of the Holy See, which insisted that non-discrimination against Christians also be mentioned by name. This request was finally granted.

Future Prospects

By means of the various special conferences held in 2004, the OSCE had established an effective political framework within which the fight against intolerance, discrimination, and anti-Semitism could now be put into practice. The Sofia Ministerial Council sanctioned the instruments that were designed to provide the OSCE with comprehensive powers in this area. The subsequent ministerial meetings in Ljubljana in 2005 and in Brussels in 2006 largely oriented themselves on these landmarks, underlining the political significance of the topic once again and fine-tuning some of the instruments available to the OSCE. The OSCE also strove to make the concept accessible to its Mediterranean partners for co-operation, including Israel and the Arab states of the Maghreb and the Middle East: The key event in this was a conference held in Sharm el-Sheikh on 18 and 19 November 2004 on the invitation of the Egyptian government.

On 8 and 9 June 2005, a further OSCE special conference on “Anti-Semitism and on Other Forms of Intolerance” convened. The conference’s Spanish hosts had deliberately chosen to hold the event in Cordoba, a city heavy with a history that emblemized the close connections between Judaism, Christianity, and Islam. In Cordoba, discrimination against Muslims

took a correspondingly more prominent role; those who had argued that this form of intolerance was deserving of special attention similar to that granted to anti-Semitism felt vindicated. An action programme was again adopted, in the form of the Cordoba Declaration, and subsequently confirmed by the OSCE foreign ministers.

However, Cordoba also marked a definite turning point in the treatment of the overall topic of intolerance: The necessity of high-level conferences appeared to be exhausted, as all the key political messages had been pronounced competently several times. The absolute priority now had to be the implementation of the agreed programmes of action. Attention therefore focused on the work performed by ODIHR and the activity of the three personal representatives of the OSCE Chairman-in-Office, who had been in office since 2005. As a first step, it was necessary to reach consensus on the provision of ODIHR with the necessary human and financial resources. This task was successfully completed under the Slovenian Chairmanship.

In the meantime, it also no longer appears certain that all OSCE participating States share the view that no further political conferences on the topic are necessary. A further conference on the Cordoba model was held in Bucharest on 7 and 8 June 2007. It reconfirmed the need to combat anti-Semitism while also calling for action against other common forms of religious and ethnic intolerance, particularly Islamophobia.

What are the net results of the OSCE's activities in combating the various manifestations of intolerance and discrimination? It is certainly too early to draw up a final balance sheet. However, it is incontestable that, since 2002, the OSCE has made a major contribution to increasing public awareness of the critical nature of the issue. And despite all the differences of opinion that have arisen, it has succeeded in maintaining a sense of unity. The work to come will require patience, purposefulness, and a sustained effort. It may be illusory to expect sweeping change across the whole OSCE in the short-term.

At the same time, in pursuing these efforts, it will be vital not to fall into routine and to sustain the necessary political momentum. It would also be desirable to co-operate even more closely with all the international organizations that have long dealt with this topic. The duplication of activities should be avoided, and the OSCE's unique contribution should be kept clearly visible. The Organization should however remain aware of its calling to demonstrate particular commitment and to perform groundbreaking work – especially in relation to the practical tasks it undertakes. The work already performed by ODIHR is exemplary in this connection, above all in creating a computer-based data collection system and in developing teaching materials.

In the best instance, this special dedication will lead the OSCE to increase both its internal cohesion and its external credibility. The struggle against intolerance, discrimination, and anti-Semitism is a cross-dimensional matter that affects all OSCE participating States, regardless of their political orientation. The Organization is accused often enough of focusing too much

on problems “East of Vienna”. Here is an example that can refute those allegations.

Anti-Semitism in the OSCE States – How Can the Vital Task of Overcoming this Prejudice Be Achieved?

Combating anti-Semitism is one of the publicly propagated aims of the OSCE, a 56-strong community of states that seeks to promote stability and security in Europe. In April 2004, high-ranking delegates gathered to attend a conference in Berlin and, after exchanging views for three days with representatives of non-governmental organizations, adopted a resolution combining a clear rejection of anti-Semitism with a catalogue of ideas on how the oldest religious, social, political, and cultural prejudice against a minority should be dealt with. The “Berlin Declaration”¹ is a political document that sets standards at the highest level. The work of day-to-day implementation in the participating countries of Europe, the USA, and Canada appears to be a Sisyphean task, to put it mildly.

The reprimand given by the European Parliament to Polish MEP Maciej Giertych in March 2007 indicates the dimensions of the problem: The independent MEP, a supporter of Catholic fundamentalism, had placed an EU logo on a pamphlet he had written and distributed, thus giving the false impression that it was an official publication. Under the title “Civilizations at War in Europe”, Giertych had disseminated racist, anti-Semitic stereotypes.²

Statements were issued describing him – rightly – as a propagandist of a grotesque moral outlook, yet the problem is not solved by such acts of disassociation and censure. How many devout Catholics in Poland who believe in the anti-Semitic tirades of Radio Maryja does the deranged MEP stand for? How near or far are his published thoughts from official Polish policy? The MEP’s son was the education minister in Poland’s conservative government, the head of the right-wing populist clerical-national party, the “League of Polish Families”, and a deputy prime minister. He has garnered attention far beyond Poland’s borders for campaigns that encourage intolerance of gays, the stigmatisation of freemasons, and the cultivation of conspiracy theories. With regard to anti-Semitism, he has maintained a low profile, even if both Giertyches, father and son, do recognize the anti-Semite Roman Dmowski

1 OSCE, Bulgarian Chairmanship, The Chairman-in-Office, Berlin Declaration of 29 April 2004, available online at: http://www.osce.org/documents/cio/2004/04/2828_en.pdf; also reprinted in: Gert Weisskirchen, The OSCE Anti-Semitism Conference in Berlin, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 317-328, here: pp. 326-327.

2 Cf. EU-Parlament rügt antisemitischen Abgeordneten [European Parliament Censures Anti-Semitic Member], in: *Der Tagesspiegel*, Berlin, 15 March 2007.

(1864-1939), an influential patriotic ideologue and writer between the wars, as the founder of their line.³

The Polish education minister has recently attempted to distance himself from Dmowski's anti-Semitism and national socialism (and from Radio Maryja). However, although he asserted that the anti-Semitism and nationalism of the inter-war years were mistakes, Giertych's arguments still contain standard anti-Jewish rhetorical techniques. One example of this is the marginalization of the problem: Anti-Semitism at Polish universities between the wars was abhorrent, but it is historical and can therefore be laid to rest. After asking in astonishment: "Was it really all that bad?", Giertych explains Dmowski's anti-Semitism using the same political cynicism: "Dmowski did not like Jews, incidentally quite unlike me, as I like Jews", only then to remark that there had at the time been "an objective economic conflict between the Jews and the Poles". Giertych has argued that the populist anti-Semitic slogans of the national movement were quite wrong and that there were Jews in the National Party, "even at the highest level".⁴ These are stereotypes that are always used to defend against accusations of anti-Semitism. But Jews are still seen as fundamentally alien, the majority continues to feel justified in defending itself against the minority, and defensive excesses are considered as regrettable historical errors. This position, a kind of latent anti-Semitism, is admittedly far from open Jew-hating, but nor does it provide a stable basis upon which relations between the majority and a minority can proceed in a spirit of democratic tolerance. Polish anti-Semitism is, however, very much a case of Jew-hating without Jews.

The situation in Hungary is highlighted by another contemporary example. In March 2007, reformed church pastor Loránt Hegedüs jr., a right-wing extremist, allowed the British anti-Semite and Holocaust denier David Irving, who is no stranger to the courts, to speak in his church. The far right Hungarian Truth and Life Party (MIEP) engaged the Neo-Nazi, who had just finished serving a fourteen-month sentence in Austria, to speak at a rally. The shock and dismay expressed by the reformed church in Austria at their Hungarian colleague does nothing to mitigate the openness of an intolerant public to anti-Semitic messages and can do little to reduce the freedom of action of the pastor who made the invitation.⁵ Hungarian anti-Semitism – of which this is also a case – is by no means limited to the unenlightened and uneducated petite bourgeoisie and the rural classes. Anti-Semitism is a common and oft-voiced tendency among Hungarian intellectuals. After a member of its board made anti-Semitic statements, the Hungarian Writers' Association lost some 200 members – arguably the best, most creative and most famous authors –

3 Cf. Ulrich M. Schmid, Hüter der polnischen Kultur [Keeper of Polish Culture], in: *Neue Zürcher Zeitung*, 1 December 2006.

4 Interview with Roman Giertych, in: *Gazeta Wyborcza*, July 16 2006. For bringing this to my attention and translating it, I would like to thank Yasemin Shooman.

5 Cf. Aufmarsch von rechts außen [March of the Far Right], in: *Der Standard*, Vienna, 16 March 2007.

between 1990 and 2004, but it has never distanced itself from the stigmatizing characterization of the Jews as alien and the enemy of the Hungarian people. Imre Kertész, one of the authors who left the association, explains the anti-Semitism of Hungarian intellectuals in terms of anxiety psychosis. Istvan Eörsi, another author who left the association, has cited a need to explain national catastrophes such as the 1920 Treaty of Trianon as the fault of “the Jews”. The stereotypical form this exclusion takes is to claim that the Jews seek to oppress the Hungarians.⁶

Kertész, winner of the Nobel Prize for Literature, also diagnoses the confusion of those who became disoriented and ceased to understand the world following the fall of Communism. In seeking to overcome their own alienation by furiously attacking the foreign, many people seek salvation in a shameless identification with the nation: “The anti-Semites in the Hungarian Writers’ Association are not yet familiar with European etiquette and perform their work in public [...] I would even say unhindered. There are neither laws nor public protests to stop them.”⁷ The poet Kornél Dobrenstei, an association member who has publicly struck such poses, provoking protests on the part of his associates, is naturally vehement in denying accusations that he is an anti-Semite and threatens anyone who accuses him of being such with legal action.⁸ The alarming aspect of the Hungarian situation is that anti-Semitism is supported by intellectuals with political influence and social standing. This does not improve the prospects for educational campaigns and consciousness-raising activities. The poor results of far-right parties in elections is therefore no comfort, given the popularity of anti-Semitism among the population.⁹

In France, the European country with the largest Jewish population (ca. 575,000 out of a total population of 58.5 million), Jews are, in contrast to other ethnic groups, both the victims of publicly manifested anti-Semitism and of physical violence, intimidation, and assaults. Year on year, the number of violent anti-Semitic incidents rose by 45 per cent in 2006 to 112. According to the umbrella organization of French Jewish organizations, the *Conseil Représentatif des Institutions Juives de France*, the Jewish community’s protection service registered 371 cases of manifest anti-Semitism, a rise of 24 per cent.¹⁰

6 Cf. Istvan Eörsi, *Peinliche Verschleppung* [Distressing Perpetuation], in: *taz*, 20 April 2004.

7 Imre Kertész, *Ein Mythos geht zu Ende* [End of a Myth], in: *Die Zeit*, 1 April 2004 (author’s translation).

8 Cf. Kathrin Lauer, *Glühende Kugeln* [Red Hot Cannon Balls], in: *Süddeutsche Zeitung*, 15 March 2004.

9 Cf. *Lautstarker ungarischer Antisemitismus – Parteienstreit und Schuldzuweisung statt Strategiedebatte* [Hungary’s Vocal Anti-Semitism – Party Political Point-Scoring and Accusations instead of Debates on Strategy], in: *Neue Zürcher Zeitung*, 9 October 2004.

10 Cf. *Jüdische Allgemeine/dpa*, 1 March 2007. Figures and trends such as these should be considered first and foremost as a reflection of the perceptions of the victims: They indicate how Jewish communities perceive their own position and the threats that face them. The Annual Report of the Stephen Roth Institute for the Study of Contemporary Anti-

Such events and their background are troublesome enough, regardless of the scale of the incidents: The exponents of aggressive anti-Semitism are young immigrants from the Maghreb, West Africa, and the Caribbean, who turn to anti-Semitism as a result of their low social status and despair of ever rising higher in French society. They believe that Jews are rich and possess power and influence that they use to hinder the attempts of immigrants to better their positions. The kidnapping, holding to ransom, and murder of the 23-year-old Ilan Halimi, a Jew of Moroccan origin, by a gang of young Muslims is an alarming development. The protests of tens of thousands of French people, who demonstrated against the aggressive anti-Semitism of the immigrant underclass will neither impress the culprits and those who seek to copy them nor improve their social situation. These immigrants are fighting a war against the indigenous society, and their armoury includes belief in conspiracy theories that hold “the Jews” responsible for their own misfortune.

This is a particular problem for France, which has not only the largest Jewish community but also the highest number of Muslims in Europe – roughly six million, or ten per cent of the population.¹¹ Only a small percentage of Muslims are deeply religious, yet almost half admit to serious prejudice against Jews. Significantly, the degree of prejudice depends on the level of education. In the French Afro-Caribbean community, Dieudonné M'bala M'bala, a comedian of Breton and Cameroonian ancestry, has used his public influence to great effect. He holds “the Jews” responsible for the slave trade and has criticized the French nation for commemorating the Holocaust but not the older – and for the descendants of its victims more important – crime of the slave trade. Dieudonné, as he is generally known, describes commemoration of the Shoah as “memorial pornography” and the state of Israel as a racist and colonial nation comparable to Nazi Germany. Young immigrants from Africa and the Caribbean are not the only people to have proved receptive to the popular comedian’s views.¹² In France, everyday manifestations of anti-Semitism include insults directed at Synagogue-goers, attacks on Jewish nurseries and schools, and vandalism of Jewish cemeteries and other sites.

In many countries in Eastern-Central and Eastern Europe – from Poland to the Baltic states, Russia, Ukraine, and Belarus – religious, cultural, and social traditions determine the way the Jewish minority is seen. Often all that remains is a memory of “the Jews”, who, until the Holocaust, had for generations been stigmatised as aliens, used as scapegoats, and annihilated as enemies. The absence of a Jewish population makes as little difference to the inherited antipathy as the remembrance of the genocide of six million Jews

semitism, Tel Aviv, cites 504 anti-Semitic incidents in France in 2005 compared to 974 in 2004, a decline of 48 per cent. Cf. Service de Protection de la Communauté Juive, *Rapport sur l'Anti-Sémitisme en France 2006*.

11 Cf. Colin Nickerson, Antisemitism seen rising among France’s Muslims, in: *The Boston Globe*, 13 March 2006.

12 Cf. Stephen Roth Institute, *Annual Report 2005*, France, p. 9, available online at: <http://www.tau.ac.il/Anti-Semitism/asw2005/france.htm>.

that was carried out on the territories of Poland and the Soviet Union. Nor is the fact that Ukrainians, Latvians, Lithuanians, and Belarusians proved willing assistants to the murderers a means of undermining traditional anti-Semitic passions. Not without reason do representatives of Jews in Central Europe, such as the European Jewish Congress, fear the import of anti-Semitism from the new member states of the European Union.¹³

Negative anti-Semitic stereotypes and prejudice are ubiquitous. In Eastern Europe, they are obstacles to the creation of democratic societies: in Western Europe, they play – mostly surreptitiously and always denied – several roles in excluding the Jewish minority and strengthening the position of the majority. While anti-Semitism remains acceptable in polite company in many countries in Eastern Europe, in the West it is generally only openly articulated by the far right.

Anti-Semitism is – for good reason – probably better controlled and more comprehensively criminalized in Germany than in any other state. Nevertheless, anti-Semitism as an everyday prejudice and a disposition towards a minority has not been banished or defeated as a result. Prejudices, passed on via ancient stereotypes and clichés – “Jewish wealth”, “Jewish deceitfulness”, “Jewish greed for money”, “Jewish efforts to take over the world”, “Jewish dominance of the economy, politics, culture, the media” – are as alive in Germany as in other countries; the most that can be said is that there is a greater reluctance to openly admit to harbouring such negative stereotypes.

Anti-Semitism, hatred of Jews in the broadest sense, creates problems of definition and perception in political and social discourse. There is a common tendency to avoid speaking of anti-Semitism except for instances of open violence or even organized persecution. However, attitudes expressed as reservations and formulated as stereotypes are also examples of discriminatory and exclusive behaviour and therefore everyday expressions of anti-Semitism. Definitions of anti-Semitism always require the reservations to be expressed in relation to Jews as members of a collective and to explicitly refer to the individual “as a Jew”, defined as the holder of alleged characteristics as a result of tradition, religion, and culture.

In order to understand the means by which the prejudice functions, it is necessary to recognize the causal relationships involved: Negative stereotypes both exclude the minority and reinforce the collective identity of the majority. The feeling of unity among the majority turns minorities into aliens that have less worth and are considered legitimate targets. When Jews are defined as alien, when asylum seekers are maligned as criminals, when foreigners are considered to threaten the civil peace and vested interests, this is a reflection of aggression and fear on the part of the majority that need to be dis-

13 Cf. Gefahr im Verzug. Europäischer Jüdischer Kongress warnt vor Antisemitismus in EU-Beitrittsländern [The Danger of Delay. European Jewish Congress Warns of Anti-Semitism in EU Candidate Countries], in: *Jüdische Allgemeine*, 11 November 2004.

mantled and overcome. Anti-Semitism is therefore not to be seen as a prejudice against a particular minority that can be isolated from its social context, but rather as a prototype of social and political *ressentiment* and therefore an indicator of the state of a society. Recognizing this is the first step to overcoming prejudice that seeks to exclude.

Four basic phenomena must be distinguished: First, Christian anti-Judaism – religiously motivated (but also culturally, socially, and economically determined) *ressentiment* directed at the Jews, which has existed since the Middle Ages. Second, pseudo-scientific racial anti-Semitism, backed by anthropological and biological arguments, which emerged in the 19th century and resulted in the Holocaust. The third form of reservation is a contemporary phenomenon that has emerged alongside the traditional forms of anti-Semitism since the Holocaust. Known as secondary anti-Semitism, it is an independent development with low profile; it feeds on feelings of shame and the denial of guilt: *Ressentiment* of the Jews is mobilized not despite Auschwitz but because of it. Secondary anti-Semitism is originally a West German phenomenon, as it attached itself to compensation payments that were not made by the East German state.

However, a different form of anti-Jewish *ressentiment*, anti-Zionism, was integral to East German politics, propaganda, and consequently the socialization of East German citizens. In this context, “anti-Zionism” is not to be understood in its original meaning which refers to the tendency in Jewish thought that rejected the ideas of Theodor Herzl and his successors, i.e. to the disapproval, for theological or other reasons, of the project to create a Jewish national state. Anti-Zionism as propagated and practised by the Eastern Bloc states during the Cold War refers to the rejection of the right of the state of Israel to exist. Today, political propaganda directed against the Jewish state is popular worldwide, and is becoming more so. The four basic forms of anti-Semitism – religious anti-Judaism, racial anti-Semitism, secondary anti-Semitism, and anti-Zionism – form the framework for the observation of anti-Semitism in all its forms and manifestations.

Drawing on a long tradition, stereotypes of Jewish wealth, Jewish business acumen, and greed for money underpin the view that Jews enjoy material advantages, and that they have received – at the expense of the majority, i.e. one’s own well-being – illegitimate reparation payments or outrageous subsidies. An additional motive for anti-Semitism is *petit bourgeois* fear of “excessive alien influence”, which considers “one’s own” to be threatened and conceives of the Jews as “alien”. The Jews are made into scapegoats and are excluded in the same breath as asylum seekers, migrant workers, foreign criminals, and everything alien that creates fear and discomfort.

That the objective fact of anti-Semitism becomes the object of subjective interpretation when attacks and gaffes, scandals, and acts of provocation have to be interpreted can be constantly observed. Wherever there is a need for explanation, the OSCE’s Berlin Declaration does as little as the definition

with which the European Union sought to create a basis for an investigation of the phenomenon of anti-Semitism.¹⁴

In the academic world, Helen Fein's definition carries considerable authority: Anti-Semitism is "a persisting latent structure of hostile beliefs towards Jews as a collective manifested in individuals as attitudes, and in culture as myth, ideology, folklore and imagery, and in actions – social or legal discrimination, political mobilisation against the Jews, and collective or state violence – which results in and/or is designed to distance, displace, or destroy Jews as Jews."¹⁵ But politicians and media representatives are generally not aware of such aids when they are required to analyse and interpret incidents in everyday life. As a result, there is a tendency to either trivialize or overdramatize such events. This can easily be demonstrated by means of examples. In March 2007, the journalism prize of the state of Salzburg, the René Marcic Prize, was presented as usual. From 1959 to 1964, Marcic was the editor-in-chief of the illustrious *Salzburger Nachrichten* newspaper, but he was at heart a clerical fascist with the past to match. Even after the Holocaust he wrote, contra the author Peter de Mendelssohn and contra the Jews, "He who mocks God and prayer [...] should not be surprised if his degradation of his being should rebound on his own body and he is one day placed in a gas chamber. Mendelssohn and his kind themselves created the world that later persecuted them."¹⁶ Attempts to rename the prize failed not only because of the indolence of conservative politicians, but also because anti-Semitism is continually redefined to meet utilitarian requirements.

Another everyday political collision of interests could be observed in the spring of 2007 when two German bishops made remarkably inappropriate comments during a visit to Israel: They spoke of the "Ghettoization of the Palestinians" and drew comparisons between the Warsaw Ghetto and the situation of the Palestinians in Ramallah. There is no need to explain why the Catholic bishops' comments were scandalous and have to be considered as falling within the circle of anti-Semitism.¹⁷ The Chairman of the Conference of German Bishops, Karl Cardinal Lehmann, expressed his regret, and Curial Cardinal Walter Kasper – seeking to stress that the lapse by the bishops had nothing to do with anti-Semitism – distinguished between the good theological relations that pertain between Christians and Jews and the separate matter of necessary criticism of the state of Israel: "Theological anti-Judaism has

14 Cf. European Monitoring Centre on Racism and Xenophobia (EUMC), *Antisemitism. Summary Overview of the Situation in the European Union 2001-2005*. Updated version December 2006 (EUMC Working Paper).

15 Helen Fein, Dimensions of Antisemitism: Attitudes, Collective Accusations and Actions, in: Helen Fein (ed.), *The Persisting Question. Sociological Perspectives and Social Contexts of Modern Antisemitism*, Current Research on Antisemitism, vol. 1, ed. by Herbert A. Strauss, Berlin 1987, p. 67.

16 Michael Frank, Umstrittene Auszeichnung. Publikationspreis in Salzburg nach Antisemitismen benannt [Controversial Award. Salzburg Journalism Prize Named after Anti-Semite], in: *Süddeutsche Zeitung*, 14 March 2007 (author's translation).

17 Cf. Daniel Schulz, Schockierende Bischöfe [Shocking Bishops], in: *taz*, 8 March 2007.

been overcome since the Conciliar Declaration *Nostra Aetate*. Unfortunately, political anti-Semitism continually re-emerges. Here, we Christians need to make it clear: We will not tolerate that.”¹⁸

If only non-tolerance of anti-Semitism in Christian guise were so simple. In Poland, the official church is observing with concern and detachment the activity of the Catholic, patriotic, and fundamentalist radio station “Radio Maryja”, operated by Redemptorist preacher Tadeusz Rydzyk and highly popular. In Russia and other Soviet successor states, too, popular beliefs are confirmed by Orthodox priests and religious dignitaries who recycle traditional anti-Judaic stereotypes such as stories of ritual murder and accusations of deicide. The ecclesiastical sphere remains untouched by the Enlightenment and provides anti-Semitism – not only that which stems from Christianity – with a breeding ground that is unaffected by political resolutions and declarations of intention.

The rejection of anti-Semitism (and similar exclusive ideologies, which are based on hateful stereotypes, frequently violent and always at the cost of the minority) is an essential element of a democratic community of values. How can this rejection be made into the binding conviction of the majority, and how can this conviction be put into practice? What sort of high-level practical recommendations would have to be made by politicians and diplomats in order to ensure that declarations made at the conference table are translated into real changes in civic sentiment?

A relatively loose international organization such as the OSCE has only limited means of affecting cultural and social attitudes and individual behaviour shaped by disparate traditions. Nevertheless, an international community that defines itself in terms of human rights, tolerance, and the rejection of discriminatory ideologies has an important function. The community orients its member nations towards the shared corpus of rules and regulations embodying democratic convictions and the commitments that this entails. At least this establishes a framework. However, these rules and regulations cannot be defined in detail and made binding for the citizens of member states. Nor is it easy to imagine how sanctions could be imposed for infringements of the rules (by politicians, representatives of social institutions, elites, or individuals). That considerably diminishes the value of resolutions, declarations of intention, and invocations, although it does not render them completely worthless.

The declaration made by the German *Bundestag* in December 2003, which called upon every citizen to join in the fight against anti-Semitism, states the goal but does little to indicate the methods: “It is our duty to fight anti-Semitic thought, speech and action. This requires the commitment of every individual. We want to expand the culture of dialogue and mutual

18 “Das dulden wir nicht”. Kurienkardinal Kasper zu Antisemitismus und Ökumene [“We will not tolerate that.” Curial Cardinal Kasper on Anti-Semitism and Ecumenism], in: *Süddeutsche Zeitung*, 13 March 2007 (author’s translation).

understanding in Germany. The peaceful coexistence of people of different religions must be self-evident enough to ensure that citizens of Jewish faith can make their home in Germany without fear. The struggle against anti-Semitism, racism, and discrimination against minorities is a matter for the whole of society. Where necessary, anti-Semitism must be fought with all the means available to a democratic state under the rule of law, including the police and judiciary.”¹⁹

In remembrance of the murder of six million European Jews in the name of a German ideology, the rejection of anti-Semitism is so deeply rooted in the political culture of the Federal Republic of Germany that the commitments can be enforced, for instance, by criminalizing Holocaust denial. This is not the case in most other countries. The only way to overcome prejudice is via enlightenment. In concrete terms, this means that the education system of every country needs to deal with the origins, effects, and dissolution of hate-filled stereotypes in the necessary breadth and depth. To achieve this, definitions and targets provided by research into prejudice must be laid down in a way that is binding and embedded in teaching curricula.

However, a common canon of educational subject matter is not enough. Enlightenment also requires overcoming national traditions and folk-cultural certainties and habits of thought relating to minorities – and not just the Jews. Exclusivist nationalism and zealotry are the greatest obstacles on the road to a tolerant, multinational democratic society, as the above examples drawn from the phenomenology of European anti-Semitism show. Reaching that still distant goal will require not only major and radical efforts in the field of education. Equally important, if not the prerequisite for all work of enlightenment, is overcoming the tendency to think in terms of nation states. For as long as every appeal to respect human rights can be rejected with patriotic indignation by national governments as intolerable interference in the sovereignty and integrity of the state that is doing the infringing – for instance by tolerating or banalizing anti-Semitism – overcoming this prejudice remains at best an intention, at worst an illusion.

19 82nd session of the German Bundestag, 11 December 2003 (author’s translation).

Combating Intolerance and Discrimination against Muslims

Protecting and Promoting Human Rights and Human Dignity within the Context of Diversity

Different societies, cultures, and religions have their own interpretation of human rights. They also tend to correlate these differing interpretations with other values. In a global environment, ensuring peaceful coexistence, avoiding a clash of civilizations, and establishing dialogue and partnership becomes all the more difficult, but not impossible.

Responsibility for the preservation, continuation, and enhancement of constructive, peaceful, and forward-looking relationships within and among cultures, religions, and societies is shared by government agencies, religious and cultural communities, public and private organizations, civil society, and the media.

In light of the troubling events since 11 September 2001, the need for a genuine dialogue and interaction among religions and cultures remains high on the agenda of the international community. The current lack of dialogue and mutual trust is encouraging extremists to attempt to divide the international community along artificial cultural and religious fault lines. This has increasingly become a concern for the maintenance of international peace and stability. The need for a comprehensive and collective effort to counter this trend has therefore become more crucial than ever.

A genuine dialogue can only occur when there is real respect for and understanding of other cultures and religions. It would be a mistake to assume that any one culture is intrinsically more able to respond to basic human needs. In fact all cultures are cumulative, interactive, and progressive in nature. They form the common product of humankind.

As such, values including respect for human rights, democracy, the rule of law, and accountability are and should be essentially universal. No single culture can claim that these values are theirs alone. Instead, they are the product of mankind's collective wisdom, conscience, and progress. However, such values are not universally applied. The task, therefore, is to identify the roots of these values within our respective cultures and promote their collective ownership.

There is also a need to facilitate harmony, understanding, mutual respect, and dialogue by emphasizing the common values of different cultures and religions.

The globalized world of today with its high level of interdependence requires societies to understand one another in greater depth than ever before.

Employing cross-cultural skills that facilitate mutual understanding among societies has therefore become a condition for peaceful relations. Likewise, societies that have experienced multiculturalism are particularly well-placed to contribute to this objective. Their distinct social and historical experiences are conducive to cultivating and articulating cross-cultural skills that would be needed to avoid misunderstandings and conflicts of values. They can assist in avoiding stereotyping, in opposing animosity, and in preventing violence and extremism. They can also help to achieve the balance necessary to preserve the cultural identity of all segments of multicultural societies.

Our Present Environment

We are living in a world that is fundamentally different from that of the 20th century. Both the international system and people's concepts, attitudes, and expectations are changing.

How the future unfolds will depend on the choices we make and the path we follow. A reappraisal of how best to pursue our common vision and collective interests is called for now more than ever.

The last decade of the twentieth century was characterized by a sense of optimism fuelled by the spread of democracy and free markets, together with a strengthened emphasis on human rights and freedoms. However, we tended to forget that our world is a complex one and vulnerable to unforeseen developments. The terrorist attacks of 11 September 2001 and subsequent events have brutally demonstrated the extent to which extreme and violent groups may succeed in challenging the values of the civilized world. As well as the dramatic impact of these events on international relations and transatlantic links, it is also necessary to thoroughly and seriously examine their negative consequences in terms of the emergence of a climate of fear, suspicion, and unrest that has led to manifestations of discrimination and racism.

Within this context, it is a sad fact that the environment in which Muslims now live, especially in Western countries, has deteriorated considerably in the post-9/11 period. Muslims, together with some other minority and foreign groups, have faced intolerance, discrimination, distrust, and hostility.

So-called "Islamic terrorism" or "Islamic extremism" is portrayed as the source of all evil, which adds to existing intolerance and prejudice against Muslims. People are stigmatized because of their beliefs, ethnicity, or appearance.

This phenomenon has two additional adverse consequences:

First, it undermines efforts at integration and has a negative effect on attempts to create an atmosphere of harmony.

Second, an even wider fault line between the Muslim world and the Christian world may emerge.

Therefore, both from a micro-social angle and from a global perspective, it would be wise to put an end to such practices.

The Organization for Security and Cooperation in Europe (OSCE)

The OSCE brings together 56 countries in the Euro-Atlantic-Asian area and, as such, is the largest regional international organization in existence. The OSCE's comprehensive approach to security includes "human security" as an important component. The common values of the OSCE are based on a firm commitment to human rights and on the recognition of the inherent dignity of all human beings.

Human rights and fundamental freedoms are recognized as essential safeguards of tolerance and non-discrimination, which are indispensable elements of stability, security, and co-operation.

However, despite all efforts to promote and protect human rights, racism, xenophobia, discrimination, and intolerance persist in many societies. The resurgence, especially after 11 September 2001, of racist tendencies, and, as underlined earlier, the emergence of Islamophobia challenge the exercise of fundamental human rights and freedoms, particularly in a number of Western countries. In spite of tangible progress achieved in eliminating institutionalized forms of discrimination, OSCE countries are still experiencing new and growing waves of bias, exclusion, and racist violence. These constitute a major threat to friendly and peaceful relations, not only among states but also among peoples. Hence, the need to struggle against all forms and manifestations of discrimination and intolerance against Muslims has become more evident – and more urgent – than before.

Taking into account that violations of human rights and fundamental freedoms, as well as manifestations of hate, discrimination, and intolerance threaten stability and security in the OSCE area, OSCE participating States have undertaken numerous commitments to combat racism, xenophobia, anti-Semitism, discrimination, and intolerance, including against Muslims. However, much work remains to be done to foster democratic and pluralistic societies where ethnic, cultural, and religious diversity is not only tolerated, but truly respected and valued.

As I mentioned earlier, promoting tolerance and combating discrimination have ranked high among the priorities of the OSCE in the past few years. The OSCE has organized tolerance implementation meetings on the topics of inter-cultural, inter-religious, and inter-ethnic dialogue; education to promote mutual respect and understanding; and hate crime data collection. During these meetings, good practices in implementation were highlighted and specific recommendations were made concerning areas where strengthened efforts are needed. Furthermore, the Ministerial Council Decision on "Combating Intolerance and Discrimination and Promoting Mutual Respect

and Understanding” tasked the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with strengthening its early warning function to identify, report, and raise awareness of hate-motivated incidents and trends and provide recommendations and assistance to participating States, upon their request, in areas where a more robust response is needed.¹

The main areas of ODIHR’s activity are as follows:

Hate-motivated crimes and violent manifestations of intolerance: Hate crimes against Muslims involve the violent expression of prejudice that may take the form of assault, murder, threats, or property damage such as arson, desecration, or vandalism. Responding to hate crimes is problematic for a number of reasons. To begin with, most states lack accurate data about the nature and extent of such offences, which means that law enforcement and criminal justice agencies are not armed with the information needed to combat them. This is often compounded by an absence of legislation specifically on hate crimes, making it difficult to prosecute such cases.

Freedom of religion or belief: Across the OSCE region, many Muslims and Muslim groups face restrictions on their right to freedom of religion or belief. The problems that they face include discrimination against individuals in the workplace and when using public services, as well as defamation campaigns.

Education: Intolerance and violent manifestations of hatred against Muslims and persons perceived to be Muslims are on the rise across the OSCE region. In this context, schools are increasingly becoming the sites of racist and xenophobic attacks. Teachers are rarely prepared for the challenges posed by increasingly diverse societies; they lack the time and training and often cannot draw on any material when trying to promote tolerance and mutual respect. As a consequence, pupils may not get the opportunity to relate their own experience of discrimination to that of others, to understand how prejudice functions, to appreciate cultural differences, and to thoroughly study related subjects. OSCE participating States have undertaken commitments to develop methods and curricula for diversity education in order to effectively combat racism, xenophobia, anti-Semitism, and discrimination against Muslims, thereby making education a focus of ODIHR’s work on tolerance.

Just how widespread is the problem of discrimination against Muslims? How frequently are hate crimes committed? Where do they occur, and who are the victims? What steps are being taken by law enforcement agencies and by governments? Answers to such basic questions are needed before anyone can make a serious effort to combat hate in all its manifestations. For that reason, one of the most important aspects of ODIHR’s work in this field is its

¹ Cf. Organization for Security and Co-operation in Europe, Fourteenth Meeting of the Ministerial Council, 4 and 5 December 2006, Brussels, 5 December 2006, *Decision No. 13/06, Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding*, MC.DEC/13/06 of 5 December, pp. 40-43, here: p. 43, at: http://www.osce.org/documents/mcs/2006/12/22565_en.pdf.

role as a collection point for relevant information, including statistics from states and police agencies, as well as examples of good practices from a wide variety of sources, including governmental and non-governmental organizations. ODIHR's report on "Challenges and Responses to Hate-Motivated Incidents", which was prepared in collaboration with civil society groups, thus marks a welcome first effort to provide a general overview of hate-motivated crimes and incidents in the OSCE region.²

The collection and analysis of such information has allowed ODIHR to identify where there are gaps in the implementation of OSCE commitments related to tolerance and non-discrimination. This knowledge is the foundation of all ODIHR activities in this field and has provided the basis for its ability to offer states and NGOs technical assistance, expert-to-expert training, and opportunities to exchange information and best practices. It has also provided the basis for the creation of regional partnerships and the development of strategies that recognize hate-motivated crimes and acts for what they are: namely, a problem that is not confined within state borders and which consequently demands a concerted international response.

In many cases, ODIHR's role has simply been to bring individuals and organizations together, as in the case of the two NGO round-table meetings that ODIHR and I organized in 2005 and 2006 on discrimination and intolerance against Muslims. In other cases, ODIHR has played a larger role in developing methodologies, conducting training, carrying out research, and writing and disseminating reports and publications.

The result is a collection of technical tools and assistance programmes that help governments, law enforcement agencies, and educators, as well as civil society in a broader sense, including organizations and concerned individuals, to combat intolerance and to promote the ideals of mutual respect and understanding.

Building on these activities, ODIHR intends to focus in the future on seven areas that will have a bearing on efforts to combat discrimination and intolerance against Muslims:

1. Monitoring, reporting, and following up on responses to hate-motivated crimes and incidents.
2. Educational activities to promote tolerance, respect, and mutual understanding.
3. Legislative assistance to collect and assess existing legislation that deals with crimes motivated by hate throughout the OSCE region.
4. Civil society capacity building.
5. Assistance for law enforcement and judicial officials in combating hate crimes.

2 OSCE ODIHR, *Challenges and Responses to Hate-Motivated Incidents in the OSCE Region*, Warsaw, 12 October 2006, at: http://www1.osce.org/documents/odihr/2006/10/21496_en.pdf

6. Promoting freedom of religion or belief.
7. Developing the Tolerance and Non-Discrimination Information System to support particular user groups.

The Personal Representative on Combating Intolerance and Discrimination against Muslims

Recognizing the necessity of more actively combating intolerance and discrimination, and in line with its comprehensive concept of security, the OSCE has recently initiated a series of activities to promote tolerance and non-discrimination and has organized major international conferences for the same purpose. Within the scope of the overall fight against discrimination and in the name of promoting tolerance, then Chairman-in-Office of the OSCE, Bulgarian Foreign Minister Solomon Passy, also appointed three personal representatives at the end of 2004 to promote better co-ordination of activities related to this endeavour. These positions are part time and honorary. I was honoured to be given the portfolio of combating intolerance and discrimination against Muslims. My mandate was extended by subsequent Chairmanships.

My mandate as the Personal Representative of the Chairman-in-Office of the OSCE on Combating Intolerance and Discrimination against Muslims is to promote the co-ordination of participating States' efforts to effectively implement OSCE decisions in the field of tolerance and non-discrimination, paying special attention to combating intolerance and discrimination against Muslims.

My perception of issues concerning the implementation of my mandate can be summarized as follows:

1. The historical, cultural and psychological depth of the issue of discrimination and intolerance always needs to be taken into full consideration.
2. A sound normative framework to combat intolerance and discrimination both in the OSCE and in other international and national forums does exist; what is needed is to put this normative framework into full use.
3. There is also a need for an intellectual and ethical strategy to avoid political exploitation of issues related to discrimination and intolerance.
4. Discrimination and intolerance against Muslims is not only a matter of discrimination against a specific religious group but also deeply affects international relations and the internal stability of Western societies. As such, it is a multifaceted question and must be addressed through a holistic approach.
5. Various forms of intolerance and discrimination need not be subject to an artificial hierarchy. Discrimination is discrimination and must be condemned and dealt with whatever the underlying motive might be.

Efforts to deal with different forms of discrimination should therefore strengthen each other.

6. The following points must be stressed:
 - a) The quality of life of Muslims living in Western societies must be improved. This will lead to better understanding and better integration, which will help to reduce mistrust.
 - b) Muslims should not be seen as second-class citizens, and must not be demonized, marginalized, feared, or despised.
 - c) The war on terror must not become a war on Muslims.
 - d) It should be recognized that Muslims have the same basic needs and desires as others: material well-being, cultural acceptance, and religious freedom without political or social intimidation. In that vein, Muslims should not be marginalized or forced to assimilate. Rather, they should be accommodated. Accommodation is the best strategy for integration.

I also try to raise awareness of the necessity of tolerance and non-discrimination; to stress the importance of social harmony and respect, especially respect for “the other”, whoever this other may be; to search for commonalities rather than divisions; and to promote inter-cultural and inter-religious dialogue.

My other priorities include stressing the need for sound legal strategies, a sound legal framework, and the implementation of that framework (judicial measures); underlining the need for education, not only of law enforcement officials but especially of the younger generation; and highlighting good practices and the role of the media.

In the course of my work to raise awareness of discrimination and intolerance against Muslims, I visited the Netherlands, the USA, France, the United Kingdom, Germany, Denmark, and Spain, accepting invitations extended by the governments of these countries. During these visits, I met not only high-level representatives of government and the state, but also leaders of relevant institutions and, more importantly, large segments of the civil society. My activities during these visits, together with my findings, comments, and recommendations, have been reported to the OSCE participating States through the Chairmanship. I also attended all relevant OSCE events on tolerance and discrimination and elaborated on my views at these meetings.

Together with ODIHR, I organized two Muslim NGO round-table meetings, with the active participation of quite a number of civil society representatives. The recommendations that emerged in these meetings were compiled in substantial reports. These meetings were also instrumental in helping to create a database of relevant NGOs, as Muslim NGOs are not so very well organized or represented in international forums.

I also represented the OSCE at various conferences, workshops and symposia, where I delivered statements elaborating upon my mandate, activities, perceptions, and recommendations.

To keep the OSCE Permanent Council up to date on my activities and opinions, I report to it twice a year both in writing and in person, responding to comments and questions raised.

All in all, I believe my activities have raised the OSCE's profile and have contributed to a better understanding of the need to combat intolerance and discrimination against Muslims.

A Conceptual Approach to Tolerance and Non-Discrimination

Today, we all seem to agree that democracy is the best form of government. It is worth remembering what the fundamental and indispensable elements of democracy are:

- tolerance of differences and freedom of expression, thought and belief, which are the basis of creativity and development;
- participation, which bolsters the awareness of common responsibility;
- solidarity, which is complementary to civic identity; and finally
- transparency, which enables togetherness in solving problems without ignoring differences of opinion.

We must learn to appreciate our differences and to respect others. Differences should not lead to discrimination.

Like individuals, nations and societies act in their perceived best interests; however, they should understand that bridging the gaps between divergent interests is the key to building resilient and cohesive societies.

Nowadays we are also witnessing increasing demands for stronger action against racism, xenophobia, discrimination, and related intolerance, including discrimination against Muslims. Many international organizations, NGOs, and governments are paying particular attention to the question of tolerance and non-discrimination with regard to Muslims. These efforts are welcome, but as long as the root of the sickness is not reached, they are bound to remain either totally ineffective or only temporarily effective.

It is a well-established fact that the principles of tolerance and non-discrimination are at the centre of the human rights system. These principles are also closely linked to the concept of mutual respect. Mutual respect, for its part, is based on equality in dignity as well as equality in benefiting from human rights.

Disregard of the principles of tolerance and non-discrimination leads to the dismantling of peaceful, secure, and stable societies and harms inter-state relations. Democracy and the protection of fundamental freedoms and human

rights, on the other hand, are essential safeguards of tolerance and non-discrimination.

However, more and more people seem to have started to believe that a clash of civilizations is inevitable and that “the others” have to change their values if we are to live together in peace. This attitude threatens the international environment and creates a vicious circle. The widening gap between the parties puts them on a path of confrontation rather than one of co-operation, while a lack of dialogue and collaboration bolsters existing prejudices and thus increases the distance between the sides.

In this situation, humankind must join forces to resist all attempts to play one culture off against the other, to assert the supremacy of any single culture or religion, or to propagate a “clash of civilizations”. Such ideologies would soon lead to a conflict in which everybody could only lose. And they prevent us from finding joint solutions to the problems facing us all.

It is therefore vital that all the countries of the East and the West come to share a vision of free, tolerant, and just societies where people of different cultural and religious backgrounds can live in peace and respect each other.

What can be done to promote tolerance and combat discrimination against Muslims?

- We can and we must speak out swiftly, clearly, and forcefully against intolerance and discrimination against Muslims and other vulnerable groups. By doing so, we will be helping to protect our fellow citizens from hate-filled segments of society.
- We can and we must condemn those who discriminate in word or deed.
- In this regard, state authorities have a special responsibility to protect their citizens. They must see to it that tolerance and non-discrimination are not in short supply.
- Declaratory statements are of course welcome, but they are not enough. We must put into practice what we preach. In other words, we must not only share the same basic values, we must also act in line with this conviction.

Identity

In our present environment, I notice a tendency by many people in different parts of the Western world to underline their national, ethnic, religious, local, and cultural identities in a more pronounced manner. Since the end of the Cold War, in particular, the emphasis on ethnic and religious identities is becoming more visible. And this emphasis leads to an increase in nationalist tendencies.

In this context, we have to recognize that ethnic and religious identity is only one element of societal structures and political cultures. At the same

time, the concept of identity is not a static one, but is changeable according to circumstances, as content and meaning are subject to constant re-evaluation and evolution.

Another factor that needs to be taken into consideration here is increasing social mobility. People are moving not only from rural areas to urban centres, but also from one country to another, mainly in search of a better life. This mobility, especially of the cross-border variety, creates apprehension among autochthonous peoples that they may lose their traditional identity as a result of the increasing influx of people representing “alien” cultures, ethnicities, and religions. People of divergent backgrounds have to live together (or side by side) and share the same space. This leads to friction and even conflicts.

I think this situation adds to the intolerance and discrimination we see in many segments of our societies.

According to reliable surveys, there is a growing tendency to identify oneself with the national and/or religious characteristics of the mainstream. Thus, a competition between the feelings of the mainstream and the expectations of the newcomers becomes inevitable. The newcomers, who are mostly vulnerable minorities, want to stick to their original identificational traits, while the majority wants them to assimilate, losing their existing identity.

Harmony and Respect

As the joint forum held in Istanbul by the Organization of the Islamic Conference (OIC) and the EU acknowledged, history has shown that a lack of knowledge and mutual respect among religions and cultures greatly affects world stability and peace. On the other hand, harmony and well-being are nurtured when different peoples make communication a priority, taking the time to talk and to listen to each other’s views and interests, acknowledging and tolerating differences while seeking out commonalities that can help build strong relationships that promote co-operation.

The tragic events of September 11 and their repercussions have shown once again the need to strengthen tolerance and understanding among different cultures to avoid the reappearance of deeply rooted prejudices. Acts of terrorism cannot be explained or justified for political, religious, cultural, or any other reasons. There is now also a growing consciousness of the need for all sides to discuss and to attempt to better understand the differences in each other’s perceptions, values, and interests, as well as to promote tolerance and appreciation of cultural diversity.

In our deliberations on protecting and promoting the values shared by different cultures and enhancing tolerance, dialogue, and co-operation within

and among nations and peoples, it might be useful to remember the conclusions of the OIC-EU Forum:

- Cultures, in their diversity, complement and enhance one another. We must, therefore, confirm our conviction of the necessity of harmony among cultures and civilizations and the attainability of this harmony.
- The main means to support coherence and solidarity and to avoid racial, religious and cultural prejudices is to enhance our knowledge of one another through communication and co-operation for the promotion of common universal values, such as those enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments. To this end, all political entities have a joint responsibility to contribute to the achievement of these goals.
- We must reaffirm that terrorism cannot be justified for any reason whatsoever. Also, we must recognize the joint responsibility to fight terrorism in all its forms and manifestations.
- We must be committed to defining problems emerging from cultural prejudices and political and economic injustices and to promoting solutions that will contribute to universal peace, welfare, and stability.
- We must accept the need for further co-operation. For that, existing frameworks, both bilateral and also multilateral, must continue to be utilized.³

Islamophobia

Islamophobia needs but lacks a commonly agreed definition. It has often been defined as “fear or suspicion of Islam, Muslims, and matters pertaining to them”. I think this is rather narrow. I prefer to use the term “intolerance and discrimination against Muslims and Islam”, in line with the OSCE’s definition.

Islamophobia is not a new phenomenon. There are historical, cultural/religious, and psychological reasons behind it.

However, as I underlined earlier, in the post-September 11 period, this phenomenon has acquired a new and disturbing dimension, and the social climate facing Muslims, especially in Western countries, has deteriorated. As a result, pre-existing prejudices and discriminatory tendencies against Muslims have become strengthened.

Islamophobia is a source of hate crime and as such generates fear, feelings of stigmatization, marginalization, and rejection. The net result is heightened anxiety and rising violence. Hate crime fuelled by Islamophobia is also an assault on people’s identity and their human dignity.

3 Cf. The OIC-EU Joint Forum, Press Release, 13 February 2002, at: <http://www.belgenet.com/arsiv/ab/iko-ab-05e.html>.

We have also noticed a disturbing recent increase in the proportion of violence targeting people, as opposed to violence targeting or involving only property.

To summarize the points mentioned so far, the key elements in the discrimination and intolerance against Muslims today are:

- a) ancient hatreds, old prejudices,
- b) powerful new opposition to immigration,
- c) antipathy towards Muslims in general, and a belief that Islam is not compatible with democracy, human rights, and contemporary values,
- d) political rhetoric, coupled with biased and/or misleading media coverage,
- e) identification of terrorism and violence with Islam.

At this stage, an analysis of the problems encountered by Muslims in the West might be in order.

Structural problems include poor or non-existent formal relations between the state and the Muslim communities; a lack of proper knowledge of the language of the country of residence; a shortage of decent housing; and deficits in education leading to unequal access to the labour market (which creates a vicious circle). The net result of this situation is a sense of rejection, stigmatization, and marginalization that leads to lack of confidence in the state. People thus affected are also more prone to participate in illegal activities and more susceptible to radical propaganda.

Problems relating to non-Muslims' perception of Muslims and their behaviour towards Muslims include prejudice (which also affects those wrongly perceived to be Muslims); negative sentiments and the display of such sentiments; misrepresentation in the media, and Islamophobia in political discourse – especially by the far right, but recently also by moderates.

The lack of reliable monitoring makes it hard to be exact on the issue of discriminatory practices. In some countries, for instance, only discrimination related to race is monitored. Nonetheless, a striking example of discrimination is the issue of loyalty tests (or “conscience tests”) required mainly of Muslims who wish to acquire citizenship, as, for example, in some German *Länder*. As mentioned above, housing and employment are two major areas where discrimination occurs. An example is the practice of not even considering Muslim-sounding names for job interviews. Further cases include a lack of proper places of worship and burial facilities; a headscarf ban in restaurants and other such public places; police practices related to search and arrest procedures; customs entry procedures, etc.; and harassment, vandalism, and violent attacks on persons only because they are Muslims or perceived as such.

What to Do?

Before examining what is being done to deal with this serious human rights issue, as befits my mandate, I would like to first consider what should be done and then to look at good practices in this area.

First, the countries of Europe and North America need to recognize the problem and be ready and willing to adopt a multifaceted approach.

Second, they need to take account of the importance of the intellectual front in the fight against intolerance and discrimination against Muslims and to devise sound strategies to tackle the issue in the areas of value systems and perceptions.

Third, they must define hate crimes broadly and address the information deficit, that is to say, collect, analyse, and disseminate information related to hate crimes.

Fourth, they must enact adequate legislation and implement this legislation effectively. In conjunction with national legislation, they should also implement international commitments and agreed norms.

Fifth, clear criteria for the reporting and registering of hate crimes must be established and the reporting of hate crimes must be encouraged.

Sixth, Western countries should help to strengthen Muslim communities and civil society organizations and try to enable them to work with local and national authorities. In this respect, community outreach programmes will be of great use in confidence building and in creating community cohesion and a sense of living together.

Another point that deserves the most urgent attention is education. Younger generations, in particular, should be provided with educational programmes that will foster tolerance, understanding, and respect towards “the other.” Another education-related area is of course the training of law enforcement officials.

Furthermore, in the field of public discourse related to Muslims and Islam, two points need to be underlined:

1. Political rhetoric: Responsible politicians, in both government and opposition, must underline the importance of accurate and unbiased discourse and should also refrain from hate speech and other manifestations of extremism and discrimination. A message of encouraging tolerance, non-discrimination, understanding, and respect for all must be voiced.
2. The media: The media can play a very positive role in promoting inter-cultural and inter-religious dialogue and harmony. This is what is expected of responsible journalism. On the other hand, the media may also play a very negative and divisive role in projecting false and inaccurate messages. Therefore, with due respect to the freedom of expression,

governments can assist or encourage the creation of self-regulatory media bodies to deal with manifestations of discrimination and racism.

Finally, on the matter of integration policies, the more Muslim communities feel at home and are truly integrated into the Western societies where they live, the easier it will be to marginalize extremism, to defuse radicalism, and to overcome the perceptions of being left-out, stigmatized, and rejected.

It is argued, and rightly so, that Europe has not been successful in its efforts at integration. While the objective was to create multicultural societies, the result has been the creation of parallel, mutually exclusive societies. How can this situation, which can also be characterized as cultural ghettos for Muslims, be remedied? I believe civic and structural integration is the answer: Muslim migrants must have a sense of being part of the larger community in which they live, they need to take part in all aspects of life, and to participate in general societal decision-making processes. In other words, we need to create cohesive societies, where mutual understanding between diverse groups will facilitate not only the promotion of tolerance, but, more importantly, mutual respect for differing view points and backgrounds. The key word here is “mutual”.

The Muslim communities, on the other hand, must shoulder their share of the burden, adopt the civic values of their new societies, and distance themselves from radicalism, violence, and terrorism. Such an attitude will assist in dispelling misunderstandings, leading to respect for diversity.

The real threat to tolerance and to multicultural societies emanates from the extremes of both groups. And here the governments and the public must remain vigilant. For peaceful co-existence to become a reality, we must reach those groups who do not wish to engage in dialogue and we must educate those who do not wish to learn or understand or accept the diversity that characterizes Western societies.

Good Practices

As I see it, the confusion in the minds of governments, politicians, and the public in general on how to deal with Islamophobia in the sense of intolerance and discrimination against Muslims and Islam has not yet been completely cleared.

Nonetheless, we must acknowledge that there is growing awareness of the existence of the problem and the need to overcome it, but a coherent and over-arching policy has not yet been devised, let alone implemented.

All the points I tried to underline earlier when dealing with what should be done need to be put into a sound framework to be implemented. As things stand, we are far from achieving this.

However, this observation does not imply that nothing has been done. Here, I would like to try to illustrate some good practices that were brought to my attention during the country visits that I conducted.

1. Almost every country has some kind of legislation to deal with racism and discrimination, but not with Islamophobia as such. It would be advisable to review existing laws, to try to standardize them, and to include Islamophobia as a specific hate crime.
2. Some European countries have developed national action plans to deal with discrimination against Muslims. These are commendable. They should be fully implemented and their results should be reported.
3. Some countries have established special bodies under names such as equal treatment commissions, monitoring Centres on racism and xenophobia, community relations departments, councils for Muslim worship, councils for integration, independent bodies against discrimination, cohesion and faith units, commissions on integration and equal rights, or faith communities capacity building funds. These initiatives are also commendable, although most of them are of a general nature and do not aim to address Islamophobia specifically. It goes without saying that the key issue is whether they function effectively.
4. There is also growing recognition of the necessity to engage with Muslim communities and to help them develop their own capacities. In this regard, there has been increasing interaction with Muslim civil society organizations, and the OSCE Chairmanship Conference on Intolerance and Discrimination against Muslims, which was hosted by the Spanish OSCE Chairmanship in Cordoba on 9-10 October 2007, was a welcome further initiative.
5. Governments, at least at the level of rhetoric, seem to accept notions such as respect for religious values, inter-cultural and inter-religious dialogue and harmony, the value of education, and the need for strong political leadership. I hope these will not remain rhetorical statements, but will be put into practice.
6. Finally, the intense debate revolving around how true integration can be achieved is a healthy first step. My sincere wish is that the next step will not lead to even more restrictive policies, but to true structural and civic integration.

In conclusion, I would like to stress that, while we may not have all the answers to all the problems we face, this should not lead us to doing nothing. We have to start somewhere. The first thing we must do should be to reach out across the barricades that exist or that some want to place between the Muslim world and the West. In that regard, the role to be played and the work to be done by civil society organizations is of the utmost importance in lifting these barricades by helping to initiate a sound dialogue.

The Duties and Role of the Police in Combating Hate Crime

A Praxis-Oriented Discussion from a German Perspective

The Duties of the Police

In democratic societies, the duties of the police are defined in law. In Germany, the code of criminal procedure (*Strafprozessordnung*) defines them in relation to law enforcement, and the police acts (*Polizeigesetz*) of the various *Länder* define them with regard to public security. In addition, whether, where, and when the police are required to perform their duties are further defined by the law relating to petty offences (*Ordnungswidrigkeiten*) and related regulations defining jurisdiction, ordinances (*Verordnungen*), implementing provisions (*Ausführungsbestimmungen*), decrees (*Erlasse*), and ministerial orders. Finally, court rulings are constantly being made in an effort to eliminate or reduce vagueness in rules and determinations of scope of action.

This is a highly simplified representation of the extremely complex legal environment in which the police perform their everyday work. And yet, as representatives of state authority, the police are required to make decisions – often spontaneously, preferably without errors, and based on law – on an everyday basis, and these decisions are not always accepted by all members of society. For instance, it is hard to explain why the police should accompany a demonstration by a far-right group and protect it – why they are required to protect it – from attacks by counter-demonstrators if it is registered with the authorities and conducted in an orderly manner. Media reports of such events then mention injured police officers, arrests of “leftists”, and smashed window panes. Cause and effect seem to have been reversed, and yet the police were only carrying out their allotted tasks in accordance with the law. It would be easy to wrongly conclude that the state here has protected the wrong side. The following discussion will demonstrate just how absurd that is.

What is Hate Crime?

In Germany, responsibility for controlling criminality, including hate crime, lies with the interior ministers of the *Länder* and with the German minister of the interior. To ensure standardized procedures – specifically with regard to law enforcement and public security – common regulations are adopted, as in

the case of the Politically Motivated Crime Definition System (*Definitionssystem politisch motivierte Kriminalität*¹) that was developed by the Federal Criminal Police Office (*Bundeskriminalamt*) for the federal republic and the *Länder*.

The term “hate crime” describes politically motivated crimes² an appraisal of whose circumstances³ and/or the attitude of whose perpetrator provide evidence that they were directed at a person on account of his or her nationality, ethnicity, race, colour of skin, religion, origin, external appearance, the presence of a disability, sexual orientation, or social status (lack of) and where the criminal act is causally related to this or is directed at an institution, property, or other object in the same causal relationship. In simple terms, a crime is a hate crime when a crime is committed and the objective and subjective criteria apply or can be assumed to apply to the perpetrator.

The legal framework and related regulations governing questions of fine detail provide the police with the necessary means of investigating cases identified as hate crimes and establishing the basis for prosecution. This very framework, however, makes it clear that only behaviour that could lead to criminal proceedings can be considered a case of hate crime, while other acts motivated by hate are not documented in this category and are of no concern to the police. While it is clearly discrimination when a landlord immediately tells a potential tenant that he is not getting the lease because of the colour of his skin, from a legal point of view this is not criminal, and therefore not a case of hate crime. Discrimination by itself is not a criminal offence, although it can amount to one in certain manifestations, e.g. when used as an insult.

The Role of the Police in Combating Hate Crime

As the above example shows, in their everyday work the police are required to use existing legal provisions to evaluate the behaviour of individuals and decide on appropriate actions. But the real-life situation is not always as transparent and unambiguous as in the above example. If we were to only slightly change the circumstances in the example so that the landlord also made an insulting comment, intended to make it clear to the potential tenant that his skin colour was the reason for his rejection, that would be a case of politically motivated crime, and it would be recorded as a hate crime.

If the police receive information of an incident of this nature, they are required to investigate it – to gather all the relevant facts, to take statements, to interview witnesses, and to acquire any other relevant evidence necessary to initiate criminal proceedings and ultimately to hand all this on to the public

1 Bundeskriminalamt, “Definitionssystem PMK”, 3 August 2004, pp. 8ff.

2 Cf. *ibid.*, pp. 5ff.

3 The investigative activities undertaken by the police are crucial in this respect.

prosecutor for evaluation. This is where the role of the police begins, or, more precisely, where one of their roles begins.

Hate crime thus presents itself to police officers in the field not as a clearly defined offence contained in the criminal code, but is rather revealed as a complex behaviour, which it is the task of police officers on the ground to identify. As well as evidence of the basic criminal offence, it is also necessary that the political motivation of the perpetrator be evident or clearly deducible from the way the crime was committed. Only then is it possible to take (and succeed with) further steps (punishment, entry into criminal statistics, prevention).

Hate crime does not terminate with a procedure at the public prosecutor's office or in the courts, and the introduction of criminal proceedings by no means amounts to victory over this kind of discrimination. There are far too many types of "hatred" and, as is well known, the real-life situations that arise cannot always be regulated by means of criminal laws designed to deter.

In its first country report on Germany, which was published in 1998, the European Commission against Racism and Intolerance (ECRI) notes: "The police response to attacks on members of minority groups seems to have improved considerably over the past two years. Nevertheless, many minority groups still seem to feel that they cannot rely on the police for protection."⁴

While it is not my intention to write a socially critical analysis of the reasons for this, it may nonetheless certainly be assumed that social change, migration policy, evolving attitudes towards lifestyle choices, shifting values, etc. lead to the transformation of social norms⁵ and with them the reaction of the state to the sorts of real-life situations that prevail "on the ground". While the police may today take steps against a husband in a case of domestic violence and may issue a protection order banning him from his own home, this would have been unthinkable in times when German housewives were still receiving instruction from etiquette manuals on how to receive their husbands home after a hard day's work.

Here, we must also not omit to note that the police are increasingly required to perform the work of mediators and helpers in all sorts of situations, something that has a not inconsiderable impact on the question of resources in daily relations between police and citizens.

4 European Commission against Racism and Intolerance, *ECRI's country-by-country approach: Report on Germany*, Strasbourg, March 1998, at: http://www.coe.int/t/e/human_rights/ecri/5-Archives/1-ECRI%27s_work/1-Country_by_country/CBC1-Germany.pdf

5 An example is the changing attitude to homosexuality. In 1994, section 175 of the German Criminal Code was abolished. Some 140,000 men had been condemned under various versions of this clause (source: http://de.wikipedia.org/wiki/§_175).

What Significance Does This Have for the Application of Rules to Combat Hate Crime and Does the Role of the Police Change Here, too?

Of course, as definitions of criminal offences are adapted in law with the fundamental aim of optimizing the ability of people to live together in a society, the reaction of the police to a given offence may also change significantly. What does not change is the role that the police play within the society.

However, these reform processes do not occur overnight. It takes training and education, awareness raising among the organs of the criminal justice system, and changes to curricula to first create the conditions that will enable the goals set by the legislature to be met. This process is inevitably accompanied by continually changing priorities in the everyday work of the police. Ultimately, however, investigations by independent organizations tend to speak clearly in indicating where opportunities for improvement may still be found and also whether minorities feel that their views are being adequately taken into consideration.

Incidentally, in international comparison, the record of the German police in combating hate crime stands up to scrutiny well.

Other relevant topics in relation to the phenomenon of hate crime are the documentation and statistical recording of cases, and the publication of trends based on statistical data. The responsible police body in each region classifies crimes reported to it, organizes this information and passes it on in the form of structured datasets to the office for criminal investigation in the relevant *Land* (*Landeskriminalamt*). Here, data for the entire *Land* is collected and processed, and this, in the form of tables and graphics, serves as the basis for public statements, press conferences, annual reports, and other documents produced by the politician responsible for security at the *Land* level (the interior minister of the *Land*). The various offices for the protection of the constitution in the *Länder* (*Landesbehörden für Verfassungsschutz*) also receive this information from the regions and publish annual reports in which they draw their own conclusions. This procedure is in principle identical in each German state; at the national level, the minister of the interior carries overall responsibility.

On request at one of the *Landeskriminalämter*, statistical data is also made available for academic studies. The hope is that knowledge gained in this way may lead to the development of crime policies or strategies that could reduce the phenomenon.

Thus, following the local processing of cases, data analysis at regional and/or state levels, the publication of this data and the reactions of political groups (and hence public opinion in general), a kind of feedback loop is created, one of whose functions is to answer the following question: "Do we have a problem with the phenomenon and, if so, what do we intend to do about it?" This closes the loop, which will also always encompass the urgent

desire to do something to combat the phenomenon before another “incident” occurs. Attempts to address this danger also fall within the spectrum of police duties as aspects of the task of upholding public safety and security.

In order to ensure that the activities of the police are consistent across the entire state, their procedures are regulated, for instance by ministerial decree. However, initiatives undertaken by individual police forces to tackle known problems have also proven themselves as a means of approaching an issue such as hate crime. One such example is the GIRAFFE project,⁶ which was introduced at the police headquarters in Münster at the start of 2000 to run for several years, and one of whose targets was hate crime.

A Ground-Level Look at a Project to Target “the Right”

An officer from the police agency responsible for hate crime in the region of Münster (North Rhine-Westphalia) spent three hours talking to year nine and ten pupils on civil courage, the meaning of forbidden insignia, the danger of music as a “gateway drug”, and ways the far right scene is known to try to encourage young people to join – as well as opportunities to get out.

He used video and music clips, illustrative material, and many real-life items to encourage the children to engage with the topic of contemporary right-wing extremism. Statistics on hate crime published by the *Landeskriminalamt* of North Rhine-Westphalia in 2006 revealed that the far right accounts for more than 90 per cent of cases. This very clear statement underlines that it is necessary for the police to remain intensively involved in right-wing extremism in the field on a day-to-day basis. This cannot, however, be a task for the police alone; other actors in society also need to become involved in preventive activities. From courageous individual citizens in specific local situations (solidarity with the victim) up to international organizations such as the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR), there are all sorts of conceivable forms of action against racism and discrimination.

Here, the police, who with their considerable experience and knowledge of both victims’ and perpetrators’ issues are directly involved in cases before charities, victims’ groups, the media, or politics even hear of them, have an integrative role to play. Leaving aside political responsibility, which is the task of interior ministers in the *Länder* and the heads of local police authorities, the police are in great demand as partners for the exchange of information on developments in criminality, including politically motivated crime. To the extent that they are able, the police are also responsible for the propagation of information, which is both necessary and serves a cautionary pur-

6 The name is an acronym of the German name: *Gegen Intoleranz Rassismus Antisemitismus Faschismus Fremdenfeindlichkeit Extremismus* [Against Intolerance, Racism, Anti-Semitism, Fascism, Xenophobia, and Extremism].

pose: They advise the victims and are the first to show them understanding; they speak to the perpetrator and warn against a repetition of the act (“preventative conversations”⁷); they interpret statistical tables and advise on the trends they detect; they advise politicians, and act as contacts for the media (to the extent that they receive political authorization to do so); they attend expert meetings and conferences,⁸ and develop programmes and initiate projects and “partnerships for order” that aim both to investigate known flash-points and to protect against further dangers; and they carry out training measures among their own numbers designed to spread specialist knowledge as broadly as possible.

From the perspective of the police, “preventative conversations” are a very promising means of letting a newcomer in the far-right scene know that society – here represented by the police – will not tolerate such aberrant behaviour and will not turn a blind eye – neither at a forthcoming football match, nor at an impending demonstration. It should not be considered intimidation on the part of the state, but rather as a means of making a potential lawbreaker aware of the law and advising him to remain on the right side of it while letting him know that he has been identified as someone with the potential to commit a criminal act. Removing the shield of anonymity that a potential perpetrator may believe protects him is effective and can set limits to human behaviour. And yet this effectiveness is neither measurable nor predictable – although this is well known in the field of prevention.

The latest “Report on the Protection of the Constitution” of North Rhine-Westphalia has the following to say about dealing with young adults in general:

To the extent that perpetrators could be identified at all, it appears that they were frequently not active in far-right circles. For instance, such acts are frequently no more than acts of provocation on the part of young people. In view of this finding, ongoing efforts to combat right-wing extremism therefore need to be expanded by means of intensive efforts to raise awareness among young people who are not involved in right-wing activities.

They need to be shown clearly that a swastika daubed on a wall is not merely a “successful provocation”. It can be perceived as highly threatening by certain groups of people and may create an impression that right wing groups have general support in our society [...]⁹

7 The police also speak to individuals they have identified as potential perpetrators of crimes not yet committed and attempt to dissuade them from acting as predicted. The aim of this preventative legal procedure is to make a strong appeal to potential lawbreakers.

8 OSCE events, such as the *Tolerance Implementation Meeting: Addressing the Hate Crime Data Deficit*, held in Vienna on 9-10 November 2006, and other anti-racism conferences.

9 *NRW Verfassungsschutzbericht 2006* [Report on the Protection of the Constitution of North Rhine-Westphalia 2006], at: <http://www.im.nrw.de> (author’s translation).

Conclusion

With the procedures described here, which would of course be immeasurably more complex in the real world, it would be possible to meet society's requirement for protection and anti-discrimination adequately and to tackle the phenomenon of hate crime with long term success... if it wasn't for the human factor.

Albert Einstein remarked pertinently: "The world is a dangerous place to live, not because of the people who are evil, but because of the people who don't do anything about it."

Let us therefore take our role seriously.

From Declarations and Decisions to Direct Support for Implementation: The Role of ODIHR in Promoting Tolerance and Non-Discrimination¹

Introduction

The OSCE's strategy to address threats to security and stability in the twenty-first century recognizes that manifestations of discrimination and intolerance threaten the security of individuals and have the potential to give rise to wider-scale conflict and violence. Increased migration driven by political, economic, and environmental forces, the use of the internet to incite hate-motivated criminal acts across the OSCE region, and cross-border co-operation among organized hate groups illustrate the ways in which tolerance and non-discrimination issues cut across the various security dimensions of the OSCE as well as national borders. They are phenomena that require regional co-operation and dialogue.

While non-discrimination principles were first recognized and firmly rooted in the 1975 Helsinki Final Act, in recent years the OSCE has increased its political and institutional efforts to raise the visibility and enhance the effectiveness of its role in combating hatred and intolerance in the OSCE region. In the last five years, there have been seven high-level tolerance-related OSCE conferences and five Ministerial Council decisions that specifically deal with the promotion of tolerance and non-discrimination. Additionally, to give increased prominence to tolerance and non-discrimination-related issues, the Bulgarian Chairman-in-Office (CiO) appointed three Personal Representatives in 2004. They were subsequently re-appointed by the Slovenian, Belgian, and Spanish Chairmanships. The OSCE's institutions have also been granted enhanced mandates and resources to support the implementation of tolerance-related commitments. The Office for Democratic Institutions and Human Rights (ODIHR), which has been tasked with supporting participating States in implementing their commitments in many ways, has become the main institution within the OSCE dealing with this complex of issues.

This contribution will provide an overview and insight into the political context that has served as the basis for the establishment of the new Tolerance and Non-Discrimination (TND) Programme, as well as ODIHR's approach to designing and developing it. In addition to looking at the key ac-

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

tivities within the programme and their results, I will discuss lessons learned and future challenges.

A Note on Terminology

In the OSCE's debates, discussions, and decisions on tolerance and non-discrimination issues, there has been an overall inconsistency in terminology. The terms, "aggressive nationalism", "racism", "chauvinism", "xenophobia", "anti-Semitism", "violent extremism", "hate crime", and "violent manifestations of intolerance" have been used interchangeably in different OSCE declarations and Ministerial Council decisions.

Additionally, many participating States and representatives of civil society have criticized the term "tolerance" during OSCE high level conferences and at the Human Dimension Implementation Meeting (HDIM). They have argued that the concept of "tolerating" the other does not go far enough towards developing a deeper understanding, respect, and appreciation of the other. As a result, the titles of the 2005 and 2006 Ministerial Council decisions have included the words "mutual respect and understanding".

In contrast to other inter-governmental organizations,² the OSCE does not employ the terms "Islamophobia" and "Christianophobia" but instead refers to intolerance and discrimination against Muslims and Christians. This terminology has been reflected in past Ministerial Council decisions as well as in the titles of OSCE conferences such as the 2007 OSCE Chairmanship Conference on Intolerance and Discrimination against Muslims.

The term "hate crime", which was used for the first time in the Maastricht Ministerial Council decision on tolerance and non-discrimination, was a new and in some cases unfamiliar concept for many participating States.³ In order to fulfil its tasks of collecting legislation and statistics on hate crime and monitoring and reporting on such crimes, ODIHR therefore needed to develop a working definition that would allow it to explain the concept to government authorities and civil society representatives.⁴

A working definition of "anti-Semitism" that encompasses the concepts of traditional and contemporary anti-Semitism has also been developed by

2 The term "Islamophobia" was used by the European Monitoring Centre on Racism and Xenophobia (EUMC; since March 2007 the European Union Agency for Fundamental Rights/FRA) in its report entitled *Muslims in the European Union: Discrimination and Islamophobia*, Vienna, 18 December 2006. The terms "Islamophobia" and "Christianophobia" have also been used by the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance in his recent reports to the Human Rights Council.

3 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, *Decision No. 4/03, Tolerance and Non-Discrimination*, MC.DEC/4/03, pp. 78-80.

4 ODIHR's working definition of hate crime can be found in the ODIHR Annual Report for 2006 on *Hate Crimes in the OSCE Region: Incidents and Responses*, p. 9 http://www.osce.org/publications/odihr/2007/09/26296_931_en.pdf.

ODIHR, together with the European Monitoring Centre on Racism and Xenophobia (EUMC), now the European Union Agency for Fundamental Rights (FRA) and representatives of Jewish organizations.⁵ Although the OSCE Parliamentary Assembly has formally recognized the definition,⁶ it has remained a working definition for ODIHR and civil society.

The Emergence of Tolerance and Non-Discrimination as a Core OSCE Priority

Before discussing the development of ODIHR's TND Programme, it is necessary to first examine the evolution of tolerance and non-discrimination issues within the larger political context of the OSCE.

*From Helsinki to Porto: The Increasing Importance of Tolerance Issues*⁷

The first reference to the promotion of equality, non-discrimination, and freedom of religion or belief dates back to the 1975 Helsinki Final Act, under which the OSCE participating States made a declaration to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion".⁸ In 1990, the Copenhagen Document specifically committed OSCE participating States to prohibiting discrimination.⁹ It made reference to specific forms of discrimination, including racial and ethnic hatred, anti-Semitism, and xenophobia, referred to the position of national minorities, and recognized Roma as a particular group of concern, as did subsequent OSCE Ministerial Declarations.

In 2001, in the aftermath of the terrorist attacks on the United States, the Bucharest Plan of Action for Combating Terrorism underlined the need for preventive responses and called on participating States to provide early warning of and appropriate responses to violence, intolerance, extremism, and discrimination against ethnic, religious, linguistic, or other groups and, at

5 ODIHR's working definition of anti-Semitism can be found in: OSCE ODIHR, *Education on the Holocaust and on Anti-Semitism. An Overview and Analysis of Educational Approaches*, Warsaw 2006, p. 19-20, at: http://www.osce.org/publications/odihr/2006/04/18712_586_en.pdf.

6 Cf. OSCE PA, *Brussels Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Fifteenth Annual Session*, Brussels, 3 to 7 July 2006, p. 37, at: http://www.osce.org/documents/pa/2006/07/19815_en.pdf.

7 For a more comprehensive account of the emergence of tolerance issues within the OSCE, see Christophe Kamp, *The Role of the OSCE in Combating Discrimination and Promoting Tolerance*, in: *Helsinki Monitor*, 2/2004, pp. 127-138.

8 Final Act of Helsinki, Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: p. 146.

9 Cf. *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE*, Copenhagen, 29 June 1990, in: *ibid.* pp. 439-465, here: p. 442.

the same time, to promote their respect for the rule of law, democratic values, and individual freedoms.¹⁰

The 2002 Porto Ministerial Council decision on tolerance and non-discrimination, however, marked a turning point in the OSCE's approach to these issues. After intense political discussions in Vienna, a consensus emerged in favour of including separate paragraphs related to anti-Semitism, discrimination against Muslims, and other members of religious communities in the Ministerial Council decision.¹¹ This differential treatment of tolerance issues was further entrenched by a call for the convening of separately designated human dimension events on issues addressed in this decision, including anti-Semitism, discrimination, and racism and xenophobia.¹²

From Maastricht to Madrid: New Directions in Addressing Tolerance Issues

Following on from the 2002 Porto Ministerial Council, 2003 emerged as a year in which OSCE participating States paid special attention to the specificities and particularities of racism, xenophobia, anti-Semitism, intolerance against Muslims, and other forms of religious-based discrimination. This newly defined focus emerged against the backdrop of increased instances of racist, xenophobic, anti-Semitic, and anti-Muslim attacks and incidents targeting persons and property. Another influencing factor was the controversial outcome of the 2001 United Nations World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, which not only failed to adequately address the issue of anti-Semitism but, according to many key Jewish organizations, even served to exacerbate it by providing a forum for "Zionism equals racism" debates. This combination of increasingly violent anti-Semitic attacks across the OSCE region and the belief by some Jewish organizations that the OSCE was the right international forum to address anti-Semitism¹³ generated strong political support for an increased and sustained focus on tolerance issues by the OSCE.

Under the 2003 Dutch Chairmanship, the fight against racism, xenophobia, anti-Semitism, and discrimination received high-level attention thanks to the convening of two events, one on anti-Semitism and the other on racism, xenophobia, and discrimination. A key outcome of both meetings was the consensus that emerged over the need for better gathering of hate

10 Cf. Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH, *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 391-417, here: pp. 395-402.

11 Cf. Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto 6 and 7 December 2002, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 421-455, here: pp. 449-451.

12 Cf. *ibid.*, p. 451.

13 Cf. Michael Whine, International Organizations: Combating Anti-Semitism in Europe, in: *Jewish Political Studies Review*, 3-4/2004, p. 2, available online at: <http://www.jcpa.org/phas/phas-whine-f04.htm>.

crime statistics, stronger hate crime legislation and the need to repeat the two events with high-level follow-up conferences in 2004.

The conclusions of the 2003 events were clearly reflected in the Maastricht Ministerial Council decision on tolerance and non-discrimination, which concretized the OSCE's efforts to combat racism, xenophobia, anti-Semitism, and discrimination by identifying specific actions for participating States to undertake in the areas of legislation and data collection. ODIHR was mandated to play an increased role in tolerance and non-discrimination issues and given a significant number of tasks, including to serve as a collection and dissemination point for hate crime statistics, legislation, and good practices to combat intolerance and discrimination. ODIHR was also tasked with regularly reporting on these issues and making the information it collected publicly available. While performing these roles, ODIHR was also charged with co-operating closely and co-ordinating its activities with other international organizations active in the fight against intolerance and discrimination.

The 2003 Ministerial Council decision echoed past decisions by firmly placing tolerance and non-discrimination issues within a security framework and explicitly recognizing that discrimination and intolerance undermine security and stability and are among the factors that can provoke conflicts. The decision also served to consolidate provisions relating to all forms of discrimination and intolerance in a single document by referencing the promotion of gender equality, the rights of persons belonging to national minorities, and by drawing increased attention to challenges faced by migrant workers, asylum seekers, and other immigrants. The decision also recognized the specificities of various forms of intolerance, including the particular difficulties faced by Roma and Sinti, and re-affirmed the importance of freedom of thought, conscience, religion, or belief. The decision also stressed the need to promote the implementation of the OSCE's Action Plans on Gender Issues and on Improving the Situation of Roma and Sinti within the OSCE Area and the urgency of advancing the implementation of OSCE commitments on national minorities. The decision tasked the Permanent Council, ODIHR, the High Commissioner on National Minorities, and the Representative on Freedom of the Media, in close co-operation with the CiO, with ensuring that the relevant provisions of the decision are followed up effectively.

In 2004, the efforts of the Dutch Chairmanship were continued and expanded under the Bulgarian Chairmanship. Three high-level OSCE conferences were held, the first on anti-Semitism, the second on racism, xenophobia, and discrimination, and the third on the relationship between internet propaganda and hate crime. These conferences resulted in new commitments being adopted at the 2004 Sofia Ministerial Council, touching upon areas including education, media, legislation, law enforcement, migration, and religious freedom. The decisions assigned ODIHR further tasks in providing support to civil society and closely following incidents motivated by racism,

xenophobia, anti-Semitism, discrimination against Muslims, and other forms of intolerance, and reporting its findings to the Permanent Council and at the Human Dimension Implementation Meeting. They also stated that ODIHR's reports should be taken into account in deciding on priorities for the work of the OSCE in the area of intolerance. In order to give increased prominence to the issue of tolerance and non-discrimination, the Bulgarian CiO appointed three Personal Representatives on tolerance issues.¹⁴ Following much debate over the number of Personal Representatives and their areas of responsibility, consensus emerged on the appointment of three, whose new mandates had the effect of separating tolerance issues into three clusters: anti-Semitism, intolerance and discrimination against Muslims, and racism, xenophobic, and discrimination, including against Christians and members of other religions.

Under the Slovenian Chairmanship in 2005, further efforts to consolidate the OSCE's approach to tolerance issues were made. The three Personal Representatives were re-appointed and a high-level Conference on Anti-Semitism and on Other Forms of Intolerance was held in Cordoba which addressed anti-Semitism and intolerance against Muslims and Christians in one event. Increased attention was also given to the topic of migration and integration, and a human dimension seminar was held in order to further discuss this issue. The 2005 Ljubljana Ministerial Council decision on tolerance and non-discrimination highlighted the need to intensify educational programmes to promote mutual respect and understanding and tasked ODIHR with providing assistance in this regard. The contribution of the OSCE to the UN Alliance of Civilizations initiative was also mentioned as a priority area, and the OSCE Secretary General was given the role of co-ordinating the OSCE's input in this regard.¹⁵

During the 2006 Belgian Chairmanship, more events were held with a focus on tolerance issues, partly as a result of international developments during the year. Three separate tolerance implementation meetings were held in order to intensify the implementation of commitments. The meetings addressed the promotion of inter-cultural, inter-religious and inter-ethnic understanding (Almaty); education to promote mutual respect and understanding and to teach about the Holocaust (Dubrovnik); and hate crime data collection (Vienna). In contrast to previous years, these events were cross-cutting and issue-specific which enabled all the different forms of intolerance to be addressed within each meeting.

The incidents related to the publication of caricatures depicting the Prophet Muhammad by the Danish daily newspaper *Jyllands-Posten*, the sub-

14 Cf. Organization for Security and Co-operation in Europe, Twelfth Meeting of the Ministerial Council, Sofia 2004, 6 and 7 December 2004, MC.DOC/1/04, 7 December 2004, *Decision No. 12/04, Tolerance and Non-Discrimination*, MC.DEC/12/04 of 7 December 2004, pp. 29-35.

15 Cf. Organization for Security and Co-operation in Europe, Thirteenth Meeting of the Ministerial Council, Ljubljana 2005, 5 and 6 December 2005, MC13EW66, 6 December 2005, *Decision No. 10/05, Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding*, MC.DEC/10/05 of 6 December 2005, pp. 35-39.

sequent re-publication by some other European newspapers, and the ensuing violence in some countries in early 2006, raised the profile of tolerance issues for the Chairmanship and participating States, particularly regarding intolerance against Muslims. On 16 February 2006, the Chairmanship convened an informal gathering of participating States and the OSCE's Mediterranean partner states to discuss the Organization's response to the incidents. The meeting culminated in the issuance of a "Perception of the Chair" paper which, among other initiatives, recommended that a Ministerial Council decision be drafted that would "bring together principles of dialogue, mutual respect and understanding, and human rights, including freedom of expression, in a harmonious way" and "constitute a strong political message to show that these principles are not contradictory, but complementary values of democracy".¹⁶ In response to the apparent differences in approach in dealing with the issue of intolerance in the media, the paper also recommended the organization of co-ordination meetings between ODIHR, the Representative on Freedom of the Media (FOM), the OSCE Secretariat, and the Personal Representatives. It encouraged the FOM to step up his activities to promote better understanding of media freedom and self-regulation. During the informal gathering in February, some participating States had expressed concern over the delayed reaction of the OSCE to the incidents and highlighted the need for the Organization to play more of an early warning role in such cases. This concern later resulted in the enhancement of ODIHR's early warning function.

The drafting of the 2006 Brussels Ministerial Council decision was characterized by long debates on the future role of the Personal Representatives of the CiO and differences in the approach of some participating States in dealing with discriminatory and offensive discourse in the media and politics while ensuring freedom of expression. In the form it finally took, the decision noted the essential role that a free and independent media can play and the strong influence it can have in countering or exacerbating prejudices, while also encouraging media self-regulation and the adoption of voluntary professional standards by journalists.¹⁷ The decision also tasked the Permanent Council with considering ways to further strengthen the effectiveness, coherence, and consistency of the OSCE's work in the area of tolerance and non-discrimination, with a view towards raising the level of implementation of commitments. ODIHR was charged with further strengthening the work of its TND Programme, and particularly the support it provides to participating States in implementing their commitments. It was also tasked with strengthening its early warning role in identifying and reporting on hate-motivated

16 Perception of the Chair Paper, distributed by the Chairmanship to participating and Partner States on 9 March 2006.

17 Cf. Organization for Security and Co-operation in Europe, Fourteenth Meeting of the Ministerial Council, Brussels 5 December 2006, *Decision No. 13/06 on Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding*, MC.DEC/13/06, at: http://www.osce.org/documents/mcs/2006/12/22565_en.pdf.

incidents and trends, and in providing technical support and assistance to participating States. The FOM was encouraged to review best practices in matters of his competence related to intolerance, and the OSCE's contribution to the report of the high-level group of the UN Alliance of Civilizations initiative was highlighted as an area of continued importance for the OSCE.

The priority that the Spanish Chairmanship has given to tolerance issues in 2007 has been underscored by its focus on the promotion of diversity and participation in pluralistic societies. The Personal Representatives of the CiO were also re-appointed under the Spanish Chairmanship, although the Brussels Ministerial Council called for a review of their contribution to the OSCE's overall effort to combat intolerance and discrimination by the Chairmanship, in consultation with the participating States, in the course of 2007.

The importance of tolerance-related issues was also underlined by the organization of two high-level conferences. The first, which took place in Bucharest in June 2007 and dealt with "Combating Discrimination and Promoting Mutual Respect and Understanding", was initially intended to address all forms of intolerance on an equal footing. Unfortunately, discussions of the agenda among the participating States served only to highlight areas where consensus remained a challenge, particularly when it came to deciding whether to approach tolerance-related issues separately or using a more holistic and cross-cutting approach. In order to ensure that anti-Semitism remained visibly at the centre, the official title of the conference was "Combating Discrimination and Promoting Mutual Respect and Understanding: Follow-up to the Cordoba Conference on Anti-Semitism and Other Forms of Intolerance". Additionally, despite attempts to achieve a balance between the issues of racism, xenophobia, anti-Semitism, intolerance against Muslims, Christians and members of other religions, and other forms of intolerance, the focus of the conference was divided into three main plenary sessions in line with the mandates of the three Personal Representatives of the Chairman-in-Office on tolerance-related issues. This meant that while anti-Semitism and intolerance against Muslims received significant attention and focus, the issues of racism, xenophobia, intolerance against Christians and members of other religions, and other forms of intolerance were addressed in a less comprehensive and adequate way.

The current year is an important one as discussions unfold about how to further consolidate the structures and mechanism within the OSCE dealing with tolerance and non-discrimination.

The Development of the TND Programme

Until 2004, issues related to the promotion of tolerance and non-discrimination were mainstreamed in ODIHR's various departments and programmes.

Non-discrimination and equality were addressed primarily within the Human Rights Department through its programmatic work in the areas of human rights monitoring and training, freedom of religion or belief, human rights education, anti-trafficking, and anti-terrorism. Through its work in the areas of migration and integration and the promotion of gender equality, the Democratization Department also dealt with tolerance-related issues, as did the Elections Department through its efforts to support the participation of Roma and Sinti in OSCE election observation missions. The Contact Point for Roma and Sinti Issues also had a specific focus on racism and discrimination, particularly in connection with the OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area.

With the expansion of ODIHR's remit in the area of tolerance and non-discrimination, a decision was made to establish a separate TND programme that would focus on the implementation of ODIHR's various tasks and would continue to work closely with the other ODIHR departments and programmes and with other OSCE institutions and relevant institutions within the United Nations, the Council of Europe, and the European Union.

Ensuring the "Added Value" of ODIHR's TND Programme

In 2004, in order to ensure that the OSCE's increased activities complemented and reinforced the work of other inter-governmental organizations active in the fight against intolerance and discrimination, ODIHR commissioned a study on the related activities of the Council of Europe, the European Union, and the United Nations. The study examined the definitions used by each organization, as well as their mandates and structures, monitoring and reporting methodology, co-operation with international organizations and NGOs, and the general challenges they faced. It concluded with a series of recommendations, which were discussed at a high-level inter-agency meeting with the Chair of the Council of Europe's European Commission against Racism and Intolerance (ECRI), the Director of the European Monitoring Centre on Racism and Xenophobia, a member of the United Nation's Committee on the Elimination of Racial Discrimination (UNCERD), and the Head of the Anti-Discrimination Unit of the Office of the High Commissioner for Human Rights (OHCHR).

The study identified the OSCE's comparative advantages as its comprehensive approach to security, its operational character, and its flexibility to respond to changing circumstances. It was noted that the OSCE has a relatively small, but generally effective number of operational instruments, including its field operations and good access to civil society actors. It was further concluded that one of ODIHR's key comparative advantages is its ability to provide technical assistance and support to OSCE States in implementing not only OSCE commitments but also other international standards

and the recommendations of other international organizations. Based on this finding and ODIHR's specific mandate to provide support and assistance to OSCE participating States in their efforts to fight intolerance and discrimination, ODIHR has subsequently designed tools to support states through expert-to-expert technical assistance programmes.

The study also concluded that the OSCE is able to provide a platform for raising political awareness among participating States of tolerance and non-discrimination issues. It identified the OSCE as well placed to provide a regular opportunity, via the mechanism of the HDIM, to review and evaluate the progress of OSCE States in implementing not only their OSCE commitments, but also their international legal obligations and policy- and country-specific recommendations made by the ECRI, the EUMC, and the UN.

Finally, the OSCE's overall mandate as a security organization was also noted as an area of distinction and possible comparative advantage, especially given the Organization's potential to work across the different dimensions in addressing problems such as terrorism, trafficking in human beings, and economic issues connected with migration trends.

Conceptualizing and Operationalizing ODIHR's Approach to Tolerance and Non-Discrimination

In carving out a clear role for itself to support and complement the existing efforts of other inter-governmental organizations in the field of tolerance and non-discrimination, ODIHR was guided by two main principles. First, as an institution dealing with conflict prevention, ODIHR made a conscious effort to focus its programmes and activities on aggressive and violent acts of intolerance, including hate crimes and hate incidents, rather than dealing with broader notions of discrimination in areas such as education, employment, health, and access to social services, which are already addressed by other international organizations. ODIHR also focused its activities on the prevention of hate-motivated incidents by developing educational programmes and awareness-raising initiatives.

Secondly, it was important for ODIHR's new TND Programme to reflect the OSCE's approach in recognizing both the specificities and the commonalities among various forms of discrimination and intolerance. In this regard, ODIHR has chosen to take a two-pronged approach to its work by having *issue-specific advisers* who focus on racism, xenophobia, anti-Semitism, intolerance against Muslims, and discrimination against members of religious communities, including Christians, as well as *cross-cutting areas* (i.e. monitoring, education, law enforcement training, legislative assistance, data collection, and civil society capacity building). As well as four issue-specific advisers within the TND Programme, ODIHR also has four advisers who deal specifically with cross-cutting issues including civil society, legis-

lation, hate crime reporting, and the Tolerance and Non-Discrimination Information System (TANDIS). There is also an Adviser on Freedom of Religion or Belief, who co-operates closely with the other advisers on tolerance issues but whose work focuses on religious freedom issues within a broader human rights context. This approach has enabled ODIHR to ensure that its work recognizes commonalities and specificities and that it responds to those participating States that want to deal with specific issues as well as those advocating a more holistic and inclusive approach.

Based on these two key principles, three overall objectives for the new TND Programme were identified. The first is to strengthen the ability of OSCE participating States and civil society to effectively respond to hate-motivated crimes, including manifestations of racism, xenophobia, anti-Semitism, intolerance against Muslims, Christians, and members of other religions, and other forms of intolerance. The second objective is to support states in their efforts to prevent acts of intolerance by enhancing inter-cultural and inter-religious understanding. The main activities to support this objective have been ODIHR's educational programmes as well as the meetings and round-tables it has organized to bring together different communities. The third and final objective is to support states in their efforts to ensure freedom of religion or belief, in particular via ODIHR's Advisory Panel of Experts on Freedom of Religion or Belief.

Serving as a Collection Point

In order to ensure that the new programme could fulfil its mandated task of serving as a collection point for statistics, legislation, and information on good practices submitted by participating States, several decisions were made on the approach to be followed. First, it was necessary to rely on existing sources of information available from governments, specialized bodies, international organizations, and civil society. In this regard, ODIHR's role was simply to collect, publicize, and disseminate the information it receives, but not to produce comparative data of the kind the EUMC was mandated to provide to EU member states. In its initial stages of development, one of the first priorities of the new TND Programme was to issue a series of *Notes Verbales* to all of the OSCE participating States requesting them to provide ODIHR with not only legislation, statistics, and good practices, but also to nominate a National Point of Contact on Hate Crime. In 2005, the information collected by ODIHR was published in the report entitled "Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives". The report also contained a series of recommendations to participating States and details of tools that could support their efforts to further strengthen hate crime legislation, enhance the response of law enforcement officers, and improve the collection of hate crime statistics.

It became clear at a very early stage that if ODIHR was to serve as a collection point for legislation, data, reports, and good practices from 56 participating States, it would need an information system to store, organize, and disseminate such an enormous volume of information. In response, ODIHR commissioned an information management specialist to conduct an assessment and to identify the needs of the programme. The result of this process was the development and launch of the Tolerance and Non-Discrimination Information System, a website providing access to legislation, statistics, and practical initiatives from the participating States, and reports of international organizations and NGOs.

As a collection point, it was also important for ODIHR to ensure that its information requests to participating States did not duplicate or overlap with similar requests from the EUMC, the ECRI, and the UN. This realization was based on the finding that over a five year period, states that are members of the Council of Europe, the EU, and the UN, and have ratified the ICERD can expect to be asked to report or provide input for reports *at least* 17 times and to be requested to participate in *at least* six country visits, round-tables, and examinations of reports. Through TANDIS, ODIHR and the wider public are now easily able to access all of the reports submitted by states to other international organizations and to make use of these reports without overburdening states with additional requests for information.

Providing Assistance to OSCE Participating States and Civil Society

One of the first priorities in establishing the new TND Programme was to develop a select number of practical, expert-to-expert assistance programmes corresponding to the main areas mentioned in the Ministerial Council decisions (legislative assistance, education, law enforcement training, and civil society capacity building) in order to be able to respond to requests for support and assistance from participating States and civil society.

In order to support participating States in strengthening the response of law enforcement officers to hate crimes, a Law Enforcement Officer Programme on Combating Hate Crime was developed to increase the capacity of law enforcement officers to identify and effectively respond to hate crime and to engage with affected communities. The programme was designed by police for police and was implemented in several OSCE States.

ODIHR also initiated the development of hate crime data and legislative assistance programmes under which technical support will be offered to participating States in order to assist them in strengthening their laws and improving their approaches to data collection. A training programme for prosecutors and judges on dealing with hate crime cases will also be developed in co-operation with experts from across the OSCE region.

In response to the rise of anti-Semitism in the OSCE region and in order to support states in implementing their OSCE commitments to promote educational programmes to combat anti-Semitism, and to promote remembrance and education about the tragedy of the Holocaust, ODIHR developed technical assistance programmes in co-operation with a number of partners, including the Task Force for International Co-operation on Holocaust Education, Remembrance and Research, Yad Vashem, and the Anne Frank House, as well as with experts from throughout the OSCE region. Together with these partners, ODIHR supported the development of practical guidelines for educators on how to commemorate Holocaust memorial days and teaching materials on anti-Semitism for five OSCE States.

In order to develop a valuable educational and practical resource for policy makers, public officials, educators, and journalists on issues relating to Islam or Muslim communities, ODIHR also offers support to Muslim communities in developing country-specific resource guides. The first of the planned series of guides is being implemented in Spain.

To support participating States in their efforts to strengthen educational programmes to promote mutual respect and understanding, ODIHR also conducted an assessment of existing educational strategies and initiatives currently in place throughout the OSCE region. Technical assistance projects to support states in the areas of curriculum development and teacher training were also developed in response to specific requests from states.

The TND Programme also initiated activities and developed tools to support civil society in their efforts to deal with hate crimes and hate incidents. Meetings and round-tables with a broad range of civil society actors were organized in order to identify the needs and potential areas of co-operation in the field of monitoring, and to share best practices. ODIHR also developed a comprehensive training manual for civil society on monitoring and reporting on hate crime, which will be used to implement training seminars for civil society in 2008.

Finally, in the area of freedom of religion or belief, ODIHR's Advisory Panel of Experts on Freedom of Religion or Belief has given states technical support in the area of legislative assistance and has offered expert advice in dealing with specific incidents within OSCE States. The panel has recently published the "Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools", which are intended to assist OSCE participating States whenever they choose to promote knowledge of religions and beliefs in schools, particularly as a means of enhancing religious freedom.

Closely Following Incidents

The most challenging to implement of the tasks assigned to the TND Programme by the Ministerial Council has been the mandate to closely follow incidents motivated by racism, xenophobia, anti-Semitism, and other forms of intolerance, including against Muslims, Christians, and members of other religions. While some OSCE States interpreted this task initially to mean “naming and shaming” states with high instances of hate crime and ineffective responses, in implementing it, ODIHR has opted for an approach based on constructive engagement with OSCE States.

In this regard, ODIHR has chosen to focus on closely following the responses of government, law-enforcement authorities, judicial officials, national institutions, and civil society to such incidents, rather than concentrating only on the incidents. In practice, this has meant identifying good practice responses as well as noting areas where a strengthened response is needed. In such areas, ODIHR has engaged with states bilaterally either by means of meetings with the ODIHR Director or the Personal Representatives on tolerance issues or through direct interventions by TND Programme staff in order to offer support and assistance available through ODIHR’s various tools and technical assistance programmes.

In fulfilment of its mandate to publicly report on hate-motivated incidents, ODIHR publishes an annual report on “Hate Crimes in the OSCE Region: Incidents and Responses”, which aims to identify patterns and trends. In order to avoid duplicating the efforts of other inter-governmental and non-governmental organizations that regularly provide comprehensive accounts of hate crimes and incidents, the report provides a snapshot of continuing challenges faced by governments as well as effective action taken in responding to hate-motivated incidents. The report is based on information submitted by the nominated National Points of Contact on Combating Hate Crime, international partner agencies, civil society organizations, and OSCE institutions and field operations.

Measuring the Results and Impact of the Programme

Several measurable results have been achieved since the creation of the TND Programme in 2005:

- The work of the programme has directly contributed to increased awareness among OSCE participating States and civil society of tolerance and non-discrimination issues and the relevant OSCE commitments. This has been achieved by means of the reports ODIHR has published, and the annual hate incident report, in particular, as well as through TANDIS, which has already attracted more than 25,000 users in 2007.

- The Law Enforcement Officer Programme on Combating Hate Crime has directly contributed to increased efforts by some OSCE States to strengthen the response of law enforcement officers to hate crime. Eight states have either fully implemented or committed to implementing and institutionalizing hate crime training within their national police training curricula. The network of police experts has grown to twelve states and, in November 2007, the first official meeting of the expanded network will be held to discuss ways in which the police experts can co-operate at a regional level to address the cross-border incitement of hate crimes.
- Seven states have developed teaching material on anti-Semitism, which is now being piloted in schools, and three more have expressed interest in developing their own teaching materials.
- Several sets of guidelines have been developed related to legislation pertaining to freedom of religion or belief, Holocaust memorial days, and teaching about religions and beliefs in public schools.
- ODIHR's Advisory Panel of Experts on Freedom of Religion or Belief has developed more than ten comments and opinions on legislation and cases related to freedom of religion or belief and used as the basis to ensure that such laws are in line with OSCE commitments and international standards.
- Increased participation of civil society at OSCE tolerance-related conferences and events has been achieved thanks to ODIHR's efforts to support and promote participation and to organize preparatory meetings for NGOs in order to ensure that their participation has an impact and influence upon OSCE discussions and priorities. Round-table meetings with Muslim representatives from across the OSCE region have also been organized in partnership with the Personal Representative of the CiO on Combating Intolerance and Discrimination against Muslims.
- Strong co-operation with other inter-governmental organizations active in the area of tolerance and non-discrimination has been achieved through the organization of annual high-level and working-level inter-agency co-ordination meetings as well as through the organization of joint events and projects.

Challenges and Lessons Learned

Given the large number of tasks it has been entrusted with over the last four years, ODIHR has had to focus on areas where it has a comparative advantage in order to make best use of its resources and avoid unnecessary overlap and duplication with other inter-governmental organizations. Making a comparative study of the roles and approaches of the OSCE's counterparts dealing with tolerance issues proved to be extremely valuable in enabling ODIHR, through its new TND Programme, to build on existing initiatives

and offer its own unique “added value” via its technical support programmes and its focus on hate crimes and violent manifestations of hate crime as a security threat.

The appointment of the three Personal Representatives on tolerance issues and the absence of clear terms of reference for their work also presented initial challenges for the new TND Programme in clearly identifying areas of co-operation and synergies. A particular challenge stemmed from the lack of administrative support available and the initial reliance of the Personal Representatives on ODIHR staff, whose tasks and main responsibilities had been defined before the appointment of the Personal Representatives and who were unable to provide them with the necessary support. In order to address these difficulties, ODIHR, the Chairmanships, and the Personal Representatives held co-ordination meetings, which directly contributed to increased co-operation and better co-ordination. By participating in conferences and discussions with high-ranking government officials during country visits in which ODIHR is also invited to participate, the Personal Representatives can play an important and complementary role by promoting and raising awareness of ODIHR’s various tools and technical assistance programmes. Such meetings provide ODIHR with important access to key government officials and to different communities. The Personal Representatives have also benefited from ODIHR’s regular monitoring work and the access that TANDIS gives them to key reports and practical initiatives. In this regard, the relationship between ODIHR and the Personal Representatives has evolved into one of complementarity and co-operation.

Another challenge has been the large number of OSCE tolerance-related conferences and meetings: Seven high-level conferences were held between 2003 and 2007, three tolerance implementation meetings were held in 2006, and a special day on tolerance issues has been held during the HDIM every year since 2004. This has meant an increased workload for the TND Programme, which is the only programme within the OSCE dealing directly with tolerance issues, and often had an active role in organizing such events. A further challenge has been the approach and focus of some of the OSCE events, which, in some instances, risked creating hierarchies among types of discrimination and imbalances in how they were presented and discussed. One such example was the title of the 2005 Cordoba Conference: “OSCE Conference on Anti-Semitism and on Other Forms of Intolerance”. In other cases, decisions were made to adapt the agenda of OSCE conferences to the mandates of the three Personal Representatives, which meant a strong focus on anti-Semitism and intolerance against Muslims and a reduced focus on racism, xenophobia and intolerance against Christians and members of other religions.

It is also important to note that the division of the mandates of the three Personal Representatives has, to a certain extent, had the consequence of creating a “confessionalized” approach to tolerance issues, where the focus has

increasingly been placed on anti-Semitism, intolerance against Muslims, and discrimination against Christians and members of other religions. This approach means that issues related to racism, xenophobia, discrimination against Roma, and Sinti and other forms of intolerance are not being addressed with the same degree of visibility. This approach has also been applied to the structure of ODIHR's TND Programme, which, prior to the adoption of the 2007 budget, was broken down into four sections, one dealing with racism and xenophobia, a second dealing with anti-Semitism, a third focused on intolerance against Muslims, and a fourth dealing with freedom of religion or belief. With the adoption of the 2007 budget, the issues of intolerance against Christians and members of other religions were bundled together with racism and xenophobia. In addition, during the presentation of the Personal Representatives to the Permanent Council in 2006, a Head of a Permanent Mission to the OSCE likened one of the Personal Representatives to a wobbly three-legged stool, implying that the Personal Representative dealing with racism, xenophobia, and discrimination, including intolerance and discrimination against Christians and members of other religions was not adequately dealing with the final part of her mandate. Given the relative rarity of three-legged stools, in order to bring stability to the mechanism of the three Personal Representatives, it might be useful to consider dividing the mandates into four baskets, which would allow for a strengthened focus on racism, xenophobia, and other forms of intolerance.

The existence of the category "other forms of intolerance" has also caused problems, with some states seeing it as providing a mandate for the OSCE to broaden its focus to address intolerance and discrimination based on sexual orientation. The term "diversity" has also been replaced with the phrase "cultural and religious diversity" in order to prevent a broader interpretation of this notion. The current grounds of discrimination listed within the existing OSCE commitments on tolerance and non-discrimination include reference to discrimination based on race, skin colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth, *or other status*. Given the deeper understanding of the phenomena of exclusion in contemporary society and the increasing instances of hate crimes committed against persons on the basis of their sexual orientation, it is increasingly necessary for the OSCE to review the implementation of the commitments in this field, especially since the current approach is out of line with other international organizations, in particular the Council of Europe and the European Union. While ODIHR has continued to monitor and report on homophobic hate crimes, based on its Ministerial Council tasking to collect information on "hate crimes" and "other forms of intolerance" and to closely follow incidents in this regard, it has been also criticized by some OSCE States for going outside of its mandate by dealing with issues where there is no political consensus among the participating States. Despite these criticisms, many states and NGOs have welcomed the fact that ODIHR's

work addresses homophobic hate crime, especially in light of the brutal nature of such crimes and the extent to which they are significantly under-reported.

Conclusions – Moving Forward

One of the clear conclusions that emerged from the 24 April 2007 Human Dimension Committee Meeting on Combating Intolerance and Discrimination: Integration and Diversity¹⁸ was the acknowledgement that there are sufficient OSCE commitments addressing tolerance and non-discrimination and that the focus should now be on the implementation of these commitments.

A strong awareness of tolerance issues and OSCE commitments in this area has been achieved through the various high-level conferences and meetings that have taken place since 2003. While twice-yearly high-level conferences play an important role in ensuring high visibility and generating increased political will, in between these conferences it is important to limit the number of tolerance-related events in order to allow for increased implementation of OSCE commitments and to enable ODIHR and the Personal Representatives to support and follow-up on issues with governments and civil society. There is also a need to adapt and re-focus OSCE tolerance events so that they better support the review and assessment of implementation and the identification of gaps and best practices in implementation, without duplicating the approach of the HDIM as a forum to review implementation of OSCE human dimension commitments.

In the 2004 Ministerial Council decision, it is stated that the information collected by ODIHR and reports prepared based on this information, should be taken into account in deciding on priorities for the work of the OSCE in the area of intolerance. It is therefore important that full attention and visibility is given to the findings and conclusions of the annual hate crime report and also to the reports of the Personal Representatives. In addition, ODIHR could continue to provide regular reports on the efforts of states to strengthen data collection and legislation on hate crime, to train law enforcement officers, and to develop educational programmes that could be used by participating States and civil society to discuss and review implementation of tolerance-related OSCE commitments. Gaps in implementation and new trends documented in the reports of ODIHR and the Personal Representatives could also be used to guide and influence the agenda of the high-level review conferences, so that they are more focused and useful.

18 The Human Dimension Committee was established under the Spanish Chairmanship of the OSCE in response to Ministerial Decision No. 17/06 on Improvement of the Consultation Process.

In holding future conferences, it is important that they be organized in a manner that ensures a proper balance and focus upon the different forms of intolerance. It is also critical that such events are planned and publicized well in advance in order to ensure the highest level of participation by governments and the broadest level of participation by civil society from different communities. Mechanisms such as separate preparatory meetings organized by civil society to develop recommendations to be presented during the opening plenary of the main conference should also be in place to ensure the effective engagement of civil society at such events.

As previously noted, greater political commitment is needed to achieve balance among all the tolerance issues. In reviewing the current mechanisms and structures for dealing with tolerance issues, consideration should be given to creating a fourth area so that issues of racism and xenophobia can be given a greater priority and visibility and so that differentiation can be achieved without discrimination.

In 2008 and beyond, the TND Programme will continue to develop and further strengthen its expert-to-expert assistance programmes in order to support OSCE participating States in implementing their commitments. ODIHR will increase its interaction and engagement with the nominated National Points of Contact on Hate Crime in order to identify good practices in implementation and areas where states experience challenges in responding to hate crimes and hate incidents. In order to continue raising awareness of incidents motivated by hate and intolerance, ODIHR will continue to issue its report on "Challenges and Responses to Hate-Motivated Incidents in the OSCE Region" on an annual basis at the HDIM. In raising awareness of issues at a higher political level with state authorities, ODIHR will continue to work with the Personal Representatives on tolerance issues, along with its Panel of Experts on Freedom of Religion or Belief, its other high-level experts on thematic issues and in co-operation with the high-level rapporteurs and commissioners of other inter-governmental organizations. Finally, because intolerance and discrimination is a cross-dimensional issue affecting all OSCE participating States (and partner states) and requiring trans-border co-operation, ODIHR will continue its efforts to mainstream its work across the various dimensions and will offer its assistance widely across the entire OSCE region. Of course, all this will be contingent upon the sustained political will of the OSCE States in not only giving high priority to tolerance issues, but also in making use of the mechanisms and tools that they mandated ODIHR to create.

The OSCE as an Alliance of Civilizations in Action

Introduction

Building, strengthening, and improving the quality of democratic institutions across the OSCE area is a generational challenge facing the peoples and states of the OSCE.

The challenge takes different shapes in different contexts. In some, it is a matter of embedding and strengthening democratic institutions in states where democracy has never established deep roots. It is also that of integrating diversity while ensuring functioning societies and legitimate political structures. This last issue bridges the false notions of “East of Vienna” and “West of Vienna”, and represents an appeal to all OSCE participating States to join efforts. They have indeed done just that. From the Porto Ministerial in 2002 through to the Brussels Council meeting in 2006, the foreign ministers of OSCE participating States have underlined the importance of strengthening tolerance and non-discrimination for the security of the OSCE States and the well-being of their societies.

Increasing attention to this area has been driven by two motors. The first is principle. Promoting tolerance and non-discrimination enshrines one of OSCE’s most fundamental principles, which is to protect the inherent dignity of the human being. A second driver has been the perceived and actual rise of extremism and intolerance as challenges to security. The modern societies of the OSCE are complex, multicultural, highly globalized structures, but in some ways remain very much organized on a national basis. Stereotyping, discrimination of all sorts, marginalization, and a lack of integration have shown that they have the potential to rip apart the fibre of delicately interwoven communities. Such phenomena can lead to anger and resentment that breed hatred and even violence. Thus, integrating diversity while strengthening common values has become one of the most important challenges of our times. The stakes are high.

The international community has realized the importance of the challenge. Most saliently, in 2005 the United Nations Secretary-General established a high-level group of eminent personalities, following a proposal initiated by Spain and Turkey, and tasked this group with generating a report containing an analysis of the rise in cross-cultural polarization and extremism and developing a set of practical recommendations to counter this phenomenon. The high-level group met five times from November 2005 to November 2006, at the conclusion of which it produced a report that takes a multi-

levelled approach.¹ As tasked by the OSCE Ministerial Council's Decision on Tolerance and Non-Discrimination,² and in a joint effort by both the OSCE Secretariat and the Office for Democratic Institutions and Human Rights (ODIHR), the OSCE contributed a substantial report to the UN Alliance of Civilizations initiative in June 2006.³ In essence, the argument made in this report was that the OSCE, as an organization of common values and commitments among equals, could itself be considered an alliance of civilizations in action.

The argument was not made lightly. The OSCE is the world's largest regional security organization. It spans three continents, stretching "from Vancouver to Vladivostok". It encompasses major world religions and cultures, and brings together 56 diverse participating States. Despite deep differences, these states have proved able and willing to work closely together to promote stability and security in the OSCE area. They have also elaborated an impressive body of commitments in all three dimensions of security. In the human dimension, OSCE commitments have been underpinned by the principles of the inherent dignity of the human being, human rights, and fundamental freedoms.

This article examines the OSCE's approach to promoting tolerance and non-discrimination. The argument is structured in three parts. The first clarifies some of the principles that have guided OSCE thinking and action in this area. This is followed by an examination of the main pillars of the OSCE framework, the tools employed by the Organization, and examples of activities undertaken. The final section discusses the UN Alliance of Civilizations initiative.

First Principles

Combating discrimination and promoting mutual respect and understanding have always been fundamental parts of the OSCE vision of building comprehensive security within societies and between the participating States. The starting point lies with the 1975 Helsinki Final Act, which emphasized promoting the "inherent dignity of the human person". It is worth recalling that the Final Act called upon participating States to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own

1 United Nations, *Alliance of Civilizations, Report of the High-level Group*, New York, 13 November 2006, at: http://www.unaoc.org/repository/HLG_Report.pdf.

2 Organization for Security and Co-operation in Europe, Ministerial Council, Ljubljana 2005, *Decision on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding*, MC.DEC/10/05, 6 December 2005, at: http://www.osce.si/mc-docs/mc_10_05.pdf.

3 Organization for Security and Co-Operation in Europe, *OSCE Contribution to the Alliance of Civilizations Initiative*, Vienna, 26 June 2006, at: http://www.osce.org/documents/sg/2006/06/19739_en.pdf.

conscience.” The OSCE has sought to foster stability within states and to deepen security between them on this foundation of ensuring respect for the human rights and the fundamental freedoms of the individual.

Within the OSCE, fundamental freedoms are taken to include freedom of thought, conscience, religion, belief, and expression, as well as democracy and the rule of law, tolerance, the fight against discrimination and xenophobia, minority rights, and integration. Taken together, these commitments constitute a framework in which people can live in lasting peace free from any threat to security. Linked to this, the OSCE acts continually on the belief that the rule of law and democratic values are the key to building a climate of tolerance inside states as well as around them.

This has meant, for instance, that OSCE participating States have rejected linking terrorism, radicalism, and the recourse to violence with any particular ethnicity, culture, or religion. It has also meant that, for the OSCE, inter-cultural and inter-faith dialogue is interpreted as an end in itself and not only as a process. Indeed, only through constant communication, information-sharing, and permanent dialogue can a climate of tolerance be built that will enhance respect for the fundamental dignity of the human being. It is in this respect that the dialogue of cultures matters for security. Participating States have always tried to avoid “securitizing” culture. However, the states also know from more than thirty years’ experience that the vibrancy of societies and cultures matters for the strength of states and the stability of international relations.

Within the OSCE, the security of participating States is seen as being interdependent as well as multidimensional. The first line of responding lies with states, which have primary responsibility for fostering and sustaining a dialogue of cultures, faiths, and civilizations. However, state-level responsibility does not detract from the importance of building a networked approach that includes actors within and below states as well as those above them. The most effective means of addressing a complex and multifaceted problem is by drawing on the strengths of many different actors, including NGOs, state institutions, and other international organizations, such as the Council of Europe and UN agencies. In the past few years, the OSCE has become a platform for innovative co-operation between networks of different actors. Only such a network can assist states to define needs, elaborate commitments, and implement them, through capacity-building activities linked to education and the rule of law and by building local and regional partnerships. In turn, civil society actors of all kinds are vital channels of communication and legitimacy.

OSCE thinking in this area, therefore, is founded on the need to protect the human rights and fundamental freedoms of the individual. Inside states, ensuring healthy societies and strong democratic institutions are vital channels for realizing this end. Outside, the OSCE has emphasized the creation of

networks for innovative co-operation between multiple actors, including NGOs and other international organizations.

The OSCE Approach

In promoting tolerance and non-discrimination, the OSCE acts at four levels.

First, the OSCE has provided a political forum where 56 states with different cultures, religions, and histories can join to clarify and define among themselves the nature and scope of the problems that arise in the area of tolerance and non-discrimination. Experience shows that defining the problems at hand and elaborating policy responses that can be appropriate for all states are no easy tasks for such a divergent group of countries. Nonetheless, OSCE participating States have reached important decisions at the OSCE Ministerial Council meetings in Porto, Sofia, and Ljubljana. With this groundbreaking objective in mind and also to raise awareness, the OSCE has also conducted five high-level conferences devoted to promoting tolerance and non-discrimination. These occurred in Berlin, Brussels, and Paris in 2004, Cordoba in 2005, and Bucharest in 2007, and also included the implementation meeting in Almaty in 2006.

High-level discussion between the participating States, often including heated debate, has become a vital part of the OSCE approach. Defining the nature of intolerance and the scope of discrimination will be a long-term process that requires ongoing exchange and much patience. However, it constitutes a vital first step, from which a body of commitments for action can be developed. This form of engagement has also been designed to ensure broad ownership of the OSCE's actions and to deepen the legitimacy of the Organization's activities. Ownership and legitimacy are two key ingredients in OSCE efforts to promote tolerance and non-discrimination.

Second, the Organization has acted to build capacity and expertise in participating States to implement the commitments they have agreed to in the human dimension, specifically with regard to tolerance and non-discrimination. In practice, this has translated into multiple capacity-building projects undertaken by the Organization and its institutions, especially ODIHR, with state institutions, legislatures, educational systems, and civil society groups. As discussed below, the OSCE field operations have also had a key role in capacity-building with host governments and societies. Capacity-building activities have included state-level actors and civil society, ranging from educators and young people to legislators and ombudsmen.

Third, the OSCE has developed an important role in monitoring and reporting on the situation in participating States with regard to tolerance and non-discrimination. ODIHR is particularly prominent in this respect, along with the OSCE Representative on Freedom of the Media (FOM) and the field operations. On the whole, the OSCE relies on consensus rather than coercion

in performing this role. Peer review and monitoring by the institutions and field operations are the main means used to help keep states on track in implementing commitments as agreed and developing new ones in response to changing circumstances. This inclusive approach has worked to ensure a greater sense of ownership and goodwill on the part of the participating States with regard to both the elaboration of OSCE commitments and the undertaking of activities, helping considerably to ensure common action by the OSCE to promote tolerance and non-discrimination.

Finally, the OSCE has sought to develop co-operation with other actors in this field, including NGOs and other international organizations. The idea here, as noted above, is that the OSCE may act best in creating networks for co-operation between states and other actors, such as civil society and international organizations. The 2007 Bucharest Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, for instance, was attended by a wide spectrum of civil society actors and NGOs from across the OSCE area along with participating States and other international organizations, including the UNHCR, the Organization of the Islamic Conference, and the League of Arab States. Putting diverse voices together has therefore been a vital part of the OSCE's approach to building co-operative security. In addition, the OSCE has acted as a regional platform for the implementation of initiatives that have been developed at the international level on issues relevant to tolerance and non-discrimination. The OSCE contribution to the UN Alliance of Civilizations initiative is a case in point.

Taken together, action at these four levels constitutes the framework of the OSCE's approach. The OSCE remains a collective body providing a permanent framework for political dialogue among its participating States, conducted on the basis of equality and the free exchange of views. It is also a forum for raising awareness among the participating States on their security concerns. As such, the Organization has developed a broad range of tools and institutions with expertise directly related to supporting tolerance and non-discrimination. The idea here is not to provide an exhaustive survey of these tools, but simply to touch indicatively upon the main OSCE actors in this area.

Given its mandate and structure, ODIHR naturally has pride of place in the OSCE's efforts. ODIHR's mandate has included assisting participating States in implementing commitments reached on tolerance and non-discrimination and supporting efforts to respond to and combat hate crimes and incidents of racism, anti-Semitism, and other forms of intolerance, including against Muslims. Tolerance and non-discrimination is one of ODIHR's major programmes, and ODIHR's activities range from education, monitoring, and capacity-building to legislative assistance and the promotion of inter-cultural dialogue.

The office of the OSCE High Commissioner on National Minorities (HCNM) also has an important role thanks to its mandate to identify and seek

early resolution of ethnic tensions. In pursuing this mandate, the High Commissioner has made recommendations on education, language, political participation, broadcasting in minority languages, and policing in multi-ethnic societies – all based on the concept of integrating diversity. The High Commissioner has also developed close networks of co-operation with other international actors in this area, including the United Nations, the Council of Europe, and the European Union. In this context, the High Commissioner also co-operates closely with NGOs and other members of civil society in the countries where the HCNM is engaged.

The OSCE Representative on Freedom of the Media is another key instrument designed by the participating States to act in this area. The Representative has been tasked with observing media developments in OSCE participating States, and promoting full compliance with OSCE principles and commitments on freedom of expression and free media. As we have witnessed in the last few years, the media can play a catalysing role – positive and negative – in the area of tolerance and non-discrimination. The OSCE Representative on Freedom of the Media has a difficult but vital task.

The main responsibility of the OSCE Parliamentary Assembly is to enable inter-parliamentary dialogue, an increasingly important aspect of the overall effort to meet the challenges of democracy throughout the OSCE area. Issues related to tolerance and non-discrimination have become more prominent on the Parliamentary Assembly's agenda in recent years.

Responding to political calls for increased OSCE activity in fighting all forms of intolerance and discrimination, three Personal Representatives of the Chairman-in-Office were appointed to combat various forms of intolerance and discrimination. The Personal Representatives have acted to raise awareness among participating States and other actors in the OSCE area and also to catalyse debate on issues relating to tolerance and non-discrimination.

In addition, the Secretariat has acted through its various specialized units and in its role of supporting the OSCE's rotating Chairmanship. The Secretariat's various offices and units, which were created to address economic and environmental matters, conflict prevention, confidence and security building, policing, gender, trafficking in human beings, and action against terrorism, all undertake activities related to strengthening tolerance and non-discrimination.

The 19 OSCE field operations have become a primary tool for promoting common values and agreements and for assisting participating States in their efforts to implement agreed commitments. The mandates of the numerous operations have varied according to the circumstances and needs of the host state, and included multiple activities linked to awareness raising and capacity building with state institutions and civil society.

What does all of this add up to in practice? Weaving all these instruments together, the OSCE has developed multiple means of bridging the gaps

between societies and cultures in order to promote the security of individuals, societies, and states. A few examples may be useful as illustrations.

ODIHR has extensive and innovative programmes and activities to support states in implementing the commitments reached to combat hate crimes on the internet. Certainly, the member states of both the European Union and the Council of Europe – which include many OSCE participating States – have taken legislative steps to criminalize and prosecute the perpetrators of cyberhate. In addition, all OSCE States have committed themselves to examining their existing legislation for its effectiveness in regulating internet content. ODIHR has catalysed work to support states in creating mechanisms for monitoring and reporting online hate. One aspect of ODIHR's strategy has been to encourage the setting up of hotlines or complaints bureaux where members of the public can lodge complaints against offensive internet material.

In the field of education, ODIHR has worked on a project to provide a snapshot of how discrimination and intolerance have been handled in education and to draw up a set of best teaching practices. Other activities include those related to combating racism and discrimination against Roma and Sinti and the many activities undertaken by OSCE field operations (e.g. in relation to the education law in Bosnia Herzegovina). ODIHR has also worked on guidelines for teaching about religions and beliefs in the OSCE area. In addition, many field operations have devoted special attention to youth initiatives. For example, the Spillover Monitor Mission to Skopje has implemented a training programme on multiculturalism, anti-bias, and peaceful conflict resolution that targets teachers, school boards, and parents. The Mission in Kosovo has developed youth assemblies, whose main tasks include preventing interethnic tension. In Central Asia, the OSCE has reached out to the youth by supporting summer camps and cross-border camps, and by strengthening academic networks and dialogue.

The activities of the Mission to Bosnia and Herzegovina in the field of education in a multicultural and multi-ethnic country are revealing. Following the development of the Education Reform Strategy in 2002, one of the OSCE's primary objectives has been to ensure that all efforts are focused and co-ordinated. Educational reform has represented an immense undertaking, involving hundreds of local education experts, authorities and NGOs, as well as international agencies. In its activities, the OSCE has drawn on its vast experience in developing public policy, its advocacy capacity, and its strong field presence to help the process of reform move forward and to encourage increased local ownership from the grassroots right up to ministry level. On the whole, OSCE activities have helped to support the development of a more multicultural education system that should be no longer burdened by nationalist politics and which fulfils the educational needs and fully respects the identity and culture of all students.

A fundamental part of the strategy of the HCNM, as of the OSCE as a whole, has been to act in concert with partner international organizations – the United Nations, the Council of Europe, the European Commission, the World Bank, and other donor agencies, as well as international NGOs. Building such a network for co-operation has been an important means of increasing the effectiveness of the HCNM's work, broadening channels of influence, co-ordinating activities, and making better use of available staff and financial resources. For example, the High Commissioner has developed close co-operative relations with the Council of Europe over the years, especially with the latter's Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) and the Venice Commission. Co-operation deepened after both organizations signed a political agreement in 2005 to enhance co-operation. Indeed, "national minority issues" was one of the agreement's four priority areas, and the High Commissioner was appointed OSCE focal point for minority issues within this framework.

Here, we should also note the OSCE's activities in promoting modern policing methods and force modernization in the OSCE area. For example, establishing a strong and credible police service has been one of the major challenges faced by Kosovo. The rule of law cannot be achieved without law enforcement that works for the good of all people and enjoys their trust and confidence. The OSCE Mission, UNMIK, and the Kosovo Police Service (KPS) have worked together to create an effective police force guided by the principles of democracy and human rights, which will continue to play a major role in the reconciliation process. Police training has also complemented the Mission's efforts to help establish rule of law and promote respect for human rights. While UNMIK police assisted with on-the-ground policing and police administration, the OSCE has worked to train police officers according to international human rights and community-based policing standards.

In addition, programmes and activities undertaken within the Secretariat by the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OECCA) and the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings seek to establish sustainable environmental development and protection and to combat trafficking in human beings, respectively. These all draw on a set of universally recognized values that can be powerful means of uniting people from different groups. OSCE action on gender issues is another example. Women are frequently among the most vulnerable members of society, particularly in conflict situations, but they have also often proven more ready to bridge cultural, national, and ethnic gaps. In this context, the OSCE has acted to encourage women to participate fully and equally in conflict prevention, conflict resolution, and post-conflict rehabilitation.

The Office of the OSCE Representative on Freedom of the Media has developed multiple activities to combat misperceptions, prejudice, and ignorance, including hate speech. The work of the Office has focused on developing responsible journalism and media self-regulation, internet literacy, and on issuing recommendations concerning broadcasting in minority languages (in co-operation with the Office of the HCNM). With regard to media and communications, the FOM has paid particular attention to seeking to strengthen responsible journalism, and to the internet as a major and often polarizing force.

In sum, the OSCE approach marries commitment with practice, bringing together an evolving set of values related to tolerance and non-discrimination with a wide range of activities that are undertaken with the aid of a well-furnished toolbox.

The Alliance of Civilizations Initiative

The OSCE contribution to the Alliance of Civilizations initiative in June 2006 followed the same lines. It reviewed the OSCE's engagement across multiple areas of activity to build and advance tolerance and non-discrimination. The report detailed the range of relevant OSCE commitments in this area, highlighting the OSCE as a framework for promoting tolerance. The report also examined the mandates and activities of the structures, mechanisms, and tools in the OSCE toolbox, including the 19 field operations and the institutions. Finally, the report examined the efforts undertaken by the OSCE in the four priority areas put forward by the Alliance of Civilizations initiative (education, youth, migration, and media).

On 13 November 2006, the high-level group presented its final report to the UN Secretary-General. It defined the *raison d'être* of the Alliance of Civilizations as "the need to build bridges between societies, to promote dialogue and understanding and to forge the collective political will to address the world's imbalances [which] has never been greater".⁴ The report consisted of two parts, the first presenting an analysis of the global context and the state of relations between Muslim and Western societies, and the second reflecting the high-level group's view that tensions across cultures have spread beyond the political level into the "hearts and minds" of populations. In order to counter this trend, the report presented recommendations in the four key areas mentioned above.

Follow-up came in early 2007, when the UN Secretary-General appointed the former president of Portugal, Jorge Sampaio, as the High Representative for the Alliance of Civilizations and charged him with leading the implementation phase of the Alliance. On 14 June, Sampaio presented the Alliance of Civilizations Implementation Plan (2007-2009) to the UN

4 United Nations, *Alliance of Civilizations*, cited above (Note 1), p. 3.

Secretary-General.⁵ The plan provided an overview of the defining principles and key objectives (including developing a network of partnerships with states, international organizations, civil society groups, and private sector entities) of the Alliance of Civilizations and outlined the structure that will support the Alliance's work (including an annual forum). In addition, the Alliance is designed to act as a clearinghouse and a repository of best practices, materials, and resources on cross-cultural dialogue and co-operation projects. A rapid response media mechanism to address cross-cultural tensions will also be established, together with a number of collaborative pilot projects in areas such as media, youth employment in the Middle East, and student exchange programmes.

Clearly, the OSCE's body of commitments and practical efforts is complementary to the UN initiative. The OSCE's continuing focus on issues of tolerance and non-discrimination has led to the development of a political *acquis* that shares much common ground with the Alliance of Civilizations initiative. Indeed, the Organization, thanks to its function as a forum for political debate, the support it provides to states in the implementation of commitments, and the range of its capacity- and confidence-building activities, is already making a substantial contribution in its own region and with its Partners to promoting similar goals. And it stands ready to do more.

Conclusions

The OSCE's comprehensive approach to security is the basic framework for its activities to promote tolerance and non-discrimination. Acting through the institutions and on the ground – whether in Bishkek, Skopje, or Zagreb – the Organization has developed a multifaceted approach to a problem that itself has many faces.

Protecting fundamental freedoms has been at the heart of the CSCE/OSCE project since its inception in 1975, and assisting countries in the transition to democracy has been a central activity of the OSCE since 1990. Today, OSCE States face new challenges to democracy stemming from the need to integrate diversity in a healthy manner in increasingly complex societies. The problem concerns all OSCE States equally. Intolerance, hate crime, and terrorism are creating fear and distrust in multicultural cities and societies across the OSCE area. As already mentioned, stereotyping, marginalization, and a lack of integration threaten to rip apart tightly interwoven communities within the OSCE area, leading to anger and resentment that have bred hatred, or even violence. The so-called “cartoons crisis” that erupted in January 2006 over the publication by numerous media outlets of caricatures of the Prophet Muhammad was a case in point. Building tolerance

5 United Nations, *Alliance of Civilizations Implementation Plan (2007-2009)*, New York, at: <http://www.unaoc.org>.

and non-discrimination has become central to protecting and enhancing the quality of democracy across the OSCE.

The OSCE has become highly active in this area since 2002. As an Organization of common values among equals that spans three continents and encompasses major world religions and cultures, the OSCE is indeed already an alliance of civilizations in action. On the whole, the OSCE has been led by four goals in promoting tolerance and non-discrimination: First, to clarify “first principles” for understanding the issues at stake, shared by the participating States; second, to build relevant capacities, both at state-level and in society as a whole; third, to monitor and report on developments as a way to support the implementation of commitments; finally, to act as a regional platform for global initiatives.

For the international community, much hard work remains to be done to tackle the challenge of integrating diversity to create effective democracies. The OSCE is ready and willing to continue to play a major role in this key endeavour.

The Role of Religion in the Dialogue of Civilizations

Heads of state and religious leaders, military officers and peace activists, law experts and social workers, theologians and political scientists – everyone is calling for a “dialogue of civilizations”. It is lauded across all political and social levels and platforms as a magic formula, as a panacea against all types of conflict, as an effective answer to religiously motivated terrorism – and as an active “contribution to security policy”¹ and a necessary complement to military measures. It is the answer to Samuel Huntington’s thesis of a “clash of civilizations”. But while Huntington’s “dark prognoses” have since been “weighed in the scientific balance and found wanting”,² the dialogue – from “intercultural childcare” right up to the United Nations “Year of Dialogue Among Civilizations”³ – has been considered more than ever to be an important, perhaps even a central means of tackling cultural and religious conflicts. However, both in calls for and in the practice of this dialogue there tends to be a shortage of reflection. What is “dialogue”? Who conducts it and how? What is civilization? How is one defined and by whom? Who is able to legitimately represent a civilization in a dialogue?⁴ Above all – what is such a dialogue intended to achieve? What are the reasons, intentions, and goals? How can the relationship between religion and civilization be described? And not least: What is the concrete impact of dialogue events?

Not all these questions and concepts can and should be discussed in depth here. The focus lies far more on what *religious actors* – believers, clergy, official representatives, as well as groups and initiatives – can contribute to the “Dialogue of Civilizations” in the form in which it is currently being called for and carried out. It would be natural for religions to be drawn into this dialogue, as they not only embody cultural values and traditions and may therefore be key factors in cultural identity, but they may also (as a result of the former) play a significant role in the justification and legitimation

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- 1 Naika Foroutan, Das Zeitalter der Zivilisationskonflikte [The Age of Civilizational Conflicts], in: Institut für Auslandsbeziehungen (ed.), *Kulturaustausch online – Zeitschrift für internationale Perspektiven* 1/2006, at: <http://cms.ifa.de/publikationen/zeitschrift-fuer-kulturaustausch/archiv/kulturaustausch-2006/fernbeziehungen/foroutan> [this and all subsequent translations from non-English sources by the author].
 - 2 Andreas Hasenclever, Geteilte Werte – Gemeinsamer Frieden? Überlegungen zur zivilisierenden Kraft von Religionen und Glaubensgemeinschaften [Divided Values – Common Peace? Thoughts on the Civilizing Power of Religions and Faith Communities], in: Hans Küng/Dieter Senghaas (eds), *Friedenspolitik* [Peace Policy], Munich 2003, pp. 288-318, here p. 289.
 - 3 The United Nations considers itself as an “instrument for the dialogue among civilizations”, see: http://www.unric.org/index2.php?option=com_content&do_pdf=1&id=4011 (in German).
 - 4 Cf. Armin Nassehi, Dialog der Kulturen – Wer spricht? [Who Speaks in the Dialogue of Civilizations?], in: *Aus Politik und Zeitgeschichte* 28-29/2006, pp. 33-38.

of violence as a means of prosecuting a conflict. However, the proponents of dialogue are right to conclude that this role can by no means only contribute to escalation, but also to the de-escalation of conflicts, even though both research and publishing tend to concentrate on the potential for escalation.

Of course, the very concept of a dialogue of civilizations or religions immediately raises criticisms: How can a dialogue deal with religious “truths”, values, and “ultimate questions” – the very factors that distinguish and divide religions. Should the attempt even be made, or would it be more productive to concentrate on that which is shared – on transreligious ethical principles? Does open dialogue between religions really contribute to understanding or is it destined to fail? Does it even carry a risk of further intensifying conflict? Is perhaps the “only solution [...] to shift the ground of the debate from religion”,⁵ as Pratap Bhanu Mehta, president of New Delhi’s Centre for Policy Research, argues? It is also necessary to ask what external political influences affect an interreligious dialogue, in view of, for instance, the influence of the Turkish Ministry of Religious Affairs on the sending of imams to Germany. In states with a high proportion of immigrants from other cultural areas, the dialogue between civilizations is problematized by the fact that the immigrants or their descendents often adapt to some degree to the new culture and no longer see themselves as belonging (exclusively and unambiguously) to their civilization of origin. And finally, an interreligious dialogue based on tolerance and mutual respect also requires these by no means straightforward issues to be dealt with at the *intra*-religious level.

All of these problems are worthy of thorough consideration; sometimes, however, this third step is taken before the second is considered. Dialogue between religions does take place and will continue to take place simply because many believers feel themselves obliged for religious reasons to seek understanding and co-operation with members of other faiths. Nonetheless, before analysing and evaluating existing dialogue events, critics often raise fundamental objections about their meaningfulness and usefulness. This is done in place of asking under what conditions and by what means religions have so far contributed to successful dialogue – i.e. dialogue that managed to reduce tension, conflict and violence – or are capable of doing so in the future.

In the following, therefore, the focus shall be on *practical aspects* of religious contributions to a dialogue of civilizations. In it, I shall distinguish between three central functions that religions can play in civilizational conflicts:

1. Religions as “bridges” between civilizations.
2. Religions as actors pursuing intercultural understanding and détente.
3. Religions as actors pursuing concrete conflict management tasks.

5 Pratap Bhanu Mehta, *Globalization and God. A Culture of Religious Exchange*, at: http://www.qantara.de/webcom/show_article.php/_c-478/_nr-536/i.html.

While these functions certainly overlap and influence each other, in the current context, the artificial distinction may be of use.

Religion as a “Bridge” Between Civilizations

When conflict parties belong to the same religion, this amounts to a vital connection between them – across confessional, cultural, ethnic, and socio-economic divisions. A bridging function is available here because the opponents can fall back upon shared religious values and traditions, which tend to deeply inform the relevant civilizations and (individual and collective) identities. In such contexts, religions are called upon to ensure that these values are perceived in the public consciousness as *common* principles with universal applicability and to demand that they be upheld by all parties to the conflict.

When the opponents belong to different religions, it is first necessary to identify common religiously based values and then to install these in the public consciousness. All religions possess a potential for conflict; their scriptures and traditions can be interpreted as supportive of violence, their histories contain gruesome examples of religiously legitimized violent excess. Yet equally, every religion also has a potential for peace; their scriptures and traditions can also be interpreted as opposing violence, and their histories contain impressive examples of religiously based renunciation of violence and the promotion of peace. Mahatma Gandhi, Martin Luther King, and the current Dalai Lama can stand for the many less well-known “silent” actors. These peace-oriented interpretations and traditions are, in their turn, based upon key ethical values such as non-violence, humanity and human dignity, tolerance, and respect. Such fundamental principles link the most disparate religions despite all their many dogmatic contradictions and irreconcilabilities. These common ethical standards can be built upon. They are a bridge between religions, civilizations, and conflict parties. Of course, this commonality cannot remove the causes of conflict and do not eliminate the need for the hard work of finding solutions, but, in the form of non-violent conflict management, it can assist such efforts, sometimes providing decisive support. The “Declaration Toward a Global Ethic” made by the second Parliament of the World’s Religions (7,000 representatives of 250 faith groups) in Chicago in 1993 is an example of an agreement on ethical standards of this kind. The declaration concerns “not the truth of world views, not that which religions believe, but rather common standards of behaviour as a basis for the dialogue of civilizations and as an alternative strategy to fanaticism and war ‘in the name of God’”. It concerns a minimal ethical consensus that gives our world cohesiveness at the deepest level. It concerns values and norms that are essentially identical for all civilizations and societies, all re-

ligions and nations.”⁶ Whether one calls this a global ethic (Hans Küng), consensus (Jürgen Habermas), or international morality (Roman Herzog),⁷ the fact that representatives of religions subscribe to these values while stressing their *religious* basis is an important intermediary step. And although there are no means of using sanctions to enforce the agreed standards of behaviour within a religion, representatives of all religions who are open to dialogue can make use of this document and build on it.

The image of a “bridge” is a symbol, and inter-religious dialogue is itself often symbolic, at least at the level of religious “leadership”. In the public sphere, “dialogue” largely appears to take the form of discussions between senior officials and high-ranking dignitaries from various religions. Such discussions mostly take place at conferences or staged platform events. Little detail of the content of these discussions is shared with the public; it is considered enough of a success that representatives of different religions come together more or less harmoniously, and the fact that they are able to speak with each other in a civilized fashion turns this into a “dialogue”. Admittedly, such events often have little more than a signalling and a symbolic effect, yet this should not be underestimated. The evidence of a readiness to enter into discussions (one’s own and that of the members of another religion), the encouragement of similar meetings at other levels of organized religion, and the publicly staged demonstration of tolerance and respect for other religions are indispensable. This can be crucial, for instance in preventing political conflicts from becoming religiously charged and instrumentalized. Conversely, it is also necessary to ask what message would be transmitted if religious leaders were not willing or able to meet each other in a spirit of respect and peace. The absence of dialogue would – intentionally or not – stress the differences and the rejection of those of other beliefs, thereby contributing to conflict escalation. To that extent, there is no alternative to such religious “summits”, irrespective of any tangible achievements. They should rather take place more frequently, until interreligious meetings are considered a matter of course.

If, however, we consider religious leaders to have a certain political and hermeneutical authority within their own communities, the effect of such summits could clearly be stronger and more concrete. Agreeing on binding ethical standards across religious boundaries is important. However, what is also required are measures to publicize and enforce these standards as binding within each religion. In order to ensure that more than the already “well disposed” and moderate are reached, it is important that the results of the dialogue are reflected in the mass media, in sermons and religious instruc-

6 Martin Bauschke, *Dialog oder Kampf der Kulturen? Die Rolle der Religionen in der Welt-politik* [Dialogue or Clash of Civilizations? The Role of Religions in World Politics], at: <http://www.uni-muenster.de/Politikwissenschaft/Doppeldiplom/woyke/Religion.pdf>, p. 13. Cf. also Parliament of the World’s Religions, *Declaration Toward a Global Ethic*, Chicago 4 September 1993, at: <http://www.cpwr.org/resource/ethic.pdf>.

7 Cf. Foroutan, cited above (Note 1).

tion, in the education of children and clergy, in schoolbooks, textbooks, prayer books, and hymn books, in the curricula followed by trainee teachers, soldiers, and journalists, and, finally, in political circles. Religious leaders are presented with far-reaching opportunities. The fact that they often do not take these up suggests, on the one hand, a degree of unwillingness on their part, but it may also be a sign of a lack of reflection on what such dialogue events are intended to achieve and how this is to be realized in practice.

Religions as Actors Pursuing Intercultural Understanding and Détente

The signals sent out by a dialogue between senior representatives of religions are directed at the public and politicians, on the one hand, and at members of the religions of the various participants, on the other. Clergy and “ordinary” believers need to take advantage of the momentum and develop it in their communities. Grassroots-level dialogue can focus less on the development of a universal ethos; that would in all likelihood be too demanding for the participants and is almost guaranteed to lead to conflict with the leadership. Of course, theological and other disputes should be discussed by ordinary believers, but (collective) action is likely to have a more powerful and durable effect. Participating in an exchange of views generally requires a capability for intellectual reflection and a certain level of pre-existing knowledge, which is why it is preferable that such discussions be carried out by people with an education in religious and rhetorical matters, especially since the number of participants is usually limited. Such exchanges will not affect either the easily swayed “religiously illiterate” (R. Scott Appleby)⁸ or the violence-prone extremists on either side. Uncertainty or mistrust, religious prejudices or theological reservations, negative experiences, or simply a lack of interest hinder them from taking part in such “verbal dialogues”. Practical engagement, on the other hand, is open to everybody. And at the local level, resources and opportunities for co-operation are available that may well be lacking at the leadership level or would provoke infra- or inter-religious controversy if exercised at that level. Examples include inter-faith prayer meetings, the joint celebration of festivals, or “even” joint Protestant-Catholic communion services. This kind of “active dialogue” largely concerns the development of personal familiarity, the correction of cultural or religious stereotypes and clichés, and the reduction of mistrust and fear – factors that can play a major role in the (violent) escalation of conflicts. Collective activities can not only reach far more people, they allow the establishment of contacts on a day-to-day level – beyond religious and cultural differences, beyond dogmatic contradictions, beyond current or historical conflicts with a religious component,

8 Appleby defines “religious illiteracy” as “the low level or virtual absence of second-order moral reflection and basic theological knowledge.” R. Scott Appleby, *Ambivalence of the Sacred. Religion, Violence and Reconciliation*, Lanham (Mass.) 2000, p. 69.

and, moreover, beyond obvious moral or pedagogical intentions and expectations.

There remains much vain competition and senseless squandering of resources. But why should there be no multifaith children's, youth and women's groups? Why no joint daytrips? Why does every religion and denomination in each community require its own newsletter? Joint publications would inform members of *all* religions of forthcoming festivals and events (and provide background information), and would encourage mutual knowledge and enable understanding. Joint statements formulated by local religious communities on political or religious topics would manage to avoid the anonymity and abstractness of similar declarations carried made at higher levels. Why are there no Christian-Muslim "community partnerships" (whether within a single city or across state boundaries) designed to enable mutual visits and support, similar to the work performed by the reformed churches in East and West Germany? A Catholic congregation in Cologne recently donated the money collected at its own anniversary celebrations for the building of a neighbouring mosque.⁹ The recipients know that it is the people in their neighbourhood who are supporting them – the people they meet in the shops or on the streets, perhaps previously with mistrust and insecurity on both sides. Measures of this kind are ideally suited for changing – i.e. relaxing – relations between people in a lasting way. Differences do not disappear as a result, but they no longer separate people into potentially conflicting groups. People of other faiths are seen as "normal", perhaps even as friendly, as is often the case at work or in sport clubs. Just this is already a contribution to understanding and a form of intercultural dialogue and *rapprochement*. It is the basis that can lead to common activities, and it is such activities that can motivate religious leaders. A good example is a development aid and reconciliation project supported by the Association of Churches and Missions in South Western Germany (*Evangelisches Missionswerk in Südwestdeutschland, EMS*): In a disputed area of Indonesia that is afflicted by civil conflict, the local reformed church set up and advised fishery co-operatives in which Christians and Muslims co-operate on both the catching and the selling of fish in order to earn a living. Erstwhile enemies now literally sit in the same boat and pull together; they are dependent on one another and profit from each other. This experience and the (trusting) human relations established as a result have also survived through new periods of trouble.¹⁰

At the level of the religious grass roots and the ordinary clergy, inter-religious *activity* is a more effective way to contribute to a dialogue of civilizations. It is also natural to stress activity in the local context, given the concrete problems and issues that need to be resolved and the opportunities

9 Cf. Monika Maier-Albang, Eine Investition in den Frieden [An Investment in Peace], in: *Süddeutsche Zeitung*, 4 April 2007, p. 9.

10 Cf. Christine Grötzinger, Fischen versöhnt Muslime und Christen [Fishing Reconciles Muslims and Christians], in: *Evangelisches Missionswerk in Südwestdeutschland* (ed.), *Aufruf zum Dialog* [Call to Dialogue], Stuttgart 2007.

available to do so. Nevertheless, this by no means excludes dialogue in the form of discussions and conferences. Indeed, verbal and active dialogues should ideally be combined and links established between the leadership and grassroots levels. Leadership-level meetings and measures within each faith community should encourage and support joint activities at a local level but should certainly not replace them. If discussion does not result in some kind of action supportive to the peaceful coexistence of religions, peoples, and individuals, it loses its effectiveness and very *raison d'être*.

Religions as Actors Pursuing Concrete Conflict Management Tasks

Besides symbolic “summit meetings” and local initiatives, religions also possess the potential and authority to have a de-escalating effect on openly violent national and international conflicts. The media and academia’s overwhelming concern with the potential of religion for violence still very much overshadows an awareness of this specifically religious potential for *peace*. However, religious actors have demonstrated again and again that they have a particular ability to intervene in religiously and culturally charged conflicts on the side of mediation and conciliation. That is equally true with regard to conflicts in which a remote and superficial view of the parties sees them as belonging to the same cultural group (e.g. in Africa). However, if one employs a more sophisticated concept of culture, or sees things with the eyes of the conflict parties themselves, cultural elements also play a key role in conflicts that are primarily ethnic, socio-economic, and political. According to this expanded understanding, a “dialogue of civilizations” has been or still is of value in conflicts between Germans and French, between Serbs and Kosovars or Bosniaks, between indigenous Maya and the Mestizo-dominated political elite in El Salvador, between (mostly Arab-Muslim) North and (mostly African-Christian) South Sudanese, between Tamils and Sinhalese in Sri Lanka, between Hutu and Tutsi in Rwanda, and between Christians and Muslims in Sierra Leone, Uganda, and Liberia.

In all the named conflicts, religious actors made an extremely important contribution to de-escalation and the avoidance of violence: Franco-German understanding following the Second World War was decisively encouraged and supported by the American evangelist Frank Buchman and his Moral Re-Armament movement; the Community of Sant’Egidio, a Catholic lay movement, was active in Kosovo; in many countries in Latin America, individual Catholic bishops, such as Oscar Romero, as well as external organizations like the Lutheran World Federation contributed to the settlement of the region’s civil wars; in Sudan, the World Council of Churches mediated an eleven-year peace in 1972, and the activities of Christian churches continue to be successful above all in conflict settlement in Southern Sudan; in Sri Lanka, the Buddhist *Sarvodaya Shramadana* movement performs a wide

range of emergency assistance and reconciliation work; Rwanda's Muslims opposed the 1994 genocide and offered protection and emergency assistance to persecuted Tutsis and moderate Hutus; the urgings and engagement of interreligious councils in Sierra Leone, Uganda, and Liberia were decisive in bringing an end to the violence and remain vital to keeping the peace.

Religious actors have also proved their peacemaking and de-escalation potential in other conflicts, whether wars, civil wars, or resistance struggles waged against oppressive regimes. Examples include the Biafran War in Nigeria at the end of the 1960s (Quakers), Lebanon (1982), and Mozambique (1989-92, *Sant'Egidio*), Madagascar (1991-92), and the Philippines (1984-86, elements within the Catholic Church), the non-violent independence struggle of the Islamic Pashtuns against the British colonial rulers (1930-47, Khan Abdul Ghaffar Khan), the Argentinean-Chilean Beagle Conflict (1978-84, Pope John-Paul II), Cambodia (since 1979, *Maha Ghosananda*), not to mention the "*Wende*" in the GDR (1989-90, protestant church).¹¹

The examples show clearly that religious peacemakers can be found in all faiths and cultural areas. And the peacemaking potential of religion is not limited to high-ranking representatives or charismatic leaders, although, because they are able to command the attention of politics and society, they are the bearers of great responsibility. Nor is the success of religiously based interventions restricted to particular kinds of conflict or particular modes of intervention. War or resistance struggle, local or international, preventive or at the height of hostilities, peace negotiations or reconciliation activities: The success of religiously based constructive conflict management can never be ruled out *a priori*. Naturally, that does not mean that religious actors can intervene successfully in *all* conflicts, but it illustrates their potential – the fact that opportunities are sometimes presented to them that are not available to secular political actors. The key element here is the extra trust that religious actors are often afforded in contrast to their secular counterparts. Explicitly religious peace activists are more likely to be considered independent and fair, and therefore to act as disinterested "honest brokers". This reputation is generally independent of whether the conflict mediators share one's own faith, have the same faith as the opponent, or are adherents of a third religion: An explicit and convincing appeal to religious texts and traditions is often seen as trustworthy *per se*, although it must of course be backed up with disinterested and credible behaviour.

The peacemaking potential of religions is especially (but not only) great in relation to conflicts and settlement processes that themselves have a religious or cultural character. Yet not only political actors, but also the religious communities themselves have generally failed to realize their own concrete,

11 Further details and examples can be found in Markus A. Weingardt, *Religion Macht Frieden. Zum Friedenspotential von Religionen in politischen Gewaltkonflikten* [Religion Powers Peace. On the Peacemaking Potential of Religions in Violent Political Conflicts], Stuttgart 2007.

politically relevant potential – both locally and internationally. It is therefore incumbent upon the religions to discover their capabilities, expand them, and offer them more actively in conflict situations. At present, too much is left to chance and individual initiative. Representatives of conflict parties, governments, political organizations (e.g. the UN, the EU, and the OSCE), and secular peace initiatives would do well to make more use of religions' significant potential to work for peace and to encourage them to take seriously the responsibilities they ascribe themselves. Last but not least, the mass media should also report on the many-sided activities undertaken by religious actors to promote *peace*. This would be a major contribution to dismantling religious and cultural prejudice and suspicion.

The “Dialogue of Civilizations” between OSCE States

The desires of the signatories of the 1975 Helsinki Final Act focused on “overcoming distrust and increasing confidence”¹² between the participating States. Among the means by which this was to be achieved was “cultural exchange”, though admittedly there was still no direct mention of a “dialogue of civilizations”, and, when civilizations were mentioned, the stress was on language and the arts. However, no mention at all was made of religion in this context; in fact, religion is only mentioned five times in the Final Act (and only once in the 1990 Charter of Paris), and exclusively in the context of the right to freedom of religion. Religions were clearly not taken particularly seriously as significant social actors with a relevance that also touches upon the political sphere.

More than thirty years after Helsinki, and although the OSCE has undergone fundamental transformations, it covers essentially the same cultural area as always, if we recall that today's independent states with a largely Muslim population were always part of the CSCE as republics of the Soviet Union. Nonetheless, these states receive little public attention and are seldom considered in the context of cultural exchange or the dialogue of civilizations. Instead, all eyes are on Turkey – a country with a largely Muslim population between the Orient and the Occident, and a potential EU member. In the long term, however, OSCE participating States with a Muslim majority such as Kyrgyzstan, Uzbekistan, and Tajikistan could also perform a crucial bridging function between the OSCE world and the Middle East. It would therefore be advisable to create stable cultural as well as political and economic links between these states, on the one hand, and Europe and the OSCE, on the other. The leaders of the various religions can contribute to this by means of meet-

12 Final Act of Helsinki, Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: p. 142.

ings, exchanges, and co-operation. Similar “confidence-building measures” between local groups and the level of individuals will remain difficult for the foreseeable future. However, official relations need to be established and cultivated before potential interreligious tensions or the influence of fundamentalist groups make contacts difficult or even impossible. In Kazakhstan, whose population is roughly equally split between Christianity and (relatively liberal) Islam, it would be particularly advisable to establish a national interreligious council. Such an organ would also set an example for other states in the region, just as the Interfaith Mediation Committee in Liberia (1990, later the Interreligious Council) inspired the creation of other interreligious councils in West Africa.

Summary

In the absence of social or political conflict, a dialogue of religions would amount to merely a discussion of theological issues. And while that is no small thing in itself, it is not the cause and aim of the current world-wide demand for dialogue. Dialogue, in the sense in which it is being used here, is intended far more as a contribution to the management of existing or incipient conflicts and efforts to prevent them from becoming violent. Here, the religions – as key social forces, as bearers and mediators of values, as potential bridges between civilizations and states, as trustworthy agents of peace – are considered to possess definite capabilities. In order to analyse the role of religion in the dialogue of civilizations and to make recommendations regarding its form and content, it is necessary to identify both the participants in the religious dialogue and the goals of the dialogue or hoped-for dialogue.

Religions are represented by a) their leading members (generally holders of high spiritual offices and other dignitaries, such as bishops, patriarchs, and grand ayatollahs, sometimes including learned members of universities and other centres of spiritual learning); b) the ordinary clergy (priests, imams, rabbis, monks, etc.); and c) the mass of believers (ordinary adherents with no leadership role). The way a (potentially violent) conflict manifests on each of these levels is different, and the requirements of a dialogue vary accordingly, as do the opportunities that exist and the means available to frame such a dialogue.

The goals of dialogue must be set in such a way as to take into account the causes of a conflict and the issues at stake, the conditions that this imposes on any dialogue, and the formal opportunities available for framing any dialogue. The participants from various cultural and/or religious groups need to clarify whether their collective efforts are intended to increase their knowledge and understanding of each other’s culture and religion (on a personal level) or to arrive at an agreement on binding ethical standards; whether the dialogue is to deal with specific conflicts in detail or to publicly counteract

the religiously charged nature of the conflict; whether the intention is to develop general statements or to make specific political, legal, military, economic, or socio-political demands; and whether it is intended to address the various communities of believers, the political elites of the conflict parties, society as a whole, or an international public.

Conclusion

The dialogue of civilizations is no panacea. Indeed it is not any kind of a remedy as long as it remains unclear what the “sickness” is, i.e. what needs to be cured. A conflict is not necessarily a “sickness”, is not negative *per se*, but it must not be allowed to escalate into violence. Any steps that aim at constructive conflict management, of which a “dialogue of civilizations” is *one*, must be preceded by a thorough diagnosis. There are a large number of different measures that religions can take to contribute to this dialogue, to initiate it, and to encourage it – from soup kitchens to peace treaties. However, the measures must conform both to the intended goals and to the instruments and opportunities available to reach them. Verbal and active dialogue need to be combined, as do the various hierarchic levels. The trump card that religious leaders hold is the symbolic power of their activity, whether they meet for high-level talks or – perhaps more importantly – express their sense of partnership and respect by visiting other religious communities in person. This power of symbolic action, which requires no great effort to perform, has by no means been exhausted.

However, claims to exclusive truth and absoluteness threaten to damage or even wreck the dialogue of religions. Believers and religious leaders often fear a weakening of their own religious sensibilities if other faiths are accepted as potential pathways to “ultimate truths”. The insistence on the exclusivity of a *single* true way to salvation devalues other religious paths and makes dialogue considerably more difficult. Respect and tolerance with regard to other religions is, however, a fundamental prerequisite for interreligious dialogue and co-operation. And yet real respect begins when I can assert my own personal religious truths *for myself* while accepting another’s differing religious truth and conviction as authoritative and valid without restrictions *for him*.

Where dialogue is not practised as a purely theological discourse but focuses rather on human interaction and peaceful behaviour in (specific) conflict situations, there it is advisable to concentrate on the urgent problems and to address “ultimate questions” quite literally last of all.

Building Co-operative Security

What Has Happened to Arms Control?¹

Introduction

While the major military powers of the world may not currently be in a state of systemic conflict, this does not mean that the most influential powers are not rivals or that their strategic interests do not collide occasionally. This is also true of the OSCE participating States. Furthermore, nowadays, Europe is at the centre neither of global power nor of global conflict. In this sense, the old continent has broken with five centuries of tradition. These two factors define the contours of military security in Europe at present.

Policy Challenges

Systemic Challenges and the System of International Security

Since the end of the Cold War, power asymmetries have increased in the international system. This has gone so far that the current system of international relations is commonly described as unipolar, particularly as far as international security is concerned. This unprecedented international environment has created a great need for arms control to adapt.

Interest in arms control has fallen as a result, particularly on the part of the country that has achieved such a concentration of military power and such a broad array of means of influencing international security. An essential precondition for strategically meaningful arms control is that the superior military power is committed to adopting it. This does not mean that unipolarity cannot emerge in a form that recognizes the role of arms control.

In a world in which there is no conflict between systems, there is also no strong inducement to put particular interests on the back-burner and unite large groups of countries around security measures such as arms control.

In a world that is largely globalized in terms of technology, economics, and culture, an international security system that carries an overwhelmingly regional legacy (except for non-proliferation measures such as the Nuclear Non-Proliferation Treaty, NPT; the Biological Weapons Convention, BWC; the Chemical Weapons Convention, CWC; supplier groups; and the Prolifer-

¹ This paper is based on the author's presentation on "Parameters for Future Security Cooperation Taking into Account the Existing Arms Control Obligations and Commitments in the OSCE Area" delivered at the Special FSC Meeting on Existing and Future Arms Control and Confidence- and Security-Building Measures in the OSCE Area, held in Vienna on 24 October 2007.

ation Security Initiative, PSI) leaves a lot to be desired. Measures to prevent the proliferation of weapons of mass destruction (WMDs) and their delivery vehicles are essential, as they address a major global threat. It seems, however, that countering the proliferation of WMDs has become increasingly detached from other arms control measures. This has certainly been the view of some members of the current Republican administration in the US. Other arms control measures, most of which were developed in Europe, have the potential to be applied or imitated elsewhere. The introduction of parallel measures on other continents may result in some similarity (parallelism) among the world's various arms control regimes, but would not amount to globalization.

Currently, non-state actors have gained centre-stage in international security as terrorism has emerged as the main threat. To change the security situation it would be necessary to influence this type of actor. However, it is impossible to imagine agreeing upon arms control measures with terrorist groups. Arms control measures, therefore, which work at the level of inter-state relations, cannot currently address the world's most important security concern.²

Respect for international law has definitely increased overall since the end of the Cold War with the elimination of political regimes in the CSCE/OSCE area that often took legally nihilist positions. More recently, however, scepticism concerning the enforceability of legally binding documents has been growing in some circles. This is not to the advantage of arms control either.

The Geographical Shift in International Security and the Decline of Arms Control

Since the end of the Cold War, Europe has ceased to be at the centre of a global military confrontation and has gradually become a continent of peace, where the political agenda is dominated by matters other than security. During the Cold War, the Euro-Atlantic area was not only a locus of military confrontation, but also of arms control efforts. The shift away from Europe is thus also a shift away from the region with the richest arms control *acquis*. It was in this sense that arms control was conditional upon a conflict that, while global, was centred upon Europe. Although the East-West conflict of the Cold War era was not an armed conflict *per se*, it often gave the impression that it was.

In regions outside the Euro-Atlantic area, arms control has been largely confined to participation in global arms control measures. Although some re-

2 The organization "Geneva Call" aims to bring insurgent groups under the edifice of the anti-personnel landmine ban. The record of this initiative has demonstrated how difficult it is to attempt to address non-state actors on arms control matters.

gional arms control measures have emerged (such as confidence building in the border zones of Central Asia), they are still rudimentary and of marginal importance. There is thus no reason to expect that arms control in other regions will provide inertia for a general arms control “renaissance”.

Responses

When the Cold War ended, it left in place in Europe certain arms control arrangements and several formal institutions dealing with arms control. It was necessary to review the arrangements to decide if they should be scrapped, upheld, or adapted to fundamentally changed conditions. At the same time, the institutions created a body of people with a vested interest in the process.

The arguments put forward since the end of the Cold War can be grouped as follows:

1. The process of arms control did not end with the signing of instruments but also includes their implementation, verification, and the operation of the various forums that were established in relation to them (e.g. review conferences, various discussion and decision-making forums related to the START and INF agreements, the CFE and Open Skies Treaties and the Vienna Document on Confidence- and Security-Building Measures).
2. Negotiations that aimed to establish new arms control agreements continued regardless of the fundamental changes to underlying strategic relations. Several European arms control agreements were being negotiated or needed to be reviewed at the end of the Cold War. This included the discussions on limiting personnel strength under the CFE regime, the Open Skies Treaty, and a new package of CSBMs.
3. Partly as a result of objective necessity, partly as a result of a perceived need, there was movement to expand existing commitments to countries that were not parties to them. This was the case with regard to the CFE Treaty, for instance, which was originally confined to the members of the Cold War alliances, one of which was already moribund at the time of signing the treaty. The desire to do this took the form of calls for “harmonization” of arms control commitments in the CSCE/OSCE context. Although it was regarded as important to codify the harmonized commitments in the form of a treaty, little to nothing was done to put these commitments into practice. The bringing into force of the Adapted CFE Treaty may take care of a good part of this matter, as does expanding the circle of parties to the Open Skies Treaty.
4. Since the early 1990s, the adoption of arms control measures has frequently been considered as part of broad settlements to conclude major conflicts. The model for this is the 1995 Dayton agreement, which covers both confidence building and arms limitations. Although there

are not enough cases to substantiate whether this is the right venue for the future of arms control, it is certainly something that should be considered in relation to conflicts that might be “ripe for resolution”. As long as there remain some unresolved “frozen conflicts” in the Euro-Atlantic area, we will be unable to judge whether this area of arms control can prosper. The idea of post-conflict arms control has been mentioned most frequently in conjunction with the resolution of the Nagorno-Karabakh conflict between Armenia and Azerbaijan, a conflict apparently not “ripe for resolution”.

5. Measures have been considered that would have a direct bearing upon the security of people rather than exclusively that of governments. The limitation of man-portable air defence systems (MANPADS) is one relevant instance currently under consideration, and some legally non-binding documents have already been agreed upon within the OSCE framework. The OSCE participating States have recognized the responsibility of the Euro-Atlantic area in the production and spread of small arms and light weapons and agreed upon two documents.
6. Several measures have been introduced concerning the safeguarding and destruction of ammunition and stockpiles of small arms in a number of OSCE participating States. These are designed specifically for the countries in question and are often integrated in the activities of OSCE missions in the host countries. Although they represent extremely useful contributions to the security of some countries, they may not have acquired the symbolic importance that would be sufficient to recognize them as important prospective avenues of European arms control. This may also apply to the disposal of liquid rocket fuel.

The Arms Control Dilemma

In attempting to retain its relevance in international relations over the last decade and a half, arms control has been facing a dilemma. This stems from the fact that the underlying conflict that arms control aims to address has changed in terms of both its content and its geographic scope. Although the current conflict situation includes inter-state elements, its core is a conflict between states and non-state actors. This cannot be dealt with directly by means of arms control. It can, however, be influenced by inter-state measures, if states make a commitment not to assist any such non-state actors on their territory.

The first measures taken in response to the dilemma contributed to the survival of arms control in the 1990s and resulted in a larger number of arms control agreements being passed in that decade than in any other of the second half of the 20th century. It seems that the arms control agenda we knew, a set of legally or politically binding norms based on negotiations (they were

seldom unilateral or reciprocated unilaterally), has been largely exhausted. The fact that the area that has flourished best since the end of the Cold War – non-proliferation – gained autonomy and is generally regarded as only loosely associated with other bodies of arms control contributes to this.

The reaction of the arms control establishment was to seek to broaden the scope of arms control. The prime areas that they have attempted to develop have been co-operative measures on armaments such as the agreements on small arms and light weapons or on stockpiles of ammunition, defence sector reforms, and modernization “fostered” by leading democracies and their allies in various parts of the world. No doubt, they all have some relevance to arms control, but none of them fully resembles what is traditionally thought of under that name.

A further problem is that “soft” measures addressing small arms, light weapons, MANPADS, stockpiles of ammunition, and liquid rocket fuel are not considered by some states to be at the core of arms control. There appear to be two reasons for this: First, they do not have the symbolism that attaches to the limitation and reduction of heavy weapons. Second, in most cases, the measures are tailor-made and include an element of West-East assistance, and a transfer of knowledge and resources from the former to the latter. This is resented by Russia in particular. It would prefer a new European Monroe Doctrine that would forbid external interference in its traditional sphere of influence. It is clear, however that states favouring a full round of formal arms control negotiations want, in some sense, to turn the clock back. They identify arms control with negotiations on the reduction of large pieces of military hardware. By seeking to harmonize arms control commitments, some states give the impression that the security needs of each and every participating State are largely identical. This assumption is fundamentally unfounded.

The broadening of the scope of arms control has undermined its cohesion as far as both the methods applied and the desired outcomes are concerned. The shape of arms control has become unclear. This raises the question of whether it is only a linguistic convention to call some things and not others arms control – a habit born of the Cold War. The philosophical and historical questions of arms control remain: Either arms control is a wide-ranging, even all-embracing concept that can be filled with content as necessary, or it is a concept that belongs to a certain, specific historical constellation, namely the Cold War, in which case it has largely served its purpose.

This dilemma is exacerbated by new measures (both proposed and already agreed) that have made arms control a less autonomous component of international security. Arms control is increasingly brushing up against other issues of international politics, while security professionals working on arms control have to co-operate closely with other professional communities. Specifically, post-Cold War successes in the field of arms control have been linked to both humanitarian arms control and to export control, thereby in-

volving the humanitarian community³ and the business community, respectively. Purely military considerations are less prominent as a result. Not even broader security considerations could entirely free themselves of other influences.

European arms control has recently had to face a number of challenges. The history of arms control in Europe has been closely linked to the evolution of the CSCE/OSCE. It reached its peak in the late 1980s and early 1990s. Since then, the balance between the various dimensions of the OSCE has changed, and it is widely believed that the politico-military dimension has lost some of its relevance. However, this is not entirely justified. The more the activity of the OSCE is concentrated in missions, the more difficult it will become to separate activities that could be classified as belonging to different dimensions. With a greater focus on the multi-dimensional activities of the OSCE missions, the individual dimensions have become less important.

For the reasons given above, arms control in the OSCE has ceased to be about agreeing upon measures applicable to all 56 participating States that aim to reducing the numbers of large pieces of military hardware. This has given way to measures that aim to help some participating States to solve their security problems, focusing on specific practical matters. Irrespective of their actual importance, such measures are regarded by some as not being of sufficient symbolic importance to compensate for the shrinking significance of the politico-military dimension. This ignores the fact that, for instance, the sub-regional and bilateral measures agreed on the basis of the Vienna Document 1999 on Confidence- and Security-Building Measures have certainly affected security relations in the Western Balkans and the eastern Mediterranean.

There has been a remarkable tendency for items on the arms control agenda to “change hands”, i.e. to pass from the OSCE’s sphere of competence to other organizations, whenever they gained significance, while issues that were not regarded as sufficiently important have remained within the politico-military dimension of the OSCE. This creates certain problems for relations between various institutions in the Euro-Atlantic area.

Current debates on European arms control are intrinsically linked to the future of the CFE process. It is understandable that some state parties to the CFE Treaty would like to end the current stalemate while at the same time using CFE to rebalance at least two dimensions of the OSCE (the politico-military and the human). Whether or not the best way forward is to dismantle the achievements of the past is open to question. It is certain, however, that breaking the stalemate would have some positive effects. It could also contribute to retaining military transparency and addressing sub-regional imbalances at a time when co-operation is giving way to a more complex set of

3 This could be perceived clearly in the negotiation of the anti-personnel land-mine convention. Humanitarian considerations prevailed over security concerns in a number of instances.

relationships that even includes elements of limited inter-state confrontation within the OSCE area.

The major reasons that underline the need to move forwards and bring closer the entry into force of the Adapted CFE Treaty do not mean that such a symbolic step should be considered the only prospect for European arms control. This is so obvious that even countries that have advocated bringing the treaty into force would like to follow it up with a new round of negotiations on conventional arms control. It seems that issues such as harmonization of arms control commitments, naval arms control, and rapid reaction forces could appear on the agenda of such talks. Whether there will be sufficient collective determination to move beyond the bringing into force of the Adapted CFE Treaty is a matter of speculation. The more it is emphasized that the CFE process is the cornerstone of European security, the more the importance and potential of other types of arms control measures are downplayed.

The post-Cold War evolution of arms control, and particularly the most recent developments, points to the importance of co-operative security relations in the Euro-Atlantic area. It seems that the spirit of co-operation has significantly weakened due to not always well-founded demands on the one hand and some stubborn positions on the other. It should be clear to each participating State that the OSCE, including its politico-military dimension, can function successfully only if the participating States are convinced that the Organization is there to help by fostering co-operation and promoting the co-operative spirit. This may require patience and empathy toward the positions of other participating States.

Conclusions

The prime conclusion that can be drawn from the above is that arms control is in a process of adjustment and relative decline. It has also become a largely professional matter that seldom finds its place at the top of the political agenda. If Europe, the region that has the richest arms control *acquis*, does not continue to develop this area, it will face difficulties in propagating its methods to apply *mutatis mutandis* elsewhere. This is a highly regrettable side-effect of the general decline of traditional (negotiated, inter-state) arms control.

It is a result of the rearrangement of international power relations that the conclusion of arms control agreements, which was a contributing factor to the international status quo, has vanished from the agenda. It would appear that symbolic arms control agreements would not affect the status of the leading global power. Others seem far more interested in them. This applies particularly to Russia, the largest successor state of the country whose status

and influence was traditionally associated with the initiation and conclusion of arms control agreements.

The lasting decline of arms control seems to be due to the coincidence of two sets of factors: the change in the security situation that resulted in the emergence of problems that could be affected only marginally by arms control measures, if at all, and the decline of other areas within which arms control played a relevant role. In the post-Cold War era, the world does not give arms control a position of prominence among the solutions to security problems. The decline of arms control has thus been primarily a result of objective factors.

In some cases, it has been aggravated by the reaction of the arms control establishment. It is not only generals who tend to fight the last war and prepare their plans accordingly. Those involved in arms control also tend to seek to avert the last conflict by means of measures already agreed rather than focusing on new challenges. If arms control could be shaped to contribute to post-conflict settlement, or, even better, if it could play a role in the prevention of conflict, it would regain some of its lost relevance. The words of the expert who wrote at the start of the post-Cold War era that arms control “must necessarily remain meaningless in a high tension environment, whereas in a low tension environment, it becomes superfluous”⁴ proved accurate. Arms control, in the narrow Cold War sense, is doomed at least for some time to come. Either it adapts to contemporary security needs – and then its focus should be on human security, addressing small arms, light weapons, ammunition stockpiles, MANPADS, liquid rocket fuel, and the like – or it will continue to focus upon the remnants of the past.

Future Trajectories

There is good reason to keep the objective, subjective, and incidental factors apart when analysing the prospects of arms control. There is no reason to assume that the objective factors will change any time soon. In other words, the dominant players and conflict types are likely to remain the same. With regard to subjective factors, however, change cannot be ruled out. Although new governments in major capitals of the OSCE area who are taking a fresh look at arms control are unlikely to bring about revolutionary changes or attribute a pivotal role to arms control, they may well feel less prejudice towards negotiated, legally binding security measures.

Europe may continue to explore the idea of “exporting” its arms control *acquis*, while dealing simultaneously with a number of ongoing issues with its own arms control agenda. It is unlikely that the inclusion of arms control within conflict resolution activities or its export to other continents will com-

4 James Ferguson, The Changing Arms Control Agenda: New Meanings, New Players, in: *Arms Control*, September 1991, p. 197.

compensate for the loss of political attention in the Euro-Atlantic area in the foreseeable future.

In the regional context, there is some hope that several sub-regions could gradually develop a security *acquis* with arms control as an integral component. This may be true of Central Asia and the Persian Gulf region. In South Asia, negotiations on a broad range of confidence-building measures may well be necessary. The regionalization of security in the Asia-Pacific area may also foster soft arms control processes. It is not certain, however, whether it will be possible to move the focus of arms control from the sub-regional to the regional context in the foreseeable future.

Overall, there is no reason to assume that the current role of arms control will change fundamentally in a lasting manner.

Civil-Military Relations and Democracy in the New Europe¹

Introduction

The problem of civil-military relations is as old as formally constituted armed forces. The question “Who will guard the guards?” (*Quis custodiet ipsos custodes?*) is traced back to the Roman poet Juvenal. However, the 9/11 terrorist attacks and the Iraq War have re-cast this old question in a new light. Nearly twenty years ago, the end of the Cold War triggered a new era in civil-military relations, particularly in the eastern half of the European continent. The Soviet and Eastern European communist regimes had developed a particular model of civil-military relations in which the armed forces were deeply penetrated by the communist party but also retained significant autonomy in relation to military matters. The collapse of communism raised major questions about civil-military relations in Eastern Europe and the former Soviet Union: How difficult would it be to dismantle the communist model of civil-military relations and what would emerge in its place? What problems would be faced in establishing democratic civil-military relations and to what extent would militaries be an obstacle to democratic transition? The dangers were illustrated by the involvement of the military in the August 1991 coup against Soviet leader Mikhail Gorbachev and the central place of the military in the nexus of nationalism, authoritarianism, and war that was the Yugoslav conflict.

As the first decade of the 21st century comes to a close, the civil-military relations agenda has, at least in part, moved beyond that of the preceding decade and a half. The first era of post-communist transition that began in 1989 has arguably come to an end: The Central and Eastern European states have put in place the core institutions and practices of democracy and this is reflected in civil-military relations in these countries, and their accession to NATO and the EU between 1999 and 2007 confirmed their full membership of the club of Western democracies.² While some countries – such as Ukraine and Georgia – face similar challenges to those confronted by the Central and Eastern European states in the 1990s, authoritarian regimes have become entrenched in other post-communist states – such as Belarus and Uzbekistan –

1 The author wishes to thank Anthony Forster and Timothy Edmunds for contributing to his thinking in the area of civil-military relations and Timothy Edmunds for comments on this paper.

2 The term Central and Eastern Europe is used here to refer to the Visegrád Group states (the Czech Republic, Hungary, Poland, and Slovakia), the Baltic states (Estonia, Latvia, Lithuania), Bulgaria, Romania, and Slovenia.

and Russia may be moving in the latter direction. The enlargement of NATO and the EU has also created a new geopolitical environment, with the enlarged NATO and EU now forming the core of the new Europe, and this also has a bearing on civil-military relations. Parallel to these developments, the 9/11 terrorist attacks, the US “war on terror” and the US-led interventions in Afghanistan and Iraq have posed other challenges for civil-military relations, especially for the major Western powers. The US and its allies are now using military force – and planning for the possible future use of military force – in a complex variety of counter-terrorism, counter-proliferation, and state- or nation-building operations. This trend poses fundamental questions about the use of military force in world politics and the relationship between civilian political leaders and the military in shaping when and how force is used. Against this background, this chapter reviews civil-military relations in the OSCE region.

The Established Democracies

The countries of Western Europe and North America have long-established patterns of civil-military relations, dating back in most cases to the post-1945 era or earlier.³ These countries are well established democracies, where democratic civilian control of the military is deeply entrenched. Although these countries share this basic feature, national models of civil-military relations have varied significantly: In particular, a distinction may be drawn between countries which have placed a strong emphasis on civilian political control of a professional military, such as the United Kingdom and the United States (at least since the introduction of an all-volunteer military in 1973), and those that have emphasized the idea of the citizen-soldier, a model for which the Federal Republic of Germany became the archetype from the 1950s but which was also maintained by many other Western European states. Although not as dramatic as the transitions in the eastern half of Europe, the end of the Cold War generated significant changes in civil-military relations in Western Europe and North America. During the Cold War, the primary mission for most West European militaries was defence of national territory (or the defence of the territory of NATO allies, which became a *de facto* extension of national defence). For most Western European states, this rationale underpinned a model of civil-military relations based on conscription and preparation for possible war with the Soviet bloc and one in which the deployment of military personnel overseas and in actual combat operations was rare. Advocates of the citizen-soldier concept argued that the maintenance of conscription helped to maintain a vital link between soldiery and citizenry and underpin public support for defence preparations. The

3 The only exceptions to this are Greece, Portugal, and Spain, which underwent democratic transitions in the 1970s and 80s.

American experience was to some extent different from that of Western European: the US was the central protagonist in two major fighting wars – in Korea and Vietnam – and it is no coincidence that these conflicts resulted in significant civil-military turbulence in the US and the eventual abandonment of conscription.

The end of the Cold War and the disappearance of the “Soviet threat” removed the primary rationale for the large standing armies and the conscript model that had evolved in much of mainland Western Europe after the Second World War. From the early 1990s onwards, Western European states undertook a series of military reforms: significantly reducing the overall size of armed forces, re-orienting forces away from defence of national territory and towards power projection roles (for both peacekeeping and combat roles, as the old distinction between peacekeeping and warfighting broke down in the new era of peace enforcement), and abandoning or scaling down conscription. By the middle of the first decade of the twenty-first century, Belgium, France, Italy, the Netherlands, Portugal, and Spain had abandoned conscription or put in place processes to end it.⁴ The abandonment of conscription in much of Western Europe (and also in much of Central and Eastern Europe – see below) raised once again concerns about breaking the link between armed forces and societies embodied in the citizen-soldier concept. The most notable feature of the debate surrounding the abandonment of conscription in much of Western Europe, however, was the broad consensus on the issue in the countries concerned: Political leaders, military elites, and publics all supported the shift, which was implemented with virtually no opposition. There has similarly been very little concern that the creation of fully professional militaries might threaten civilian democratic control of armed forces or create militaries with too much autonomy or institutional power. In Western Europe, the primary exceptions to this trend towards the abandonment of conscription have been Germany, Switzerland, and the Scandinavian states, although even these states have generally reduced the numbers of personnel conscripted and/or the conscription period. For a variety of historic and/or geostrategic reasons, conscription is deeply embedded in these countries, and they may continue to buck the wider European trend (although in Germany’s case, as the Nazi era moves farther into the past, it is conceivable the country may abandon conscription). Ironically, although the US has, since the 1990s, been pressing its European allies to abandon conscription in order to re-direct armed forces towards power projection, the problems of military overstretch the US has faced in Iraq have led to calls for the re-introduction of conscription in America – although popular opposition appears likely to preclude such a step.

4 Cf. The death of conscription, *BBC News Online*, 29 June 2001, at: <http://news.bbc.co.uk/2/low/europe/1414033.stm>; Cindy Williams, Draft Lessons from Europe, in: *The Washington Post*, 5 October 2004, p. A25.

Some analysts argue that the abandonment of conscription and the shift from defence of national territory towards power projection are part of a wider set of security, technological, and social trends that are creating “post-modern militaries”. Moskos, Williams, and Segal argue that postmodern militaries are defined by five characteristics: increasing interpenetration of civilian and military spheres; diminution of differences within the armed services based on branch of service, rank, and combat versus support roles; a shift in the military purpose from warfighting to missions that would not traditionally have been considered military roles; movement towards international military operations authorized by entities beyond the nation-state (such as the United Nations, NATO, and the European Union); and the internationalization of military forces (through the establishment of multinational force structures).⁵ These trends are observable in most European militaries today, and the postmodern military concept certainly captures important elements of the zeitgeist in contemporary civil-military relations. However, as Anthony Forster has concluded in his recent comprehensive analysis of civil-military relations in Europe, different national histories, socio-cultural factors, and forms of military organization continue to shape European militaries in important ways, and European armed forces are not yet converging on a single postmodern model.⁶

Parallel to the debate on postmodern militaries has been another debate in the US on what some analysts view as a growing, and worrying, gap between the values and worldviews of professional soldiers on the one hand and civilian society on the other.⁷ It is argued that while civilian society has become increasingly liberal in its social views (in particular, in relation to issues of gender and sexuality, but more generally in terms of personal freedom), professional soldiers remain distinctively conservative in their social attitudes. It is also argued that civilian society has become increasingly reluctant to support the use of military force and high levels of defence spending, whereas professional soldiers are more willing to support the use of force and defence expenditure. Some analysts conclude that a dangerous gap between civilian and military views has emerged and that this constitutes a crisis in US civilian-military relations. One lightening rod for these debates was the issue of “gays in the military”: At the beginning of his presidency in 1993, Democratic President Bill Clinton sought to introduce legislation allowing homosexuals to serve openly in the military, but was forced to back down in the face of Republican and military opposition, instead introducing the so-called “don’t ask, don’t tell” policy (under which homosexuals may serve in the US military so long as they don’t openly declare their sexuality

5 Cf. Charles C. Moskos/John Allen Williams/David R. Segal, *Armed Forces After the Cold War*, in: Charles C. Moskos/John Allen Williams/David R. Segal, (eds), *The Postmodern Military: Armed Forces After the Cold War*, New York 2000, p. 2.

6 Cf. Anthony Forster, *Armed Forces and Society in Europe*, Houndmills 2006, p. 269.

7 Cf. Richard H. Kohn, *Out of Control: The Crisis in Civil-Military Relations*, in: *The National Interest* 35/1994, pp. 3-17.

and commanders are forbidden from investigating service personnel's sexuality). While the issue of homosexuals in the armed forces may reflect military-civilian divisions within the US, it is also part of the wider "culture wars" – the divisions between liberals and conservatives – which have played an important role in shaping American society and politics in recent decades. More broadly, while there may be significant differences between the social and political attitudes of the military and wider civil society within the US, to suggest that these constitute a crisis or a threat to democratic civilian control of the military probably exaggerates their scale and importance.⁸ Certainly, while specialists have debated the "crisis" in US civil-military relations for more than a decade, there appears to be little concern in wider American society that the military is an institution out of control or subverting democratic civilian leadership.

The "war on terror" and the interventions in Afghanistan and Iraq have generated new tensions in civil-military relations in the US, and also – although to a lesser degree – in other Western democracies. Most prominently, divisions emerged over the conduct of the Iraq war: Senior US military commanders believed that the invasion of the Iraq and in particular the post-invasion stabilization of the country would require several hundred thousand troops, whereas the civilian leadership of the Department of Defense (in particular Secretary of Defense Donald Rumsfeld and Deputy Secretary of Defense Paul Wolfowitz) argued that mission could be achieved with a smaller force – a debate decisively won by the civilians.⁹ Depending on one's perspective, this debate can be interpreted as an example of civilian leaders unwisely ignoring the advice of professional soldiers or of the civilian leadership asserting its authority over military commanders who had overstepped the mark. Given the increasingly widespread view that the US handling of post-Saddam Iraq has been disastrous, and the argument that a significantly larger military presence immediately after Saddam Hussein's fall from power could have helped to avert some of the subsequent chaos, however, history may well side with the US military leadership rather than the civilians in this debate. More generally, in the wake of the Iraq War, senior military leaders in the US and the UK appear to have become more willing to publicly voice criticisms of government policies – both in relation to the operations in Iraq and Afghanistan but also regarding the state of the armed forces (in terms of equipment and of social provision for the military). In October 2006, for example, the new chief of the general staff, General Sir Richard Dannatt, publicly called for British forces to be withdrawn from Iraq and criticized the impact of the Iraq and Afghanistan operations on the armed forces – stepping

8 For a good review of the debate over the "crisis" in US civil-military relations, see John W. Peabody, *The "Crisis" in American Civil-Military Relations: A Search for Balance Between Military Professionals and Civilian Leaders*, Strategy Research Project, Carlisle Barracks, PA, 2001, at: <http://stinet.dtic.mil/cgi-bin/GetTRDoc?AD=ADA390551&Location=U2&doc=GeTRDoc.pdf>.

9 Cf. Michael C. Desch, Bush and the Generals, in: *Foreign Affairs*, 3/2007.

beyond previous boundaries in terms of criticizing his civilian masters.¹⁰ There may be signs therefore of a new willingness by the military to challenge what has arguably been the increasing and uncontested civilian dominance of civil-military relations in recent years.

The civil-military tensions over the Iraq War reflect a broader trend: post-Cold War and post-9/11, the US and other Western states have entered what some observers describe as an era of “wars of choice” – humanitarian interventions, state-building operations, and counter-terrorism and counter-proliferation operations – very different from past “wars of necessity”. In this context, states face major choices over whether to participate in these operations and how they should be conducted militarily, and these choices are generating new civil-military tensions. The classical model of democratic civil-military relations has been one in which civilian political leaders take decisions over whether to go to war, and operational decisions over the conduct of wars are left largely in the hands of military commanders.¹¹ While this distinction has always been somewhat unrealistic, in the current era of “wars of choice” it has become increasingly problematic: Civilian political leaders are interfering in a range of operational military decisions (over issues such as force size, targeting, and rules of engagement) to a greater degree than was hitherto the case; at the same time, operational issues (such as what forces may be required, what tactics may be used, and the likelihood and scale of casualties) have an increasing bearing on strategic decisions over whether to use military force, giving the military increasing influence over these political decisions. Some analysts argue that a re-balancing of civil-military relations is required, giving “civilian leaders authority over political decisions [...] and the military wide leeway in making the operational and tactical decisions about how to complete a mission.”¹² In this era of “wars of choice”, however, the issue of how one conducts military operations has an increasing bearing on whether one undertakes them at all. There is unlikely therefore to be a return to an idealized civil-military division of labour, and the US and its Western allies will probably face further civil-military tensions over these issues in future.

10 Cf. Richard Norton-Taylor, General gives voice to army’s unspoken fears, in: *The Guardian*, 13 October 2006; Mark Townsend/Ned Temko, How army chief staged No 10 ambush, in: *The Observer*, 15 October 2006.

11 In his classic work on civil-military relations, Samuel Huntington distinguished between “subjective civilian control” of the military, which risks drawing the military into politics, and “objective civilian control” of the military, which provides for high-level civilian political control of the military but recognizes their professional expertise and allows them primacy in the military sphere. See Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, Cambridge, MA, 1957, pp. 80-97.

12 Desch, cited above (Note 9).

In contrast to the established democracies of Western Europe and North America, the countries of Central and Eastern Europe and the former Soviet Union faced much more radical changes in civil-military relations when the Cold War ended in 1989. For the Central and Eastern European states, reforming civil-military relations was only one part of the “double challenge” of building democratic political systems and market economies. For the former republics of Yugoslavia and the Soviet Union, the additional problem of building new state structures made this a “triple challenge”. For the democratic leaders who had led the 1989 revolutions (and for some, but far from all, leaders in the former Soviet Union and the former Yugoslavia) this challenge was part of a broad project of Westernization – establishing Western-style liberal democracies and integrating their countries into core Western institutions, such as the EU and NATO.

The communist model of civil-military relations inherited by the Central and Eastern European states had a number of features. The military was quite deeply penetrated by the communist party, with party cells present in all military units, and advancement within the military ranks dependent on at least formal loyalty to the party. While the armed forces were under the overall civilian political control of the communist leadership, civilian control of defence policy was weak, with military staffs (rather than civilian ministries of defence) in practice controlling the structure and organization of the military. After the fall of the communist regimes, the Central and Eastern European states thus faced the complex challenge of both de-politicizing the military and establishing new structures for civilian political control of the armed forces and defence policy.¹³ The de-politicization of the military was actually the more straightforward of these challenges: Communist party cells within the military were quickly dismantled, communist political education was abolished and new constitutions formalized the control of democratically elected civilian authorities over the armed forces. The relative ease of undertaking these tasks also reflected the underlying reality that the political loyalty of the military to the communist system had to some extent always been skin-deep, a reflection of political necessity rather than political conviction. By the mid-1990s, in Central and Eastern Europe the communist politicization of the military was largely a thing of the past: Links between the military and the communist parties (and their successors) had been broken and there was little, if any, danger of the armed forces intervening in domestic politics.

The establishment of new structures for civilian political control of defence policy and policy-making, however, proved a more challenging task. The challenges here included: shifting *de facto* control of defence policy-making and implementation from general staffs to ministries of defence; ci-

13 Cf. Andrew Cottey/Anthony Forster/Timothy Edmunds (eds), *Democratic Control of the Military in Postcommunist Europe: Guarding the Guards*, Houndmills 2002.

vilianizing defence ministries, which had been almost entirely military organizations; building up cadres of civilian expertise in defence policy; putting in place mechanisms for meaningfully reviewing defence policy; and securing detailed control over defence budgets and expenditure (which had previously been “black boxes” under the control of the military, if anyone at all). These were complex technical tasks in themselves, which would inevitably take some years. They also, however, threatened the institutional power of the military, which meant that some degree of military resistance was inevitable. Through the 1990s and into the new millennium, Central and Eastern European governments initiated various reforms addressing these issues. Western support and pressure was important in this process. NATO’s Partnership for Peace (PfP) and bilateral advice and aid from Western states provided both technical assistance and models that Central and Eastern European states sought to emulate. NATO made clear that membership would be conditional on implementing such reforms: a powerful form of leverage at a time when the Central and Eastern European states were seeking membership of the Atlantic Alliance. Overall, this process amounted to a large-scale exercise in the socialization of Central and Eastern European militaries, civil servants, political leaders, and political and bureaucratic institutions in Western norms of civil-military relations and defence policy-making.

After some ten to 15 years of progress, the Central and Eastern European states have arguably become what theorists of democratization refer to as “consolidated democracies”: countries in which democracy is “the only game in town”, democratic structures function at least reasonably effectively, no significant actors challenge democracy and the likelihood of a serious breakdown of democratic politics is low.¹⁴ Becoming full members of NATO and the EU between 1999 and 2007 not only integrated the Central and Eastern European states into the core Western institutions but symbolized the completion of their post-communist transition. Certainly, in the area of civil-military relations these states now largely resemble the established Western democracies: Their militaries are apolitical institutions under the control of democratically elected civilian leaders, and institutions for the management of defence policy by the civilian political leadership function reasonably effectively. Indeed, it is notable that in the last ten years or so, the Central and Eastern European states have largely been engaged in processes of defence reform paralleling those in Western Europe: reducing the overall size of their armed forces, reorienting the military towards power projection, and, in many cases, now abandoning conscription.¹⁵ Certain elements of civil-military rela-

14 For an overall assessment of the transition in civil-military relations in post-communist Europe, see Timothy Edmunds/Andrew Cottey/Anthony Forster (eds), *Civil-Military Relations in Postcommunist Europe: Reviewing the Transition*, London 2006. This work was originally published as a special edition of the journal *European Security* (1/2005).

15 See Anthony Forster/Timothy Edmunds/Andrew Cottey (eds), *The Challenge of Military Reform in Postcommunist Europe: Building Professional Armed Forces*, Houndmills 2002; Jeffrey Simon, *NATO Expeditionary Operations: Impacts Upon New Members and Partners*, Occasional Paper, Washington, D.C., March 2005.

tions within Central and Eastern Europe, however, remain contentious within the countries of the region: Military intelligence and counter-intelligence services have been the subject of controversies in a number of countries, with critics arguing that they are still shaped by personnel and ties from the communist period, including links with Russia.¹⁶ While such dark corners of security and intelligence forces may remain only partly reformed, they nevertheless do not indicate some wider crisis in civil-military relations. More broadly, such controversies also reflect the deep division between former communists and the former opposition that continues to shape Central and Eastern European politics and distinguishes it from Western European politics.

If the Central and Eastern European states have made a relatively successful transition in terms of establishing democratic civil-military relations, the other post-communist states of the Balkans and the former Soviet Union experienced various combinations of stalled transition, authoritarianism, and/or violent conflict in the 1990s, and patterns of civil-military relations reflected this. Since the end of the 1990s, however, a number of these states have experienced major political transitions, triggering renewed hopes of reform and integration with the West. Beginning with the death of Croatia's authoritarian president, Franjo Tuđman, in 1999 and the popular revolution that overthrew Serbian leader Slobodan Milošević in 2000, this process was followed by Georgia's Rose Revolution in 2003, Ukraine's Orange Revolution in 2004, and Kyrgyzstan's Tulip Revolution in 2005. The Western Balkan states (Croatia and Serbia, plus Albania, Bosnia and Herzegovina, Macedonia, Montenegro, and Kosovo – assuming the latter gains independence from Serbia in the not too distant future) and Ukraine, Georgia, Moldova, and Kyrgyzstan in the former Soviet Union are at varying stages in pursuing the type of transition that the Central and Eastern European states undertook in the 1990s.

While the civil-military reform challenges facing the Western Balkan and former Soviet states are broadly similar to those faced by the Central and Eastern European countries, they are complicated by the powerful impact of the authoritarianism and/or violent conflicts experienced during the 1990s, deep internal ethnic and/or political divisions, and the general weakness of state structures in these countries. In the cases of Serbia and Croatia, for example, the armed forces were deeply implicated in the Yugoslav wars and gained political influence and economic power through their role in that conflict. Reforming civil-military relations in Serbia and Croatia involves undermining the political and economic power of the military and has provoked resistance from within the armed forces. It was thus no coincidence that Ser-

16 Poland and Hungary have both recently experienced controversies in relation to intelligence, counter-intelligence, or military intelligence services, cf. *The Economist*, Of questionable intelligence, 24 February 2007, p. 24; The Crisis of the Hungarian Intelligence Services, *Budapest Analyses* No. 160, 10 July 2007, http://www.budapestanalyses.hu/docs/En/Analyses_Archive/analysys_160_en.html.

bia's reformist prime minister, Zoran Đinđić, was assassinated by members of the elite "red berets" paramilitary unit.¹⁷ More specifically, military reform in Croatia and Serbia has involved surrendering military personnel (including some very high ranking soldiers) to the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Hague – a process to which there remains significant opposition in Serbia in particular. In the case of Bosnia and Herzegovina, the 1995 Dayton Peace Agreement left the country divided between its Muslim-Croat and Serb constituent elements, both of which retain independent armed forces, and civil-military and defence reform has involved establishing new national-level defence institutions and seeking to integrate the two militaries into a national force. While progress has been made in this direction since 2000, Bosnia and Herzegovina remains to a significant degree a divided state, and this is true also of its armed forces. In some of the Western Balkan states, in particular Albania, Croatia, and Macedonia, significant progress has been made with civil-military relations and defence reforms, and it seems likely that this will be reflected in invitations to become full members of NATO within the next few years. In the other Western Balkan states, civil-military and defence reforms have made less progress; in particular, the long-term direction of Serbia's politics – and consequently of its civil-military relations – remains far from certain.¹⁸

The former Soviet republics have faced similar complicating factors in reforming civil-military relations and defence policy. In Ukraine, national armed forces and national structures for political control of the military and the management of defence policy were put in place when the country gained independence at the beginning of the 1990s. The deep divisions within Ukraine between Western-oriented reformers and (ex-)communists who still look to Russia have, however, generated political and bureaucratic gridlock in most areas of policy-making, including defence policy. James Sherr describes Ukraine as having made "a substantial, if still not conclusive break with the Soviet military legacy" and retaining "a bloated, conservative and chronically underfunded military force".¹⁹ Some hoped that the 2004 Orange Revolution might herald dramatic progress in reform, but subsequent developments have revealed that Ukraine remains deeply divided between Western-oriented reformers and their opponents, and this reality is likely to continue to inhibit reform, including in defence policy. Following the 2003

17 Cf. Timothy Edmunds, *Intelligence Agencies and Democratisation: Continuity and Change in Serbia after Milosevic*, in: *Europe-Asia Studies* (forthcoming). Two members of the "red berets" were given maximum forty-year prison sentences in 2007 for the assassination of Đinđić, cf. Ian Traynor, *Paramilitary leader among 12 jailed for murder of pro-western Serb PM*, in: *The Guardian*, 24 May 2007.

18 For reviews of civil-military and defence reforms in the Western Balkans see Timothy Edmunds, *Security Sector Reform in Transforming Societies: Croatia, Serbia and Montenegro*, Manchester 2007; David Greenwood (ed.) *The Western Balkan Candidates for NATO Membership and Partnership*, Harmonie Paper 18, Groningen 2005.

19 James Sherr, *Professionalisation of Armed Forces: The Case of Ukraine*, in: Forster/Edmunds/Cottey, (eds), cited above (Note 15), p. 226.

Rose Revolution, Georgia has become the most Western-oriented of all the former Soviet republics. In the area of civil-military relations and defence policy, Georgia has implemented reforms designed to strengthen national defence-policy making structures and prepare for NATO membership. Efforts to reform Georgian civil-military relations and defence policy and integrate the country with NATO, however, face the obstacles of the still unresolved conflicts in Abkhazia and South Ossetia and Russia's continuing influence in the country (where approximately 3,000 Russian troops remain deployed). Civil-military relations and defence reforms in the former Soviet states are likely to remain heavily shaped by their internal political and ethnic divisions and by the reality of their proximity to Russia.

Authoritarian Laggards?

In contrast to the Central and Eastern European states, authoritarian regimes have been consolidated, or may be emerging, in a number of former Soviet states, and civil-military relations in these states reflect this reality. In Belarus, Azerbaijan, and the Central Asia states, (former) communist leaders gained control in the 1990s and established authoritarian regimes in which power is concentrated in the hands of a single leader and the elite surrounding them, countervailing institutions (such as parliaments and the judiciary) are weak, and political opposition is banned or severely curtailed. Most worryingly, Russia has arguably been moving in this direction since the late 1990s: Power has become concentrated in the hands of President Vladimir Putin and the elite surrounding him, the parliament, judiciary, and media have become to a large degree tools of the Putin presidency and opposition groups are increasingly harassed and intimidated by state power. While Russia retains the formal institutions of democracy, critics argue that it is becoming a sham democracy.

In this context, military, security, and intelligence forces and agencies are some of the key tools of state power at the disposal of the ruling regimes. The relationship between authoritarian rulers and these various power ministries and institutions was largely inherited from the communist period: Military, security, and intelligence forces and agencies are under the control of civilian political leaders, but also retain a significant degree of autonomy and power. The relationship is one of symbiosis: Civilian leaders need military, security, and intelligence forces and agencies to sustain their rule; in return, civilian leaders provide resources for these forces and allow them to maintain a degree of independence. The regular armed forces are, however, not the most important of these institutions, with these states maintaining sizable armed internal security forces to deal with domestic opposition. As the International Crisis Group has put it:

The military in Central Asian states plays a more limited role in everyday political life than the interior ministries. Police forces in the region are much more powerful than the militaries and include their own armed units designed for internal control. They have a considerable role in political life that may grow in future. [...] the internal security forces pose the greater threat to stability and the greater opposition to deeper economic and political reform.²⁰

This reality was made clear during the May 2005 Andijan massacre, when the Uzbek government used armed interior ministry and national security service troops to fire on protesters, resulting in the deaths of several hundred people. Internal security forces have also been used to suppress demonstrations in Belarus and Kazakhstan.

The situation in Russia is more complex, but both the regular armed forces and internal security forces play important roles within the country. The Soviet military leadership played an important role in the unsuccessful coup against Mikhail Gorbachev that triggered the break-up of the Soviet Union in 1991. During the Yeltsin period, there was much discussion over the political loyalties of the Russian military, although the armed forces sided with President Boris Yeltsin during the 1993 conflict with the Duma, shelling the Duma building in support of Yeltsin's assertion of power. The power ministries – the Ministry of Defence, the Ministry of Internal Affairs, and the Federal Security Service (FSB – the successor of the Soviet KGB) – played a central role in the rise to power of President Putin (himself a former KGB officer).²¹ Indeed, the Putin era is often characterized as the rise of the *siloviki* (those associated with the military and security forces) – derived from the Russian for power ministries or structures (*silovie ministerstva/strukturi*). The power ministries have been both a tool of President Putin's regime and a central part of that regime, with the *siloviki* dominating the presidential administration. As a consequence, the Russian military, security, and intelligence services have been able to resist the types of democratic reforms that were instituted in Central and Eastern Europe in the 1990s. According to Stephen Blank, "democratic reform of Russia's armed forces has been systematically obstructed by the Army since 1985. Today the public and the Duma are shut out of military policy and the government's leaders either do not know enough about it or lack the political will to break through this barrier."²² With Russia due to hold presidential elections in March 2008, and

20 International Crisis Group, Central Asia: The Politics of Police Reform, Asia Report No. 42, Osh/Brussels, 10 December 2002), p. i, http://www.crisisweb.org/library/documents/report_archive/A400843_10122002.pdf.

21 Cf. Brian D. Taylor, *Power Surge? Russia's Power Ministries from Yeltsin to Putin and Beyond*, PONARS Policy Memo No. 414, Washington, D.C., December 2006, at: http://www.csis.org/media/csis/pubs/pm_0414.pdf.

22 Stephen Blank, The Russian Bourbons: Civil-Military Relations and Pressure on Georgia, in: *Central Asia-Caucasus Analyst*, 9 October 2002, at: http://www.cacianalyst.org/view_article.php?articleid=10.

President Putin prohibited under the constitution from standing for a third time (having been elected in 2000 and 2004), it is no coincidence that one of the men considered mostly likely to succeed President Putin is Deputy Prime Minister Sergei Ivanov, who was defence minister from 2001 to 2007 and previously served in the intelligence services (the other candidate considered likely to succeed Putin is Deputy Prime Minister Dimitry Medvedev). Ian Bremmer and Samuel Charap argue that:

No matter who is chosen to be Russia's next President, the *siloviki* are here to stay. They are so deeply entrenched in the bureaucracy that it would be impossible to eliminate their presence in Russian politics and political economic. Even if they do not succeed in promoting one of their own as Putin's successor, they are virtually certain to play a substantial role in the selection process and to help shape the new President's political and economic agenda for years to come.²³

The relationship between political power and military and security institutions in Russia is thus very far from democratic norms, and meaningful reform of this relationship will have to await more fundamental change in Russian politics.

The colour revolutions show that political change is possible in the post-Soviet space; although the 2005 Andijan massacre also showed the lengths which governments may be willing to go to resist such change. The problems Georgia, Ukraine, and Kyrgyzstan have faced since these revolutions, however, also indicate that even if authoritarian regimes are deposed, the obstacles to reform and democratic consolidation are still very significant. Given the central relationship between political power and security institutions that has emerged in the former Soviet states since the 1990s, the road to democratic reform of civil-military relations and the wider security sector in the region is likely to be a long and troubled one.

Conclusion

This chapter has reviewed civil-military relations, and in particular democratic control of armed forces, in the OSCE area as of the middle of the first decade of the 21st century. Countries in the OSCE area can broadly be divided into three groups, with distinctive patterns of civil-military relations. In the established democracies of Western Europe and North America, democratic civilian control of the military is deeply entrenched. The end of the Cold War and the 9/11 terrorist attacks have nevertheless impacted on civil-

23 Ian Bremmer/Samuel Charap, *The Siloviki in Putin's Russia: Who They Are and What They Want*, in: *The Washington Quarterly*, 1/2006-07, p. 91.

military relations in these countries in important ways: Many, though not all, of the Western European states that maintained conscript-based forces during the Cold War have moved to fully professional armed forces, altering the nature of military-society relations in these countries. At the same time, the new generation of peacekeeping, humanitarian intervention, counter-terrorism, and counter-proliferation operations have generated new civil-military tensions in relation to decision making on these operations. With the end of the Cold War, the Central and Eastern European states faced the more radical challenge of establishing institutions for democratic civilian control of the armed forces and defence policy-making. De-politicizing the military proved a relatively easier task, but establishing effective institutions for democratic civilian control of defence policy has been more challenging. By the middle of the current decade, however, the Central and Eastern European states can reasonably be said to have consolidated democratic civilian control of the armed forces and defence policy, and patterns of civil-military relations in these states increasingly resemble those of the established democracies of Western Europe and North America. The Western Balkan countries and some of the former Soviet states (such as Ukraine and Georgia) are arguably now at a similar stage in terms of civil-military reforms as the Central and Eastern European countries were in the 1990s, although the weakness of state structures and the legacies of internal conflicts make such reform efforts particularly complicated. A third group of countries are the authoritarian or semi-authoritarian states of the former Soviet Union, which arguably now includes Russia. In these states, the regular armed forces and (more importantly) the armed internal security forces are one of the tools of civilian authoritarian rule, but also retain significant influence in their own right. Democratic reform of the military and security forces in these states must await wider political change.

In this context, what role can the OSCE play? For those countries that are members of, or are seeking to join, the EU and/or NATO, these organizations are the primary international reference points in terms of civil-military relations, providing models, practical advice, and political pressure for the reform of civil-military relations. Nevertheless, the OSCE has a long track-record in setting *pan-European* norms in the areas of democracy and security and in providing practical support to countries undergoing transitions. The OSCE's primary normative instrument in relation to civil-military relations is the 1994 Code of Conduct on Politico-Military Aspects of Security, which lays out a set of general standards for democratic civilian control of armed forces.²⁴ The Code of Conduct has been followed-up by a variety of information exchanges and discussions within the OSCE, but the overall impression

24 Code of Conduct on Politico-Military Aspects of Security, in: Organization for Security and Co-Operation in Europe, 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 1997, pp. 145-189, here: pp. 161-167.

is of a normative document to which many participating States pay at best limited respect.²⁵ The OSCE has also played a role in providing information and practical support on civil-military relations, especially in countries attempting to implement reforms in the wake of violent conflicts or political transitions.²⁶ Furthermore, given the wariness of NATO and the EU on the part of Russia and some of the other former Soviet states, the fact that these states are full members of the OSCE and the Organization's more politically neutral character gives it certain advantages in engaging them in dialogue on issues of civil-military relations and security sector reform. In addressing the security sector more broadly, the OSCE has also established a particular role in the area of policing: The OSCE missions and offices in the Western Balkans and the former Soviet Union have for some years provided support to states in the area of police reform, and the OSCE regularly sends experts to provide advice to these states on policing; the OSCE Secretariat has also established a Strategic Police Matters Unit, a post of Senior Police Adviser, and a Policing OnLine Information System, and has published a Guidebook on Democratic Policing. The OSCE's ability to shape civil-military relations – and the security sector more broadly – in its participating states is inevitably limited. Nevertheless, the Organization has an important role to play in helping to keep the flame of democracy alive in some participating states, including in the area of civil-military relations, and in providing low-profile but valuable practical support to countries seeking to establish democratic control of their military and security services.

25 Cf. Alexandre Lambert, *Implementation of Democratic Control of Armed Forces in the OSCE Region: Lessons Learned from the OSCE Code of Conduct on Politico-Military Aspects of Security*, Geneva Centre for Democratic Control of Armed Forces (DCAF) Occasional Paper No. 11, Geneva, July 2006.

26 For recent examples of OSCE activities in the area of civil-military relations see the Office for Democratic Institutions and Human Rights's programme on human rights in the armed forces ("Citizens in Uniform: Protecting Human Rights in Armed Forces", 21 September 2006, available at the OSCE website) and the OSCE meeting on civil-military relations held in Baku, Azerbaijan, in February 2007 (*OSCE meeting in Baku discusses standards in civil-military relations*, Press Release, OSCE Office in Baku, 14 February 2007, also available at the OSCE website).

Strategic Police Matters – Addressing Threats to Security and Stability

Policing and the Rule of Law

The rule of law is a hallmark of a modern democracy. Put simply, it means order and stability in society. It means reasonable predictability concerning decisions made by the authorities. It means decisions that are enforceable and enforced. It means safeguards against arbitrariness not foreseen by the law.

Respect for human rights and fundamental freedoms, democracy, and the rule of law are at the core of the OSCE's comprehensive concept of security. Strong democratic institutions and the rule of law play an important role in preventing the emergence of threats to security and stability. Weak governance, and a failure on the part of states to secure adequate and functioning democratic institutions that can promote stability, may in themselves constitute a fertile environment for a range of threats.¹

The potential for intra-state and inter-state conflicts in weak or transition states correlates inversely with the success of poverty reduction strategies. Economic growth leads to internal stability and political maturity, which prevails upon power groups in their claims for control of the state and opens the way to democratic governance. In the absence of the rule of law, economic growth is unlikely to be sustained, and this creates a risk that state mechanisms will further decline and weaken, which inevitably has a destructive effect on the human rights and basic freedoms of the population and creates a breeding ground for threats to security and stability, including the proliferation of organized crime.²

The objective of establishing the rule of law requires not just law enforcement capacity- and institution-building, but comparable and synchronized improvements across the entire criminal justice sector. The new paradigm further requires shifting priority attention to crime prevention rather than detection, as protecting a person from becoming a victim of crime represents the ultimate effort to safeguard a basic human right.³

The police are the foundation of the rule of law and play a vital role in establishing it; they provide citizens with a point of entry into the criminal

1 Cf. OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, in: Organization for Security and Co-operation in Europe, *Eleventh Meeting of the Ministerial Council*, 1 and 2 December 2003, Maastricht 2003, MC.DOC/1/03, 2 December 2003, pp. 1-10. All OSCE documents are available at: <http://www.osce.org>.

2 Cf. Organization for Security and Co-Operation in Europe, *Annual Report of the OSCE Secretary General on Police-Related Activities in 2005*, SEC.DOC/2/06, 2 November 2006, para. 1.6.

3 Cf. *ibid.*, para. 1.7.

justice system. The main purposes of the police in a democratic society governed by the rule of law are:

- to maintain public tranquillity and law and order in society;
- to protect and respect the individual's fundamental rights and freedoms as enshrined, in particular, in the European Convention on Human Rights;
- to prevent and combat crime;
- to detect crime;
- to provide assistance and service functions to the public.⁴

The police can support the rule of law only by being accountable for their actions, adhering to internationally recognized standards, and demonstrating respect for human rights, especially the rights of minorities and vulnerable groups. Wherever truly effective policing has been achieved, it is invariably based on a partnership with the public that is characterized by mutual trust and respect.⁵

The rule of law presumes that the police should serve the citizen and remain free from the influence of the political establishment. It creates the requirement for transition from the concept of a "police force" to that of a "police service", which means a ground-breaking change in the philosophy and the culture of policing: from protecting the state to serving the population.

The need for the transition described above must be recognized and accepted by both the population and the political establishment. The culture and attitudes of the police can only mirror those prevailing in the society they strive to serve and in the current system of governance – they cannot be more mature or more democratic. The public has the right to demand that the police change, but at the same time it has the obligation to support this change by direct participation and by sending a clear message to the political establishment, as local politics remains a decisive factor. Police reform must be based on local ownership – a country's own history, culture, and traditions are powerful drivers of change – and strong leadership by local politicians, which need to send a clear message to the top of the police hierarchy. In the first place, police reform is a top-to-bottom process.

4 Council of Europe, Committee of Ministers, *Recommendation Rec(2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics*, 19 September 2001, Section 1, Objectives of the Police, para. 1.

5 Cf. *Annual Report of the Secretary General on Police-related Activities in 2005*, cited above (Note 2), para. 5.9.

Co-operative security and good governance are two of the OSCE's main supporting pillars, and policing has a contribution to make to both. The *Charter for European Security* adopted by the Istanbul Summit meeting (1999) is the platform for the OSCE's involvement in policing. It contains the commitment of the OSCE participating States to enhance the OSCE's role in civilian police-related activities as an integral part of the Organization's efforts in conflict prevention, crisis management, and post-conflict rehabilitation. Such activities may comprise:

- police monitoring, including with the aim of preventing police from carrying out such activities as discrimination based on religious and ethnic identity;
- police training, which could, include the following tasks, among others:
 - improving the operational and tactical capabilities of local police services and reforming paramilitary forces;
 - providing new and modern policing skills, such as community policing, and anti-drug, anti-corruption, and anti-terrorist capacities;
 - creating a police service with a multi-ethnic and/or multi-religious composition that can enjoy the confidence of the entire population; and
 - promoting respect for human rights and fundamental freedoms in general.⁶

The OSCE's involvement in policing started in the Balkans and focused on post-conflict restoration of the rule of law through rebuilding and ultimately reforming police forces. The situation was dire; there was a lack of authority, unknown numbers of weapons were in public hands, unemployment was high, and the economy was in decline, while corruption, a lack of trust in public institutions, and the rise of organized crime in collusion with political elites led to an increase in delinquency and insecurity, ultimately generating more political instability. The realization of this threat led to inclusion of comprehensive chapters devoted to the reform and monitoring of the public security system – and particularly of the police forces – in the Dayton Peace Agreement, the Accords of Rambouillet and the Ohrid Framework Agreement.

When the OSCE participating States decided to extend the Organization's participation in police development to the Southern Caucasus and Central Asia, the focus had to be changed and new approaches sought. In these regions, transition to democratic governance and market economy had resulted in economic hardship, widespread poverty, and conflicts (since fro-

6 Organization for Security and Co-operation in Europe, *Charter for European Security*, SUM.DOC/1/99, Istanbul, November 1999, para. 44.

zen), but institutional collapse was largely avoided, and the fabric of governance mostly remained intact. Police claimed that they were protecting the rule of law – the caveat being that due to the fact that legal systems remained mostly unreformed, the police were perceived as protectors of the interests of political and economic elites or ethnic majorities. There remained a clear distance between the police and the problems faced by citizens in their daily lives. The OSCE thus had to focus on defusing internal tensions and preventing the flare-up of conflicts by promoting and supporting the gradual introduction of the principles of democratic policing.

It needs to be emphasized that the OSCE is not – and does not aim to be – a technical co-operation agency. Its guiding documents do not foresee the provision of large-scale technical assistance to the police. The OSCE leaves that to bilateral co-operation and international organizations. Rather, the OSCE role is to achieve consensus on the necessity of organization-wide implementation of certain accepted common standards, including in the field of strengthening democratic governance structures. The aim is to make the police one of these structures.

The OSCE places particularly strong emphasis on the protection of human rights, which is truly a cross-cutting issue for the Organization. Terror and crime use violence, corruption, and intimidation to undermine the rule of law and replace it with the law of the jungle. But even the fight against organized crime does not relieve the police from the need to observe human rights. In order to facilitate access of the participating States – and even more importantly, criminal justice system practitioners – to relevant internationally recognized standards, norms, and good practices, the OSCE has compiled the *Guidebook on Democratic Policing by the Senior Police Adviser to the OSCE Secretary General*.⁷ It articulates the objectives of democratic police services, the importance of their commitment to the rule of law, policing ethics and human rights standards, and the essential nature of the police's accountability to the law and the society they serve, and elaborates on structural and managerial tools that are necessary to achieve and sustain democratic models of policing.

Mandate and Tasks

The adoption of the *Charter for European Security*, which in a way offered the first vision of the OSCE's police-related activities, was followed by a steadily growing number of Ministerial Council decisions that aimed to put that vision to work. In particular, the Ninth Ministerial Council in Bucharest (2001) declared the decision to increase and promote co-operation among participating States in countering new security challenges, including by pro-

⁷ *Guidebook on Democratic Policing by the Senior Adviser to the OSCE Secretary General*, Vienna 2006, available at: http://polis.osce.org/library/details?doc_id=2658.

viding advice or arranging for the provision of expert advice on requirements for effective policing (needs assessments) and how to meet them, and encouraging where appropriate the exchange of information among and between participating States regarding lessons learned and best policing practices in countering these new security challenges.⁸

Coinciding with steep growth in OSCE police-related activities in South-Eastern Europe, the post of Senior Police Adviser (SPA) in the OSCE Secretariat was established towards the end of 2001.⁹ His activity is supported by a team of police officers and civilian policing experts jointly referred to as the Strategic Police Matters Unit (SPMU). The SPMU was set up to improve the capacity of participating States to address threats posed by criminal activity and to assist them in upholding the rule of law.¹⁰ The tasks of the SPA and the SPMU are defined in the growing list of decisions of the Ministerial Council and the Permanent Council and in OSCE action plans.

The first relevant document was the *Bucharest Plan of Action for Combating Terrorism* (2001), adopted on the same occasion as the decision on police-related activities. It recognized the need to assist participating States, on their request, through measures to combat trafficking in human beings, drugs, and small arms and light weapons, in accordance with relevant Permanent Council decisions. This assistance could also include provision of advice and assistance on restructuring and/or reconstructing police services; monitoring and training of existing police services, including human rights training; and capacity building, including support for integrated or multi-ethnic police services. To this end, the declaration acknowledged the requirement for reinforcing existing police-related activities in conflict prevention, crisis management, and post-conflict rehabilitation.¹¹

In the *Declaration on Trafficking in Human Beings* adopted at Porto in 2002, the Tenth Ministerial Council called on the participating States to enhance international co-operation in combating criminal acts such as trafficking in drugs and arms, as well as the smuggling of migrants. They emphasized the need to include international law enforcement bodies, such as Europol and Interpol, in this co-operation 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, they

8 Cf. Organization for Security and Co-Operation in Europe, *Ninth Meeting of the Ministerial Council*, Bucharest, 3 and 4 December 2001, MC.DOC/2/01, 4 December 2001, Decision No. 9, Police-Related Activities, MC(9).DEC/9, pp. 33-35.

9 Cf. Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 448, *Establishment of the Seconded Post of Senior Police Adviser in the OSCE Secretariat*, PC.DEC/448, 4 December 2001.

10 Cf. OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, cited above (Note 1), para. 32.

11 Cf. Ninth Meeting of the Ministerial Council, cited above (Note 8), Decision No. 1, *Combating Terrorism*, MC(9).DEC/1, 4 December 2001, pp. 7-13.

also asked the Senior Police Adviser to devote increased attention to the fight against trafficking in human beings.¹²

This task was further detailed in the *OSCE Action Plan to Combat Trafficking in Human Beings* (2003), which requested the SPMU to further promote the concept of community policing and facilitate the exchange of information between participating States on best practices to be used by relevant investigating units to check the potentially criminal- and trafficking-related origin of suspicious assets. The SPMU was also tasked with continuing to develop training materials targeted at law enforcement authorities on trafficking and sex crimes investigation, to identify law enforcement trainers who could conduct training, and to facilitate the funding of training sessions for law enforcement authorities in OSCE participating States.¹³

One aspect essential to the policing of ethnic minorities was addressed by the *OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area* (2003). The SPMU was tasked with assisting participating States in developing programmes and confidence-building measures – such as community policing – to improve relations between Roma and Sinti people and the police, particularly at the local level, and producing a compilation of best practices in the OSCE region with respect to policing and the Roma and Sinti communities. Another established task was to assist the participating States in developing codes of conduct to prevent racial profiling and improve interethnic relations.¹⁴

The *2004 OSCE Action Plan for the Promotion of Gender Equality* adopted by the Twelfth Ministerial Council at Sofia in 2004 urged the participating States, the Secretariat, institutions, and field operations to ensure that a gender perspective is integrated into OSCE activities, programmes, and projects. The aim shall be to promote the practice of gender equality in the OSCE area, which is essential to comprehensive security. In this context, the SPMU was specifically tasked to enhance its project development to assist participating States in reacting to sexual violence offences and in including in the police training curriculum such elements as special investigation techniques and interview skills designed for use with victims of sexual assault, including children, and information on referral mechanisms for victim assistance.¹⁵

12 Cf. Declaration on Trafficking in Human Beings, in: Organization for Security and Co-operation in Europe, *Tenth Meeting of the Ministerial Council*, 6 and 7 December 2002, Porto 2002, MC.DOC/1/02, 7 December 2002, pp. 15-17, here: p. 17.

13 Cf. OSCE, Permanent Council, Decision No. 557 on the OSCE Action Plan to Combat Trafficking in Human Beings, PC.DEC/557, 24 July 2003, Annex: OSCE Action Plan to Combat Trafficking in Human Beings.

14 Cf. OSCE Permanent Council, Decision No. 566, *Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area*, PC.DEC/566, 27 November 2003; *Eleventh Meeting of the Ministerial Council*, 1 and 2 December 2003, Maastricht 2003, MC.DOC/1/03, 2 December 2001, Decision No. 3/03, *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*, MC.DEC/3/03, pp. 61-77, here: p. 65.

15 Cf. Organization for Security and Co-operation in Europe, *Twelfth Meeting of the Ministerial Council*, Sofia, 6 and 7 December 2004, MC.DOC/1/04, 7 December 2004, Deci-

The fight against organized crime came to the forefront of OSCE priorities during 2005 and was recognized in a decision on *Combating Transnational Organized Crime*, which was adopted by the Thirteenth Ministerial Council of the OSCE at Ljubljana in 2005. It tasked the OSCE Secretary General with providing participating States who request it with support for the mobilization of technical assistance, including the necessary expertise and resources, from relevant competent international organizations for the implementation of the *United Nations Convention against Transnational Organized Crime* and its protocols. The decision also tasked the OSCE Permanent Council with working on designing, with the support of the Secretary General and the relevant OSCE institutions, possible measures and forms of assistance that could be available to requesting participating States with a view to improving and promoting the functioning of criminal justice systems.¹⁶

Permanent Council Decision No. 758 on *Enhancing International Anti-Drug Co-operation* (2006) tasked the Secretary General and relevant OSCE institutions with providing to participating States, upon their request and in close consultation and co-ordination with the UNODC, with assistance and advice on anti-drug issues, including by means of awareness-raising activities, the organization of regional workshops, and facilitation of training.¹⁷

The Decision on *Combating Sexual Exploitation of Children* adopted by the Fourteenth Ministerial Council of the OSCE (Brussels 2006) encouraged relevant OSCE executive structures, within their existing mandates, to devote attention to the issue of sexual exploitation of children, including links to trafficking in persons, and emphasized the need for them and the participating States to co-operate with other international organizations, NGOs, and civil society in combating the sexual exploitation of children.¹⁸

The Fourteenth Ministerial Council also adopted the follow-up decision on *Organized Crime*, reaffirming the importance that the OSCE was giving to this subject. The tasks assigned by the decision to the OSCE Secretary General and the relevant OSCE executive structures, within their respective mandates, included giving enhanced attention to the key role of criminal justice systems in institution-building and in the promotion of the rule of law, as well as co-operating and co-ordinating more closely in order to take better into account the interaction between the components of those systems. A

sion No. 14/04, 2004 Action Plan for the Promotion of Gender Equality, MC.DEC/14/04 of 7 December 2004, pp. 38-53, here: p. 50.

16 Cf. Organization for Security and Co-operation in Europe, *Thirteenth Meeting of the Ministerial Council*, 5 and 6 December 2005, Ljubljana 2005, MC13EW66, 6 December 2005, Decision No. 3/05, *Combating Transnational Organized Crime*, MC.DEC/3/05 of 6 December 2005, pp. 22-23.

17 Cf. Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 758, *Enhancing International Anti-Drug Co-operation*, PC.DEC/758, 5 December 2006.

18 Cf. Organization for Security and Co-operation in Europe, *Fourteenth Meeting of the Ministerial Council*, 4 and 5 December 2006, Brussels 2006, MC14EW79, 5 December 2006, Decision No. 15/06, *Combating Sexual Exploitation of Children*, MC.DEC/15/06 of 5 December 2005, pp. 47-48.

further major task was to build on and consolidate existing knowledge and experience of criminal justice and organized crime and to continue co-operating with the UNODC in matters including combating organized crime and illicit drugs.¹⁹

Main Areas of SPMU Activity

The long-term goals of the SPMU aim to provide a democratic vision of policing for the whole OSCE region and to put that vision to work. Assistance to OSCE participating States in police capacity- and institution-building and improving police co-operation is placed in the broader perspective of strengthening national criminal justice systems. Implementation of this vision will help to create the competencies required to tackle new threats to stability and security, which include organized crime and terrorism.

The SPMU medium-term plan of action involves the provision of support in the development of baseline police capacities across the OSCE region. The aim is to help participating States to develop an institutional capacity that will improve their ability to comply with the requirements and obligations that they have accepted by ratifying fundamental international legal instruments. Collecting and disseminating good practices and guidelines to police agencies in the OSCE participating States is complemented by provision of direct support to capacity- and institution-building in the core elements of police organizations.

Community Policing

The police in general, and uniformed police in particular, have the responsibility not only to detect crime, but also to prevent it. Successful crime prevention greatly contributes to reducing fear of crime and can thus significantly improve quality of life in a community. Far more lives are impacted by the fear of crime than by actual crime.

Crime prevention can only be realized if the police and the public share commitment and ownership, but achieving it invariably requires an arduous and sustained effort. All across the OSCE region, without distinction between the “East” and the “West” and in particular in multi-ethnic communities – which are rapidly becoming the rule rather than an exception – the police are often regarded as enforcers of the dominating authority. This kind of attitude can lead to the population becoming alienated from the police and dramatically reduces the latter’s capacity to prevent and detect crime. Re-establishing a relationship of trust with the citizens becomes the first priority in the transition to democratic policing. Building mutual trust and reciprocal support

19 Cf. *ibid.*, Decision No. 5/06, Organized Crime, MC.DEC/5/06 of 5 December 2006, pp. 20-23.

represent the first step towards introduction of a policing toolkit aimed at the prevention of volume crime that has become known as community or community-based policing.

The introduction of community policing methods has been a core element of the OSCE's strategy since the start of its involvement in police development. Large projects were implemented in Kosovo, Serbia, Montenegro, the former Yugoslav Republic of Macedonia, and Croatia. Following the creation of the SPMU, during 2003-2007 the concept of community policing was introduced in Kyrgyzstan, Georgia, Armenia, and Azerbaijan and presented in Kazakhstan.

A commitment to community policing is equivalent to a sweeping police reform that involves some very far-reaching changes. For one thing, it brings about a dramatic change in the structure and culture of the police: the service mentality. Beyond that, it includes setting up a human resource management system based on transparent recruitment, promotion on merit, and a career path protected from arbitrary re-assignment or dismissal. Last but not least, community policing includes the introduction of a system of public oversight of the police, starting from the local level.

Community policing is a complex, multi-faceted concept, and its implementation is inevitably a slow and contradictory process that should not be expected to show instant results. One has to be pragmatic and accept that people who have had reason to distrust the police for decades will not be converted overnight, and neither will the police immediately embrace the notion of the public as an equal partner in the fight against crime. In most cases, the OSCE has had to limit itself to the implementation of one or another component of community policing, rather than the whole concept.

In early 2007, this complexity has led to the beginning of a policy debate within the OSCE regarding whether the OSCE should not limit its advocacy to the creation of police-public partnership, rather than the complete community policing "toolkit". The debate is still in its very early stages; the SPMU supports and encourages it as one of the first forays of the participating States into the formulation of OSCE doctrine on a policing-related subject.

Organized Crime

Organized crime presents a major non-military threat to security in the OSCE region that affects all of the OSCE participating States. It includes offences prominently recognized by the OSCE such as trafficking in human beings, sexual exploitation of children, drug trafficking, and others such as the smuggling of stolen vehicles or high-tariff goods, that enjoy less notoriety but are nevertheless tremendously damaging to societies and economies.

As a result of globalization and technological change, particularly in the area of communications, criminal activity increasingly transcends physical

and political boundaries. Organized crime investigations now commonly have a significant transnational component necessitating pursuit of targets, drugs, and criminal assets around the globe. While each of the OSCE participating States will retain primary responsibility for fighting organized crime at the national level, its very nature demands that these efforts be combined to create a common law enforcement space.

The international community has developed powerful legal instruments to fight transnational organized crime. The first of them is the United Nations Convention against Transnational Organized Crime and its protocols. The SPMU is striving to enhance international co-operation under the auspices of this convention, to assist participating States in ratifying it and meeting its reporting requirements. For the past two years, the SPMU has been working very closely on the above with the UNODC. A joint OSCE-UNODC event was hosted in Vienna in 2006, with the participation of representatives from 38 countries. The meeting aimed to assist OSCE participating States in providing timely replies to a series of UN legal assessment questionnaires that had been distributed in order to track the progress of implementation.

To effectively fight organized crime, practical measures to keep offenders from profiting from their crimes are necessary. One of the most important ways this can be done is to ensure that states have strong confiscation regimes that provide for the identification, freezing, seizure, and confiscation of illicitly acquired funds and property. Specific international co-operative mechanisms are also necessary to enable countries to respond to foreign freezing and confiscation orders and to provide for the most appropriate use of confiscated proceeds and property.

In recent years, production, distribution, and downloading of child pornography via the internet has become a growing problem that has been recognized by the OSCE. For several years, the SPMU, in close co-operation with the International Centre for Missing and Exploited Children, has been conducting activities aimed at increasing police capacity to investigate crimes involving the sexual exploitation of children. As the internet is a relatively new medium, law enforcement officials, prosecutors, and judges are faced with two major problems while investigating and prosecuting the production and distribution of child pornography: the lack of an comprehensive international legislative strategy aimed at combating child pornography and the technical complexity of dealing with new technology.

Terrorism

While the police represent a key component of the counter-terrorism platform, they cannot work in isolation from the rest of the law enforcement system – and the rest of society. Vertical co-operation within the police system is a requirement for successful collection and exploitation of operational information. Horizontal co-operation between the police and various gov-

ernment agencies, universities, academics, and non-governmental organizations helps to create a common understanding of the problem of terrorism, and to find a shared solution.

The police must win over every community, particularly those that are more disadvantaged. For that purpose, the police, and, generally speaking, all public and private structures, must use appropriate language to avoid hurting sensitivities. Creating understanding and mutual respect, generating situations that contribute to confidence-building, ensuring continuous two-way flow of information between the police and the public – all will contribute to a better understanding between different cultures. Dialogue and debate between different currents of opinion bring about a reduction in tensions. Facilitating mutual understanding and tolerance: This is exactly the philosophy that the OSCE has been practising since its inception.

Preventing terrorist recruitment is possibly the first priority in efforts to prevent terrorist acts. Spreading information that contributes to the education of young people could help to neutralize messages coming from terrorist organizations aimed at capturing new recruits. A key role in defusing these messages belongs to the family.

In facing the growing threat of terrorism, it becomes increasingly important to take measures to increase mutual trust among police agencies, as well as between the police and intelligence services, and to seek new approaches to transform intelligence into evidence. It is vital to achieve collaboration between all the various agencies involved: police, judges, and prosecutors. International police co-operation must be proactive, not reactive. There is a need to anticipate the levels of co-operation that will be necessary and to ensure that the required capacities are available.

Drug Law Enforcement

The OSCE has been an international partner of the UN Paris Pact Initiative since 2003. The Paris Pact consists of 55 countries, 49 of which are OSCE participating states. These states have committed themselves to increase action and support throughout the Central Asian region in combating the problem of Afghan heroin. The SPMU is the OSCE's Paris Pact "Focal Point". The SPMU co-operates with the Paris Pact Initiative, which facilitates a consultative mechanism among all affected countries at expert and policy levels. One of its more important activities is supporting a field-based computerized system, known as ADAM (the Automated Donor Assistance Mechanism). ADAM will co-ordinate all donor assistance in the region, including detailed inventories of training and equipment provided.

In April 2007, the SPMU hosted a joint UNODC-OSCE regional drug workshop in Central Asia. The workshop involved most of the Central Asian states, Russia, Mongolia, and China. At the 50th Session of the UN Commission on Narcotic Drugs, it was mentioned that approximately 23 per cent of

Afghan heroin is being transported via Central Asian routes. There are significant issues regarding transnational co-operation. During the workshop, SPMU and UNODC experts dealt with criminal justice sector difficulties related to co-operation, either transnationally or between domestic agencies. This was the first legal co-operation workshop to include the police. This conformed with the OSCE's objective of dealing with the entire spectrum of the criminal justice system.

Police Training

Police training remains a key element in improving police services and making them more democratic, public-oriented, and professionally effective. The OSCE supports police training mostly through the activities of its field operations. Corresponding components in police assistance projects and programmes focus on the building of the capacities of national police training institutions and include renovation of police training facilities; provision of necessary training equipment, teaching aids, and literature; implementing a modern interactive training methodology; training local instructors; assisting in improving the management of the training process; and developing new training curricula.

One new method of approaching the development of new training curricula, pioneered by the SPMU, is a twinning partnership. In a pilot project, such an arrangement was created between the Police College in Prague and the Centre for Induction Training in Baku, which proved very fruitful.

Finally, the SPMU has started collating information on different approaches to and proven good practices in basic police training. With that in view, the SPMU has established working links with a number of police training associations and police training institutions, including CEPOL, the Association of European Police Colleges (AEPC), the International Training Centre (ITC), the International Law Enforcement Academy (ILEA), and national police academies and training centres in Germany, Switzerland, the Czech Republic, Russia, Romania, Estonia, and Slovenia. The key objective is to collectively try and find out which methods work well and which do not and to inform police training institutions in the OSCE region, thereby helping them to improve the quality of their training and consequently the level of professionalism of uniformed police who have the most contact with the public.

Policing OnLine Information System – POLIS²⁰

In order to ensure harmonious and effective development of policing work in the OSCE region, the 2001 Ministerial Council decision on police-related ac-

20 Cf. <http://polis.osce.org>.

tivities emphasizes the imperative need to preserve, store and share the institutional knowledge resulting from OSCE activities, from local initiatives, and from the development work of other international organizations and agencies. Much of the knowledge acquired in successful policing reform in transition countries, is lost, including that arising from OSCE-led initiatives that ended when funding was completed or the staff moved on. It is currently difficult to draw lessons that may apply to similar situations because no record exists of the action that was taken, of the changes that led to success, or of the reasons why some actions failed.

The creation of a central repository for police-related knowledge has been one of main priorities of the SPMU's activities since 2003. Development of the OSCE Policing OnLine Information System, known as POLIS, a networked system of OSCE police-related information, and a common portal to serve a community of practitioners and policy-makers in storing and accessing the knowledge, best practices, and lessons learned assembled from the field operations of the OSCE and other international organizations, was set up as one of the three main priorities of the SPMU. On 24 November 2006, POLIS was presented to the chiefs of police of the participating States and partners for co-operation at the OSCE Chiefs of Police Meeting.

The main objective of POLIS is to assist police agencies in improving the effectiveness and efficiency of their services through the exchange of information as well as contributing to improving international police co-operation by facilitating the sharing of knowledge, practices, and expertise among the international police community.

The value of the main components of POLIS – the Digital Library, Policing Profiles of the participating States, and the Police Experts database – has already been recognized. Because of its multilingual user interface, currently available in English and Russian, POLIS has attracted a broad spectrum of users.

Conclusion

The SPMU approach to supporting policing development will continue to stress “police serving people”. Its focus will be regional while its actions will be local and pragmatic, emphasizing the development of basic policing skills. It will focus on cultivating a fluid, flexible working style that allows it to foresee and respond rapidly to newly emerging needs and crises. Strategically, over the longer term, the SPMU will continue to emphasize the importance of co-operation and dialogue, both within the Organization and with external partners. Operationally, recalling the premise that the rule of law is crucial to all other facets of national development and that the OSCE is well-positioned to deliver capacity- and institution-building that will make law enforcement more effective, the SPMU looks forward to responding to requests

from participating States and envisages building upon sound OSCE-region foundations in the following areas:

- identification and dissemination of best practices and lessons learned in policing programmes and strategies;
- co-ordination of police-related activities;
- co-operation and co-ordination with national and international partners;
- working with stakeholders to develop regional strategies in the fight against organized crime;
- assisting international organizations and participating States in ratification and implementation of international conventions
- development of OSCE guidelines on various fields of policing; and
- trust-building through organization and facilitation of conferences, seminars and workshops on police-related matters.

The SPMU's support aims to strengthen law enforcement activities within an OSCE participating State or region, or on behalf of all the OSCE participating States. Its growing repository of knowledge and experience will help to contribute to improving criminal justice systems and providing a democratic vision of policing for the whole OSCE region. In co-operation with participating States and international partners, the SPMU vision is ultimately to transform the philosophy of policing throughout the region.

Economic Transformation and the Containment of Emerging Risks

Environmental Security: A Key Challenge for the OSCE

Background

The OSCE is the largest regional security organization in the world and has been the primary instrument for early warning, conflict prevention, crisis management, and post-conflict rehabilitation in Europe. But since its inception in Helsinki in 1975, the political landscape has dramatically changed. Twenty-first century threats and challenges to our security are asymmetric, complex, dynamic, and cross-border in nature. Globalization, increasing inter-state dependence, and the emergence of new threats to security, including from non-state actors, are leading to a further blurring of lines between the three dimensions that characterize the work of the OSCE, making its comprehensive approach to security more important than ever before. The OSCE must therefore continue its efforts to create a more solid dialogue and stronger co-operation among its participating States and with partner organizations.

Among the emerging challenges, those relating to sustainable development and the environment take paramount importance: To the extent that humankind neglects to maintain the Earth's life-supporting ecosystems, current and future generations will be confronted with increasingly severe instances of environmentally induced change.

Such events will test our traditional concepts, boundaries, and understandings of national security and alliance politics, and, if not acted upon, may lead to conflict, including violent conflict, at global, regional, national, or local level. Though not designed as an environmental organization, the OSCE has a clear role in addressing environmental issues, operating on the premise that promoting co-operation on environmental problems contributes to the reinforcement of international security.

The immediate drivers of conflict in the OSCE area, as in the world at large, are likely to remain national and regional power struggles; ideological, ethnic, religious, and national tensions; and severe economic, social, or political inequality. A typical feature of conflict in today's world is a vicious circle of political instability and economic stagnation. However, the cumulative impacts of environmentally induced changes – in particular climate change – can exacerbate these drivers of conflict, and particularly increase the risk to those states already susceptible to conflict, for example where weak governance and political processes are ill-equipped to mediate successfully between competing interests.

As regards predicting instability, the OSCE is well positioned as it has a mandate “to assess potential security risks stemming, wholly or in part, from economic, social and environmental factors” and has been tasked to “catalogue and monitor economic and environmental challenges and threats to security and stability in the OSCE region, in collaboration with relevant international organizations”.

The OSCE acts as a catalyst in preventing disputes before the issues concerned are voiced among its participating States and can serve as a platform for preventive diplomacy.

Environmental Security

The link between environment and security is a common focus of debate in international policy circles and the academic community. As widely documented in the reports of the Environment and Security Initiative (ENVSEC), the interaction between the environment and other human security pressures in contributing to or reducing the threat of instability is complex and context-dependent.¹ Although conflicts have multiple causes, research suggests that the degradation, depletion, or mismanagement of natural resources linked to demographic change can have a negative impact on local and international stability by:²

- reinforcing and increasing grievances within and between societies: Where few alternatives remain, or where perceived inequities or opportunities for enrichment are great, groups may compete for resources, increasing the probability for violence to emerge;
- weakening states, whether by the diversion of revenues for insurgents and criminal groups, by depressing economic productivity, or by undermining the legitimacy of the state in the eyes of its citizens, as well as foreign investors.

On the other hand, environmental co-operation can also provide a basis for international peace-building and post-conflict reconstruction and reconcili-

1 On the links between natural resource scarcity and violent conflict, see, for example, Thomas F. Homer-Dixon, *Environment, Scarcity and Violence*, Princeton 1999; Geoffrey Dabelko/Steve Loneragan/Richard Matthew, *State of the Art Review on Environment, Security and Development Cooperation*, IUCN/OECD Development Assistance Committee, 2000, available online at: <http://www.oecd.org/dataoecd/8/51/2446676.pdf> or http://www.iisd.org/pdf/2002/envsec_oecd_review.pdf. On the links between natural resource abundance and violence see, for example, Karen Ballentine/Heiko Nitzschke, *Beyond Greed and Grievance: Policy Lessons from Studies in the Political Economy of Armed Conflict*, IPA Policy Report, October 2003, and Paul Collier et al., *Breaking the Conflict Trap: Civil War and Development Policy*, World Bank, 2003.

2 Cf. Colin H. Kahl, *States, Scarcity and Civil Strife in the Developing World*, Princeton 2006.

ation.³ A convincing body of work has demonstrated that nations are more likely to co-operate than to fight over control of international river basins.⁴

Thus, many security-related issues have transboundary dimensions and can lead to international tension. The risk of conflict may increase because of a combination of a growing demand for resources – population growth plus increased consumption per capita – and the expected deterioration of the environment. Disputes over land, water, and other natural resources can be used by political leaders to mobilize groups of supporters. Pollution impinges particularly on the issues of water, food, and habitat. It does not stop at international borders, and unresolved pollution issues can lead to international disputes or exacerbate existing tensions. We will address this issue more in detail below in connection with ENVSEC.

Particularly in states where the authority of the government is shaky, the population divided along ethnic or religious lines, or the economy in difficulty, economic or environmental tensions may come to a head. Even if such issues do not in themselves cause tensions, they can be an important factor in other kinds of disputes such as ethnic conflicts, where they often exacerbate matters.

State intervention frequently plays a critical role in determining whether population movements will cause conflict or not. This risk is particularly acute when there is an association between a region and an ethnic group. In particular, if an ethnic group finds a neighbouring kin-state prepared to take up its cause, international conflict may ensue. Clearly, such challenges to security are present in the OSCE region.

For instance, environmental issues played a leading role in the political mobilization of Eastern European citizens in the *glasnost* period and, more specifically, in the growth of national consciousness in many non-Russian republics. For their water supplies, the Central Asian republics depend on rivers running through southern Russia, which makes them vulnerable to external pressure. Man-made disasters such as the drying up and pollution of the Aral Sea compound their problems. The over-exploitation and pollution of the Caspian and Black Seas have already led to tensions between the riparian states. The legacy of nuclear tests in Kazakhstan is an important factor in colouring the Kazakh perception of Russia and the Russians. In Ukraine, the Chernobyl disaster, acidification, and erosion have caused the loss of hundreds of thousands of acres of arable land. Confronted with rapid population growth and “endowed” with a cotton monoculture, a number of Central Asian regions find food production is also under threat. In the Fergana Valley with its 14 million inhabitants, where Uzbekistan, Tajikistan, and Kyrgyzstan border on each other, the struggle for land and water has already resulted in

3 Cf. Ken Conca/Geoffrey Dabelko, *Environmental Peacemaking*, Baltimore 2003.

4 See, for example, Aaron T. Wolf/Shira B. Yoffe/Mark Giordano, International Waters: Identifying Basins at Risk, in: *Water Policy*, 1/2003, pp. 29-60 and Abigail Makim, Resources for Security and Stability? The Politics of Regional Cooperation on the Mekong, 1957-2001, in: *Journal of Environment & Development*, 1/2002, pp. 5-52.

violent conflicts. These water and land issues are sometimes entangled with border disputes.

For many states, oil or gas exports are the main source of essential hard currency earnings. Disputes over the exploration and transportation of oil and gas have a number of states struggling for control of energy sources and the territories where they can be found or over which they have to be transported. (e.g. the Caspian Sea and, more recently, the Arctic Ocean).

The Environment and Security Initiative (ENVSEC): Transforming Risks into Opportunities for Co-operation

One of the best examples of how synergies with partner organizations can be developed is the Environment and Security Initiative. ENVSEC is a partnership between the OSCE, the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP), the United Nations Economic Commission for Europe (UNECE), and the Regional Environment Centre (REC), with NATO as an associated partner. The ENVSEC initiative provides a framework for co-operation on environmental issues across borders and promotes peace and stability through environmental co-operation and sustainable development.

ENVSEC builds on the combined strength of each organization's expertise, experience, and field presence. One of the strengths of the initiative is that the different partners respond to different constituencies. While UNEP mainly deals with ministries of the environment, UNDP deals with development ministries, NATO with defence departments, and the OSCE with ministries of foreign affairs. This is one of the key benefits that the OSCE brings to the picture as a political security organization. The OSCE can help to bring environmental issues onto the political agenda and then generate political will to address them at the highest level.

Global environmental security will increase or decrease according to our ability, or lack thereof, to make innovative institutional arrangements and/or technological advances that will enable us to manage the environmental security challenges we face. If we continue to neglect the ecosystems that are the source of all our water, food, medicine, and clean air, current and future generations will be confronted with increasingly severe instances of environmentally induced change. As noted above, such events will challenge our concepts of national security and alliance politics and may lead to conflict.

The ENVSEC initiative generally aims to achieve its goals by following a three-stage process: vulnerability assessment and monitoring of environment and security linkages; capacity building and institutional development; and policy development, implementation, and advocacy.

Putting environmental threats to security on the map is a key objective. In identifying potential threats to security, the ENVSEC initiative works with a broad definition of “conflict”, including under that term a continuum ranging from mere differences in the positions of actors, via sporadic use of violence, to armed conflict. It would be too narrow to examine only the latter, as most environmental conflicts are found below the threshold of violence. Furthermore, non-violent conflicts provide more scope for co-operation and confidence building. For the purposes of our argument, we will use the term “conflict” to describe a situation in which severe social tensions and political disruption may occur that could result in the use of violence.

The activities of the initiative generally have two sides:

- Identifying the environmental sources of stress between communities, regions, or countries, particularly where these have the potential to undermine social and economic stability and lead to conflict.
- Designing tools and approaches that can be used to bring about or strengthen co-operation and good governance between communities, regions, and countries, so that environmental problems are adequately addressed, social and economic stability is reinforced, and conflict is avoided.

The ENVSEC initiative chose to adopt a regional approach in the belief that many potential sources of environmental conflicts can only be dealt with in their regional context, and that transborder co-operation on such issues can contribute to peace-building, particularly around scarce common goods. For example, in post-conflict settings, joint efforts to clean up contaminated sites and restore natural spaces may revitalize both the environment and the trust among peoples and nations. Two pilot regions, Central Asia and South-Eastern Europe, were covered in the first phase, two more, South Caucasus and Eastern Europe, were added in 2004.

This has led to the identification of regional priorities. The assessment phase led to the identification of soil degradation, salination, and desertification as potential threats to security. Other issues included water supply and contamination as well as industrial, municipal, and hazardous waste. These types of environmental issue are typically classified as threats to human security, and are linked to national security by their potential for causing discontent, migration, unrest, and destabilization.

Although both pilot regions are affected, Central Asia presents the greatest urgency, with over 80 per cent of its territory classified as dry, sub-humid, semi-arid, and arid zones. The land area affected by desertification is significant, ranging from 66 per cent in Kazakhstan to 97.7 per cent in Tajikistan.

With the collapse of the Soviet system and agricultural subsidies, the post-independence period has seen significant increases in rural poverty. As poverty became more widespread, people's options for pursuing a livelihood diminished and they were driven to seek quick returns from unsustainable practices, which lead to land degradation and reduce carrying capacity and crop yields. Considering that the majority of the population lives in rural areas, desertification and land degradation take a high toll on their ability to survive.

Waterlogging and salinity present two major land-quality problems in the region. In all five countries, maintenance of the water canals, drainage networks, and irrigation schemes was largely neglected in the 1990s. In Tajikistan, a mountainous country, irrigation in foothill zones induces groundwater recharge and intensifies waterlogging and salination of the lower areas. In Uzbekistan, 50 per cent of irrigated land is considered to be saline, with a high concentration of up to 95 per cent in downstream areas, especially in Karakalpakstan. These issues are linked to water scarcity and overexploitation of existing resources.

As much as 90 per cent of the region's crops are produced on irrigated land, with cotton the dominant crop and a particularly thirsty one. The focus on cotton as the main source of employment and foreign exchange has led to monocultivation, which further contributes to soil degradation and severely reduced biodiversity.

Toxic industrial waste has been dumped and buried extensively throughout the region, adversely affecting water, air, and soil quality, which in turn has a serious impact on the health of the population and wildlife. The Semipalatinsk nuclear testing site in Kazakhstan, for example, hosted 470 tests between 1949 and 1989, resulting in radioactive fallout on an area as large as 300,000 square kilometres.

As a result of the diversion for irrigation of four fifths of the water that used to feed what was at the time the world's largest freshwater lake, the Aral Sea started shrinking. Between 1960 and 1998 the sea's volume declined by 80 per cent and the Aral desert was formed. Sea and river beds are exposed to wind erosion and contaminated dust is carried over vast distances, affecting crops and causing respiratory diseases.

In other areas, for example in the mountains of Kyrgyzstan and Tajikistan, poverty and lack of income alternatives force local communities to engage in intensive cattle grazing, thus causing deforestation and erosion. Wood cutting for firewood exacerbates this problem and increases the probability of landslides.

Environmental factors do not themselves lead directly to violent conflict; they are rather one strand within a complex web of causality, in which various socio-economic problems are intertwined, such as overpopulation, poverty, forced mass migration, refugee movements, hunger and starvation, political instability, and ethno-political tensions. Environmental degradation

and natural resource scarcity can be the causes of such socio-economic problems, as well as being caused or exacerbated by them.

Although unsustainable patterns of consumption and production on the part of richer nations may be a strongly contributing factor to negative environmental change, environmentally induced conflicts appear to arise mainly in underdeveloped regions with a lack of development policy alternatives, whose history makes them prone to conflict and where crises and conflicts are evidently an inherent part of the development process.

Whether environmental stress harbours a risk of conflict or even leads to violence depends upon a series of socio-economic context variables, primary conflict factors, and cognitive processes. These include cultural circumstances and traditions, ethno-political factors, civil society mechanisms for peaceful conflict resolution, the stability of the internal policy system, and, finally, societal, institutional, economic, and technological capabilities. Alongside regulating consumption and ensuring an equitable distribution of renewable resources, therefore, it follows that the identified context variables also offer points of leverage that can help to prevent environmentally induced conflicts.

Despite the complexity of the sources of conflict, environmental components provide a potential for preventive measures. Global environmental policy, in particular, relies on the principles of co-operation and reconciliation of interests. Environmental policy instruments or negotiations on environmental problems can thus be used to resolve conflicts in which a peaceful solution to other, perhaps more decisive sources of conflict, is not possible.

Within the framework of the ENVSEC programme, the partner organizations are developing regional, national, and sub-national projects that strengthen social and institutional capacities to address threats to human security triggered or accelerated by environmental stress. The initiative basically consists of three distinct but interlinked pillars, dealing in turn with vulnerability assessment and monitoring, capacity building and institutional development, and policy development and implementation.

Steps are to be taken to promote and improve vulnerability assessment and monitoring, development of appropriate indicators, setting up an integrated database, and establishing a long-term monitoring system. Regional stakeholder dialogues are initially concentrating on information sharing, data exchange, knowledge networking, and indicators for early warning. The monitoring system also allows monitoring of the progress of the initiative and the environmental threats to security being addressed.

Two key elements are capacity building and institutional development. The vulnerability of an economy or a state as a whole to environmental stress depends heavily upon its institutional capabilities: whether or not there are appropriate environmental policy institutions at the national, regional, and local levels, such as a functioning environmental administration, legal and economic instruments by which to regulate resource consumption, and a

monitoring system. It also depends upon the potential for creating economic alternatives for developing societies, the ability to engage in long-term planning processes, the ability to adopt strategic policies, and the integration of state and non-state resources and capabilities.

Policy development and implementation come next. Integrating environmental activities with conflict prevention and mediation initiatives is seriously hampered by the difficulties involved in combining theoretical and conceptual insights from both fields into multilateral and bilateral donor activities. ENVSEC aims to overcome this problem by facilitating knowledge transfer to assist donor policy and project development.⁵

The ENVSEC initiative has been recognized as a model of co-operation among international organizations that could be replicated elsewhere. A successful replication of the initiative would require that the right combination of partner organizations could be convened for the effort. A key feature of the ENVSEC initiative is precisely the close co-operation between international organizations whose particular mandates ensure that security, environmental, and social issues are all taken into account.

The 15th OSCE Economic and Environmental Forum (EEF)

The Economic and Environmental Forum is the most important annual event organized by the OSCE under its economic and environmental dimension. It is attended by high-level officials from the Organization's 56 participating States.

The 15th OSCE EEF, which took place during the Spanish OSCE chairmanship, was dedicated to "Key challenges to ensure environmental security and sustainable development in the OSCE area: land degradation, soil contamination and water management". Because of the topic chosen, this EEF could indeed become a turning point for the OSCE's economic and environmental dimension.

The forum was split into two sessions. The first took place in Vienna on 22-23 January 2007, and the second in Prague on 21-23 May. Each was preceded by a preparatory conference at expert level. While the first preparatory conference, held in Bishkek, Kyrgyzstan, on 16-17 November 2006, concentrated on land degradation and soil contamination, the second one, in Zaragoza, Spain, on 12-13 March 2007, focused on water management.

The second session of the EEF in Prague was a clear success, in terms of both the number of participants, which exceeded 300, and in terms of the active engagement of the participants in the discussion on the forum's theme.

5 Cf. UNEP/OSCE/UNDP Environment and Security Initiative, Addressing Environmental Risks and Promoting Peace and Stability. The post Kiev process, 24 April 2003, p. 6, available online at: http://www.iisd.org/pdf/2003/envsec_post_kiev.pdf.

The key message conveyed in the opening session of the meeting by the OSCE Chairman-in-Office, Spanish Foreign Minister Miguel Angel Moratinos, was the following: Global security will be increasingly at risk because of man-made environmental threats but, with the right political will, the promotion of good governance, and deepening regional co-operation, the threats can be reduced. “It is important”, he said “to include environmental security issues in political agendas by fostering the participation of national, international, public and private actors [...] Environmental co-operation can be an effective catalyst for reducing tensions, broadening co-operation and promoting peace”. He continued: “It is high time to think about where the OSCE should stand in regards to environmental matters and to strongly promote the Economic-Environmental dimension.”⁶

Similar views were echoed in the statements of other keynote speakers:

- Cristina Narbona, Minister of Environment of Spain, referred to the recent discussions on the security implications of climate change that have taken place under the aegis of the United Nations Security Council, where it was stressed that the impact of climate change will fall disproportionately on poor countries and that richer countries have a moral obligation to act. She drew also attention to the expertise developed by Spain in combating land degradation and dealing with reduced availability of fresh water, for instance thanks to desalination plants.
- Jacqueline McGlade, Executive Director of the European Environmental Agency (EEA), outlined some key draft conclusions of the “Europe’s Environment Assessment Report” to be issued by the EEA at the “Environment for Europe” Ministerial Conference, which took place in Belgrade in October 2007. She sees “unsustainable patterns of production and consumption leading to increased resource needs in the region and a heightened vulnerability”. In her view, resource conflicts are inevitable; emerging economic and social instability will lead to asymmetric threats to security that cannot be resolved by military force or within traditional domains of security policy such as defence, foreign relations, and strategic planning but could benefit from partnerships to deal explicitly with other transformations and environmental concerns. She proposed that the OSCE, the UNEP, and the relevant UN conventions and commissions launch a joint initiative with the EEA to create prospective frameworks to anticipate risks and vulnerabilities.
- Justin Mundy, Senior Adviser to the UK Foreign Secretary’s Special Representative for Climate Change, referred to a recent report by a retired US General, who had concluded that climate change is a threat multiplier: It places additional stress on an already stressed system. It is

6 OSCE, Secretariat – Office of the Co-ordinator of OSCE Economic and Environmental Activities, Press release, *OSCE meeting fosters co-operation to reduce environmental threats, says Chairman*, at: http://www.osce.org/eea/item_1_24589.html.

not enough to deal with the hot spots; we must address in a global way the environmental threat to our security; “climate change”, he said “can bring us together, if we are wise enough not to allow it to bring us apart”. He argued that there is a need for more co-ordination and less duplication among international organizations dealing with this problem. He saw a role for the OSCE in establishing early warning systems based on the analysis of environmental security issues at country level. He also saw an OSCE role in transboundary environmental issues and in dealing with the social impact of climate change.

- Tom Spencer, Vice Chairman of the Institute for Environmental Security, based in The Hague, former Chairman of the European Parliament’s Committee on Foreign Affairs, Human Rights and Defence Policy, foresaw the chain of effects of climate change, with the disruption to agricultural societies of the developing world leading to mass migration first to urban centres in the south and then to countries in the north, creating a terrain favourable to fundamentalism. “The OSCE”, he said, “is underused for the context we find ourselves in”. The Aral Sea basin, with all its mineral resources, could become the Balkans of Central Asia. He also expressed particular concern at the effects of global warming on the Arctic region and at the “bubbles of methane” emerging massively from the defrosted tundra in the Russian Federation, Canada and Alaska and contributing massively to greenhouse gas emissions.

On the substantive side, discussions led to a number of specific outcomes and follow-up activities:

- Further to the Memorandum of Understanding signed between the OSCE and the UNECE, Kaj Barlund, Director of the UNECE Environment Housing and Land Management Division, presented a review of the implementation of OSCE environmental commitments, stemming in particular from the Helsinki Final Act (1975) and the Maastricht Strategy Document for the Economic and Environmental Dimension (2003). His presentation highlighted the major achievements, the remaining weaknesses, and the way forward for OSCE participating States in their environmental performance, public participation, compliance with multilateral environmental agreements, handling of transboundary water management, and environmental information and education. He also put on the table very specific proposals for OSCE/UNECE co-operation, among others, for building capacity for environmental monitoring and reporting by enterprises and public authorities in Central Asia.
- The forum provided an opportunity for delegations to give reactions to the Spanish proposal for the adoption of an OSCE strategy on environment and security, which was later submitted for approval to the OSCE Ministerial Council, which took place in Madrid at the end of Novem-

ber 2007. A first draft was distributed by the Spanish OSCE Chairmanship at the end of April, a revised version in July. The draft document had two sections: a more general “Madrid Declaration on the threats and opportunities in the area of environment and security”, which explored the links between security, economy, and the environment, and described the evolving environmental security threats and challenges in the OSCE region; it also included the key elements of a possible decision, building on the consensus established in the 2003 Maastricht Strategy. The second part was a more detailed “OSCE Action Plan as a response to evolving environmental security threats and opportunities”, which outlined how these decisions can be translated into action by OSCE participating States, executive structures, institutions, field presences, and mechanisms. Key sections dealt, for example, with raising awareness on climate change and its economic implications and on promoting environmental security as a tool for co-operation and for confidence building. With all this on the table, the delegations engaged in a lengthy and highly interesting negotiation process, which finally resulted in the adoption of the “Madrid Declaration on Environment and Security”. It is true that this declaration only contains some of the elements initially proposed, but it is a clear political signal that the 56 participating States could reach a consensus that recognized the crucial importance of environmental security issues.

- A very important session was dedicated to transboundary water co-operation. The OSCE has already supported programmes and projects bringing together countries and stakeholders around the Sava, Dniestr, Kura-Araks, and Chu and Talas rivers, and through its ENVSEC initiative, is considering offering similar support to water co-operation projects between Tajikistan and Afghanistan on the Amu-Darya River. Special attention was given to the acute environmental problems of the Aral Sea basin. As a follow up to the EEF, a conference on integrated land and water resources management in Central Asia was held on 30-31 October 2007 in Tashkent, Uzbekistan, which also examined how transfers of technology could help. In this context it should also be noted that the Madrid Ministerial Meeting adopted a decision encouraging participating States to strengthen dialogue and co-operation on water management within the OSCE. It is the first time that the OSCE, as a political security organization, has taken a decision on water management at ministerial level.
- To deal with the new challenges of environmental security, we need not only technology transfer and transboundary co-operation but also improved governance in managing natural resources. A plenary session was dedicated to this subject in Prague, with very interesting contributions from a representative of the Forestry Department of the Forest and Agriculture Organization of the United Nations (FAO), who invited the

OSCE to contribute to existing international efforts to fight illegal logging and to support undertakings such as the EU initiative on Forest Law Enforcement, Governance and Trade. Another was made by a representative of the World Business Council for Sustainable Development, a coalition of 190 leading companies pursuing an agenda of environmental awareness, measurement, and reduction of their environmental impact, which aims to build bridges and trust with other stakeholders such as government and civil society to create a sustainable future. The Head of the Delegation of the Russian Federation to the Prague Forum proposed that a conference be held in the Russian Federation in the autumn of 2007 to be attended by the OSCE and other relevant international organizations and to focus on public-private partnerships for environmental security and sustainable development.

- At another session in Prague, dedicated to Land Degradation and Soil Contamination, the Deputy Executive Secretary of the United Nations Conventions to Combat Desertification (UNCCD) announced that, further to request of the Central Asian States, the UNCCD Secretariat, together with OSCE, had started the process of establishing a Drought Management Centre for Central Asia. A similar centre for South Eastern Europe is being established in Slovenia. A number of training activities on soil conservation strategies and on watershed rehabilitation techniques in zones affected by drought are planned in several countries. The OSCE field presences can support these UNCCD initiatives.
- The subject of this year's Economic and Environmental Forum was of special relevance for the OSCE's Mediterranean Partners for Co-operation. All of them spoke at the forum, particularly in a special session on challenges to the management of water resources and to countering desertification in the Mediterranean region. They expressed interest in technology transfer and also made clear the link between these environmental challenges and migration, which is another very important topic on which the Office of the Co-ordinator of OSCE Economic and Environmental Activities has been actively engaged, working together with the International Organization for Migration (IOM) and the International Labour Organization (ILO). As a follow-up to the EEF, in December 2007 the OSCE co-hosted with NATO a workshop on "Water Management, Land Degradation and Desertification in the Mediterranean region – Environment and Security Linkages".
- Last but not least, a number of special events were organized in the margins of the forum. At one of them, a report entitled "Environment Security: transforming risks into co-operation" and assessing the environmental situation in Belarus, Moldova, and Ukraine was launched. The report was developed within the scope of the ENVSEC initiative.

It is also worth mentioning that the 15th forum was the first OSCE carbon neutral event, as the Spanish Chairmanship has invested in projects to reduce carbon dioxide emissions equal to those produced by the conference, through a carbon-offset and climate-consulting service.

The OSCE's Economic and Environmental Dimension: The Way Ahead

The economic and environmental dimension is currently the smallest of the three OSCE dimensions by far. It absorbs less than two per cent of the combined budgets of the OSCE Secretariat and the OSCE field presences.

This article might help to give a few answers to the crucial question of how the OSCE, endowed with neither large amounts of money for assistance projects – at least not in its unified budget – nor vast reservoirs of technical expertise in economic and environmental matters, can act most efficiently to counter environmental threats to security.

The OSCE is also the only organization that can establish a comprehensive set of politically binding commitments regarding economic and environmental co-operation within the OSCE region that places all the participating States on an equal footing and aims at enhancing their security.

Therefore, on the one hand, the norm-setting approach through the intergovernmental process is extremely important. The OSCE needs to continue to promote the full implementation of existing international documents to make sure that all participating States honour commitments they have made. It also needs to take the political initiative if necessary and engage participating States in the drafting of new documents.

Uneven fulfilment of commitments decreases collective security by damaging the confidence that neighbouring States have built up over the years. We therefore need to assist participating States whenever necessary with capacity building and use a variety of educational tools to make sure they are in a position to live up to the commitments as outlined by international treaties and conventions. The OSCE Secretariat, for instance, has done a great deal to promote public awareness of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, because its principles are directly in line with general principles of good governance. And we strongly advocate the importance of an informed public that is able to put pressure on governments, should they not play by the rules.

The OSCE can also be very effective as a catalyst in implementing small, cost-effective projects that can have a snowball effect. OSCE field presences have a crucial role to play in this regard. Through their daily contacts with national and local authorities, NGOs, academia, and the business community, they can detect concrete issues and obstacles to sustainable economic and social development. The OSCE can thus serve as an important

early warning instrument. By responding appropriately and addressing potential economic and environmental threats through concrete action, generally in close co-operation with partner organizations, the OSCE can diffuse potential tensions and greatly contribute to confidence building among its participating States.

In the years to come, more attention will certainly be given to environmental security issues – to the links between the economy, the environment, and security. The adoption of the Madrid Declaration on Environment and Security is to be seen as an important commitment and certainly a step in the right direction, but we should not fool ourselves: Unless we continue to take earnest and rapid action to ensure that the development of our planet is undertaken in a more sustainable manner, history will judge us harshly for having jeopardized the livelihood of coming generations.

Economic and Environmental Aspects of Migration¹

Migration and Security

Over the past 45 years, the world has witnessed increasing interconnectedness and globalization, largely as a result of the liberalization of the international movement of goods, capital, and services. Over the same period, the number of people living outside their country of birth has more than doubled, from an estimated 75 million in 1960 to nearly 191 million in 2005.² In contrast to the growing liberalization of the international movement of goods, capital, and services, the cross-border movement of people has been an area that states have wished to control. Uncontrolled, irregular migration on a large scale is often perceived as a threat to national security and sovereignty, while regular, legal migration is welcomed and supported. However, migration is increasingly viewed in terms of a more comprehensive security concept that takes into account political, economic, environmental, and social aspects, thus making the linkages between international migration and security more evident.

1. Migration may influence social stability, which is an important factor in internal security, when the inflow of immigrants is significant and the host population is not well informed about the positive contributions the newcomers are making to the local economy and cultural life. Ineffective or entirely absent integration policies hinder immigrants from learning the local language and settling into a new society – factors that may give rise to negative reactions on the part of the host population.
2. Immigrants are sometimes perceived – particularly during periods of high unemployment – as a problem for economic security in the host country, and an economic burden on schools, housing, and social security systems.
3. Increasing irregular migration and ineffectual migration management policies can negatively influence bilateral relations between countries of origin and destination.
4. Various international agencies, such as the Red Cross,³ the United Nations High Commissioner for Refugees (UNHCR),⁴ and the United Na-

1 The views expressed in this paper are made in a personal capacity and do not necessarily reflect the views of the OCEEA or the OSCE.

2 Cf. OSCE/IOM/ILO, *Handbook on Establishing Labour Migration Policies in Countries of Origin and Destination*, 2006, p. 1.

3 Cf. International Federation of Red Cross and Red Crescent Societies, *World Disasters Report 2003*, which estimates that 25 million people have become “environmental migrants”.

tions University⁵ note growing numbers of displaced persons as a result of environmental problems such as drought, desertification, deforestation, natural and man-made disasters, and climate change. Environmental degradation is thus one more push factor that leads to increased and involuntary migration, which in turn may aggravate the social, economic, and inter-state tensions mentioned above in points 1-3.

Migration and the OSCE's Second Dimension

Comprehensive security has been a central and integral element of the OSCE's philosophy and activities since the Organization's inception in 1975. Migration was already included as a component of its comprehensive security approach in the Helsinki Final Act (1975), which identified freedom of movement as one of its founding commitments. In a number of follow-up documents, including those adopted at the Ministerial Councils of Maastricht in 2003 and Sofia in 2004, the OSCE participating States reaffirmed migration as a comprehensive security issue. Until 2005, the OSCE dealt with migration mainly from a human dimension perspective (combating discrimination against migrants, promoting the human rights of migrants, providing assistance in reforming legislation, addressing internally displaced persons). Only since 2005, the year of the Slovenian OSCE Chairmanship, have economic and environmental migration issues been introduced into the work of the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA). The Slovenian Chairmanship chose to make migration one of its priorities, recognizing the added value the OSCE could bring to the topic by using its three-dimensional nature to address the complexity of migration in a more comprehensive manner.⁶ The 2005 Economic Forum and its preparatory conferences – the main platforms for dialogue in the second dimension – were devoted to “Demographic Trends, Migration and Integrating Persons belonging to National Minorities: Ensuring Security and Sustainable Development in the OSCE area”. The outcome of the Economic Forum was the adoption of the Ministerial Decision on Migration⁷ in December 2005, which laid the foundation for the OCEEA's migration activities. The Minis-

4 Cf. UNHCR, *The State of the World's Refugees 2006, Human displacement in the new millennium*, April 2006, p. 27.

5 Cf. United Nations University, UNU-EHS, Institute for Environment and Human Security, Control, Adapt or Flee: How to Face Environmental Migration? in: *InterSecTions* 5/2007.

6 Cf. Organization for Security and Co-Operation in Europe, the Chairman-in-Office, *Food-for-Thought Paper on the Strategy on Managing Migration*, CIO.GAL/122/05, 5 September 2005.

7 Organization for Security and Co-Operation in Europe, *Thirteenth Meeting of the Ministerial Council, 5 and 6 December 2005, Ljubljana 2005*, MC13EW66, 6 December 2005, Decision No. 2/05, Migration, MC.DEC/2/05 of 6 December 2005, pp. 20-21.

terial Decision encouraged the OSCE to make use of its comprehensive approach, including by:

1. developing a stronger partnership and exploiting synergies with international bodies that have a specific focus on migration;
2. facilitating dialogue and co-operation between OSCE participating States, including countries of origin, transit, and destination in the OSCE area, as well as the OSCE Partners for Co-operation and Mediterranean Partners for Co-operation; and
3. assisting participating States, upon their request, in developing effective migration policies.

The commitment to migration and the wish to continue work being done on migration and integration issues in all three dimensions were re-affirmed by the Ministerial Statement on Migration adopted under the Belgian Chairmanship in 2006. This statement also encouraged the OSCE institutions and structures to facilitate the positive impact of migration on development in countries of origin.⁸

The Slovenian Chairmanship can also be credited for having put environmental migration on the agenda of the OSCE Economic and Environmental Forum. In the same year, upon request of the Chairman-in-Office, Dimitrij Rupel, the Panel of Eminent Persons gave the following recommendation to the OSCE's Permanent Council: "Environmental problems have important security aspects in fields that the OSCE could address, *inter alia* the growing problem of environmental refugees and internally displaced persons".⁹ The topic has also been addressed under the 2007 Spanish Chairmanship and is explicitly mentioned in the 2007 Madrid Ministerial Declaration on Environment and Security.¹⁰

By emphasizing the link between the environment and migration/forced displacement, the Slovenian and Spanish Chairmanships have placed environmentally induced migration – a topic that has not received a lot of attention in UN circles – on the OSCE's agenda. Key questions that remain contentious are the legal status and categorization of those displaced by environmental factors. The term environmental "refugee" has so far failed to achieve general recognition, because there is a risk that use of the term "climate/en-

8 Cf. Organization for Security and Co-Operation in Europe, *Fourteenth Meeting of the Ministerial Council, 4 and 5 December 2006, Brussels 2006*, MC14EW79, 5 December 2006, Ministerial Statement on Migration, MC.DOC/6/06 of 5 December 2006, p. 10.

9 Common Purpose – Towards a More Effective OSCE. Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the OSCE, 27 June 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 359-379.

10 Cf. Organization for Security and Co-operation in Europe, *Fifteenth Meeting of the Ministerial Council*, 29-30 November 2007, Madrid 2007, Declaration on Environment and Security, MC.DOC/4/07, point 2: "Environmental degradation, including both natural and man-made disasters, and their impact on migratory pressures, could be a potential additional contributor to conflict."

vironmental refugee” would dilute the viability and utility of the term for those who are currently eligible for protection under the legal definition of refugee provided by the 1951 UN Convention relating to the Status of Refugees. Furthermore, politicians and the public may judge “economic” or “environmental” refugees to be taking illegitimate advantage of refugee protection mechanisms. Nevertheless, environmentally displaced persons do not fall entirely through the cracks of international law, as some do qualify under the Internally Displaced Persons (IDP) framework.¹¹

In addition, under the UN’s “cluster system”, the UNHCR has the lead responsibility for providing assistance to victims of major natural disasters (earthquake, tsunami). However, what remains unaddressed to date is how to deal with victims of “creeping” disasters like desertification and other effects of climate change, particularly those who have crossed international borders in search of a more sustainable resource base.

To date, understanding of the interconnections between environment, economy, and migration remains marginal and the topic has been under-researched, leading only to vague numerical estimates and woolly definitions of who would actually come under an “environmentally displaced persons” protection mechanism. It is for this reason that the OSCE Chairman-in-Office made the following statement at the 2007 Economic and Environmental Forum in Prague: “Migration resulting from environmental factors – whether within a State or between extensive geographical areas – represents an important issue for the future of the OSCE area. Our task should be to consider the role of the Organization in the promotion of good practices and in the co-ordination of research methods in order to increase knowledge regarding migration flows brought about by environmental circumstances, a task that affects the OSCE area and in which the contributions of our Partners for Co-operation will be decisive.”¹²

Migration Trends in the OSCE Area

In general, the root causes of international migration can be said to derive from economic, demographic, and social disparities as well as conflicts, climate change, and environmental degradation or disasters. Since the 1990s, following the break-up of the former Soviet Union, issues of involuntary mi-

11 Internally displaced persons are defined as “persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man made disasters, and who are within the territory of their own country”, *Analytical Report of the Secretary-General on Internally Displaced Persons*, UN document E/CN.4/1992/23, 14 February 1992.

12 Opening Statement by OSCE Chairman-in-Office Miguel Angel Moratinos at the 15th OSCE Economic and Environmental Forum – Part 2: “Key challenges to ensure environmental security and sustainable development in the OSCE area: Land degradation, soil contamination and water management, EF.DEL/49/07, Prague, 21-23 May 2007, 22 May 2007.

gration and displacement¹³ have faded into the background in the OSCE area. Migration flows have mainly been motivated by regional economic disparities. However, some worrying environmental trends in the OSCE region both East and West of Vienna, notably desertification and climate change, may yet again lead to “forced” displacement, especially in economically vulnerable areas.

From a geographic point of view, the OSCE countries span a number of regions displaying quite different characteristics in terms of migration. First, the OSCE area includes two countries that have traditionally attracted large numbers of immigrants, Canada and the United States. In terms of numbers, the United States, with 39 million foreigner residents, has the largest number of immigrants.¹⁴

Second, the OSCE encompasses the whole of the European Union (EU), for which a common asylum and immigration policy has increasingly become an important area of co-operation. There are mainly three reasons for this: The challenges resulting from increased migration flows to the European Union, including a significant rise in all forms of irregular migration and the asylum crisis in the 1990s, made it clear that unilateral measures undertaken by individual states were insufficient. In addition, the process of European integration and the effects of EU enlargement led to co-operation in fields considered to be part of migration policy, such as border control and visa issues, asylum policy, and family reunification. And finally, there is a growing understanding among EU member states that well managed migration can compensate for the negative economic impacts of population ageing and labour force decline that affect many EU countries.¹⁵

Net migration to the EU rose between 1998 and 2005. Today, the estimated numbers of migrants in the European Union is 42 million, most of whom live in Germany, France, United Kingdom, Spain, Italy, and Austria. Of the 42 million, 14 million emigrated from other EU countries, and the remaining 28 million from outside the EU. In terms of the typology of migration flows,¹⁶ labour migrants constitute only a fraction of the total. In most

13 The number of people emigrating from Armenia and Azerbaijan doubled during the conflict over Nagorno-Karabakh (1988-1990) and a similar increase was observed in Georgia during the worst years of armed conflict in South Ossetia and Abkhazia (1990-1993). In Tajikistan, outflows tripled during the civil war (1992-1993). For more details, see OSCE, *Background Paper, Second Preparatory Seminar for the 13th Economic Forum*, Almaty, Kazakhstan, 24-25 January 2005.

14 Cf. OSCE Parliamentary Assembly, *Implementation of OSCE Commitments, Report for the General Committee on Economic Affairs, Science, Technology and Environment*, Sixteenth Annual Session in Kyiv, 5-9 July 2007, p. 1.

15 In its Communication on a Community Immigration Policy in November 2000, the European Commission stated that the migration policy of the EU member states since 1970 does not represent an adequate answer to current demographic and economic challenges. In its Communication on Immigration, Integration and Employment in June 2003, the European Commission repeated the need for migration management to meet the challenges facing the EU market.

16 Four broad types of migration can be distinguished: labour migration, including short- and long-term migrants and seasonal workers; family-linked migration; asylum seekers, who,

EU member states, labour migrants make up between ten and 35 per cent of the permanent immigration flow (2004 figures), as a significant numbers of entrants arrive via family reunification or as asylum seekers.¹⁷

The third OSCE region, which is rapidly gaining in importance with regard to labour migration, is the Commonwealth of Independent States (CIS). During the last 15 years the nature of migration flows in the CIS region has shifted from primarily forced migration as a result of strong political push factors, to voluntary economic migration.¹⁸ Growing economic disparities among the newly sovereign states led to large waves of labour migrants, with the Russian Federation as the main destination country, followed by Kazakhstan and Ukraine. Official statistics cannot capture the significant growth of irregular labour migration within and from the region. According to some estimates, up to ten million undocumented migrants could be spread throughout the region, mainly in the Russian Federation, pushed by low living standards and poverty in their countries of origin.¹⁹

Widespread human trafficking is an additional common challenge for both origin and destination countries in the CIS region.

Considering the lack of institutional capacity and experience of controlling large cross-border movements in the CIS countries, current migration flows have presented the governments of the region with many new challenges related to effective migration policy and border management.

As mentioned above, studying environmentally induced migration is hampered by a severe lack of reliable regional and global data, as well as an absence of fully developed methodologies for analysis. As such it is hard to estimate the numbers of environmental migrants. However, there are two examples in the OSCE region that illustrate the types of problems the region faces.

The first notable case of environmental migration is the Aral Sea. During Soviet times, the two main rivers, the Amu Darya and Syr Darya, which fed the Aral Sea, were diverted for agricultural irrigation in the 1960s. As a result, the sea level has dropped over 16 meters in the past 30 years; the volume of water has decreased from 1,062 to 278 km³, and, in the late 1980s, the sea was effectively split into two parts. Studies have shown that over 60,000 people have left the area due to increasing desertification and a lack of

once they are granted asylum, are classified as refugees; and undocumented/illegal immigrants.

17 Cf. Nuria Diez Guardia/Karl Pichelmann, *Labour Migration Patterns in Europe: Recent Trends, Future Challenges*, Economic Papers, Directorate-General for Economic and Financial Affairs, European Commission, September 2006, p. 12.

18 Cf. Irina Ivakhnyuk, *Migration in the CIS Region: Common Problems and Mutual Benefits*, International Symposium "International Migration and Development", June 28-30, Turin, p.1.

19 Cf. IOM, *World Migration Report 2005*, p. 154. Studies have estimated that there were between three and 5.5 million irregular migrants in the Russian Federation in 2005, but only 300,000 migrant workers with proper documentation. An estimated two million of these undocumented workers are from Central Asia, including some 600,000 from Tajikistan and up to 500,000 from Kyrgyzstan.

income-generating opportunities as a result of the collapse of the fishing industry.²⁰

The second example relates to the Chernobyl disaster. In Ukraine, some 6.7 million hectares of land have been contaminated by radioactive fallout from the defunct reactor and more than three million people live on contaminated land. Radioactive contamination has affected about one fifth of the territory and one sixth of the agricultural land of Belarus.²¹ People living within a radius of 30 km around the reactor site were evacuated; within ten days of the accident, 130,000 people from the 76 settlements in this area were evacuated, with many more having migrated voluntarily and permanently.

Looking to the future, notably Central Asia, with its extreme weather, vast drylands and often unsustainable agricultural practices, is at risk of further ecosystem degradation that could cause displacement. Similar scenarios from the most recent IPCC reports predict water shortages and rapidly expanding deserts in northern and sub-Saharan Africa and southern Europe.²²

Rethinking Migration on a Global and EU Level

When the context is made clear, as above, it becomes more obvious that migration, particularly as a result of growing economic differentials, but also increasingly as a consequence of environmental degradation and climate change, continues to present a challenge in the OSCE area, and warrants greater attention and the application of effective migration management measures. In recent years, the international debate on migration has largely focused on identifying common, comprehensive approaches and means for co-operation among states in regulating, what is by definition, a phenomenon requiring international co-operation. We can detect a change of thinking among policy makers, international organizations, and academics, which emphasizes the positive impacts of migration on both countries of origin and destination. Indeed, the UN High-Level Dialogue on International Migration in 2006 gave considerable attention to the issue of migration and development at the global level. Traditionally treated as separate policy portfolios, migration and development are today increasingly viewed with an eye to the many links that exist between the two fields. In their countries of origin, migrants help to alleviate pressures on labour markets and contribute to development through remittances, and the transfer of skills and knowledge ac-

20 Cf. Alexander Shestakov/Vladimir Streletsky, *Mapping of Risk Areas of Environmentally-Induced Migration in the Commonwealth of Independent States (CIS)*. International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), and Refugee Policy Group (RPG), 1998.

21 Cf. *ENVSEC Eastern Europe Assessment Report 2007*, available at: http://www.envsec.org/docs/envsec_eastern_europe.pdf.

22 Cf. IPCC, *Climate Change 2007: Impacts, Adaptation and Vulnerability*, Working Group II, Contribution to the Intergovernmental Panel on Climate Change Fourth Assessment Report.

quired during work abroad. Also, investments made by diasporas can positively impact development. In countries of destination, migrants contribute to economic growth by filling labour shortages, increasing demand for goods and services, and contributing to innovation and entrepreneurship.

Migration issues also became an area of common policy during the EU accession and integration process. After the longstanding preoccupation with asylum issues, the focus in the EU has recently shifted to economic migration,²³ irregular migrants, and integration. Under the Finnish Presidency in 2006, the Council of the European Union agreed on important components of a comprehensive migration strategy.²⁴ These include strengthening and deepening international co-operation and dialogue with third countries, integrating migration and development issues in aid policies and programming, establishing country-specific co-operation platforms, improving measures on return and readmission with third countries, as well as incorporating legal migration opportunities into the EU's external policies. However, given the controversial nature of migration issues, there still appears to be some way to go before a common and coherent EU migration policy exists. Still, migration and development issues remained on the policy agenda under the Portuguese Presidency during the second part of 2007.

A Comprehensive Migration Management Strategy and the Contribution of the OCEEA

The Slovenian OSCE Chairmanship in 2005 emphasized the need for a comprehensive migration strategy in order to maximize its development-related benefits and minimize its negative effects in the OSCE area. Indeed, against the background of freedom of trade and globalization, it is inconsistent to encourage the circulation of goods without encouraging the mobility of persons. At the same time it is evident that migration without restriction may jeopardize the social stability of receiving countries. Thus, migration policies and practices have to respond to the concerns and needs of the countries of origin (e.g. enhancing the benefits of migration for development and mitigating brain-drain effects), the countries of destination (e.g. assessing demand for both high- and low-skilled migrant labour; developing permanent and temporary migration channels) and the migrants themselves (e.g. enhancing the legal framework to avoid exploitation and abuse). It goes without saying that the envisaged "win-win-win" situation as a guiding principle is not easy to achieve and requires a lot of patience and co-operation – bilaterally, regionally, and inter-regionally.

23 Economic migration includes migration for self-employment in addition to employment, regular as well as irregular migrants seeking economic opportunities, and those who wrongly use the asylum track in the absence of other legal schemes.

24 Cf. Council of the European Union, *Presidency Conclusions of the Brussels European Council*, 14-15 December 2006.

Several recommendations developed in the discussions and documents produced under the Slovenian and Belgian Chairmanships have been taken up by the OCEEA in its work:

Assisting in the Management of Labour Migration

The OCEEA sees effective migration management as an important element of overall good governance and an essential building block for sustainable development. The OCEEA tries to assist in intensifying the exchange of best practices and the sharing of innovative policies and initiatives in the area of effective labour migration management as tasked by the 13th Economic Forum in 2005. It therefore took the lead in producing a “Handbook on Establishing Effective Labour Migration Policies of Countries of Origin and Destination” in English and Russian, in partnership with the International Organization for Migration (IOM) and the International Labour Organization (ILO). The handbook addresses, in particular, the international legal framework for the protection of migrant workers, policies for optimizing the benefits of organized labour migration for both countries of origin and countries of destination, ways to reduce irregular migration, and the importance of inter-state co-operation and partnerships. The first regional capacity-building workshop, which focused on introducing examples of good practices cited in the handbook, was held in Moscow in December 2006 and attracted over 100 representatives from ten CIS countries. Based on the positive feedback received and interest expressed in further such events, additional regional and national capacity workshops are being planned for 2007-2008.

In response to the recommendations made at the OSCE Mediterranean Partners Seminar in Sharm El-Sheik in 2006 as well as in recent OSCE migration-related Ministerial documents, the OCEEA is working together with its partners, the IOM and ILO, to produce a Mediterranean edition of the Handbook on Establishing Effective Labour Migration Policies. The aim of the new edition is to facilitate the better exchange of best practices and innovative approaches in labour migration management, particularly between the northern and southern Mediterranean countries. The Mediterranean edition of the handbook will be produced in both Arabic and English. A launch seminar will be held in December 2007 in Morocco.

Migration and Economic Development

In recent years, a greater focus has been placed on improving the understanding and awareness of the nexus between migration and development. In this context, remittances²⁵ constitute the most tangible contribution of mi-

25 For the work of international organizations, migrant remittances are defined broadly as the monetary transfers that a migrant makes to the country of origin or, in other words, financial flows associated with migration. Most remittances are personal cash transfers from a

grants to poverty alleviation. In many poorer OSCE countries of origin, remittances are a significant part of the income of many rural households – often the only cash income available. Five of the world's largest recipients of remittances as a portion to GDP are in the OSCE region (Moldova, Bosnia and Herzegovina, Albania, Tajikistan, and Armenia).²⁶ In Armenia, for instance, remittances make up 80 per cent of average household income and appear to go to some of the most vulnerable households, while in Tajikistan, they keep many struggling families above the poverty line.²⁷ However, in order to make full use of the remittance flows, measures are needed to make remittance channels and/or services more cost-effective and accessible to the poor, and especially to compensate for the very limited banking infrastructure in rural areas. Second, the investment of remittances in financial instruments is still limited. This may be considered a reflection of poorly developed markets and institutions, inadequate access to financial options and services on the part of remittance-receiving families, as well as a weak enabling environment, limited capacity, and poor economic governance.²⁸ Thus, to enhance the positive impact on economic activity and rural development, incentives should be put in place by governments, in co-operation with private sector institutions, to facilitate and encourage saving and the investment of remitted funds and migrant capital in income- and employment-generating activities. In this respect, the OCEEA is supporting the OSCE field presences in developing specific remittance and development projects that build upon its experience in entrepreneurship development and the economic empowerment of women and vulnerable groups in rural and border areas.

Addressing the Root Causes of Irregular Migration

There are a number of reasons why irregular migration should be reduced or prevented: to ensure that migration is successfully managed and the credibility of legal immigration is obtained; to ensure satisfactory salary levels and working conditions of lawful resident migrant workers; to avoid the creation of entire employment sectors and enterprises wholly dependent on irregular migrant labour; and, finally, to prevent exploitation of irregular migrants by employers, employment intermediaries or agents, smugglers and traffickers.²⁹ It is clear that the involvement of organized crime in irregular labour migration, and particularly in the highly exploitative context of trafficking, can

migrant to a relative in the country of origin, but they can also be funds invested, deposited, or donated by the migrant to the country of origin. However, remittances should always be seen as private funds and are therefore not be viewed as a substitute for official development assistance. For more details on the role of remittances in national economies, see: OSCE/IOM/ILO, cited above (note 2), p. 71.

26 Cf. World Bank, *Remittances. Development Impact and Future Prospects*, 2005.

27 Cf. Global Forum on Migration & Development, Session 2.2: *Increasing the micro-impact of remittances on development*, Background Paper, Brussels, 9-11 July 2007, p. 4

28 Cf. *ibid.*, p. 6.

29 Cf. OSCE/IOM/ILO, cited above (note 2), p. 161.

constitute a national security concern. Similarly, the irregular entry and presence of a large number of foreign nationals in a country may jeopardize bilateral relations.

At the capacity-building workshops based on the handbook, measures to combat irregular migration are discussed and concrete examples are showcased. Examples include improved temporary migration channels and better monitoring of recruitment process.

The OCEEA also actively supports economic activities that address the socio-economic root causes that make people vulnerable to trafficking. Projects are being carried out that aim at the economic empowerment of vulnerable groups via the provision of vocational and entrepreneurship training and business start-up support, and by establishing public-private partnerships and institutional mechanisms that can reduce susceptibility to trafficking.

To increase the awareness of migrants and their family members about legal means of migration, destination country requirements, and the dangers of irregular migration, including human trafficking and exploitation, the OCEEA is supporting the OSCE field presences in Kyrgyzstan and Tajikistan in establishing a network of migrant information-resource centres.

Addressing Environmental Migration

In order to fill the current void on research regarding interlinkages between the environment and migration, the OCEEA is seeking to assist in building research capacities and will provide a platform for discussion of this topic. The OCEEA has developed a partnership with EACH-FOR,³⁰ a research consortium under the European Commission's Sixth Framework Programme, consisting of five interlinked research sequences: forecasting the natural and anthropogenic causes of forced migration; analysing direct (e.g. desertification) and indirect (e.g. conflicts) environmental effects on livelihoods; predicting potential forced migration flows, with an emphasis on environmental refugees; contributing to the preparation of statistical indicators to measure environmental refugee flows; and finally disseminating its results.

The OSCE is supporting EACH-FOR's North African and Central Asian research components. The final results of the EACH-FOR project will be presented at an international conference in Bonn in 2008.³¹ At the legal and policy levels, it remains to be seen if increased research and evidence on the links between environment and migration will stimulate more intense political discussions among the OSCE participating States, Partners for Co-operation, and Mediterranean Partners for Co-operation. It seems not only inevitable but desirable that participating States address the legal status and of

30 Environmental Change and Forced Migration Scenarios, cf. <http://www.each-for.eu/index.php?module=main>.

31 The conference is entitled: Environment, Forced Migration and Social Vulnerability; for more information, see: <http://www.efmsv2008.org>.

an increasingly relevant group of people for stability and security in the OSCE area.

Human Rights and Integration

It should be noted that the OCEEA does not directly deal with human rights and integration issues due to its more narrow mandate. However, the protection of the human rights of all migrants has to be seen as a legal, political, and ethical imperative in its own right, regardless of economic, financial, or other considerations.³² Protection of migrants, campaigns against discrimination, equality of treatment and encouragement of integration – all issues promoted by the ODIHR – are demonstrably essential measures for ensuring that migration does indeed contribute positively to sustainable socio-economic development, in host and home countries alike.

Conclusion

There are many good reasons for the OCEEA to continue its work in the field of migration – both economic and environmental. Given its geographical coverage, the OSCE can provide a useful regional and sub-regional forum for advancing dialogue, exchanging experiences, and discussing policies on migration management. Its extensive network of field presences with economic and environmental officers can also assist in carrying out concrete result-oriented project activities in the regions of the CIS and Western Balkans. In addition, the production of the Mediterranean edition of the handbook and its launch seminar in Rabat in December 2007 are good examples of how the work with OSCE Partners for Co-operation can be intensified – particularly as concerns migration to areas bordering on OSCE States.

Given the OSCE's strong track record in environmental security issues, notably through pioneering the Environment and Security Initiative (ENVSEC), as well as the above-mentioned experience in migration issues, environmentally induced migration seems to be an ideal issue to address via OSCE structures.

However, the long-term involvement of the OSCE and the OCEEA will also depend on other factors, including the need for a stronger political commitment from the participating States and Partners for Co-operation. In order to ensure continuity in its activities, the OCEEA would certainly benefit from some sort of institutionalization that establishes migration as one of the core topics to be dealt with by the Economic and Environmental Committee and/or at the Economic and Environmental Forum. Constantly changing the theme of the Forum, combined with inadequate funding from the OSCE uni-

32 Although it has perhaps lost force through being quoted too often, the trenchant statement of the Swiss writer Max Frisch, "We asked for manpower, and we got human beings," reminds us of our obligation not to lose sight of the human dimension of labour migration.

fied budget for migration-related projects, would hinder the Organization's effective performance and make implementation contingent on the availability of sufficient extra-budgetary contributions.

The authors sincerely hope that future Chairmanships will continue to give prominence to a topic that ideally embodies the many facets of the OSCE's comprehensive security concept. The increasing importance of economic and environmental migration push factors in the OSCE area and the relevant experience gained by the OCEEA fully justify the OCEEA's ongoing and intensive long-term engagement with this topic.

The Role of Civil Society in Preventing and Combating Terrorism¹

Introduction

Civil society and non-governmental organizations (NGOs) play a vital role in the prevention of conflict. They may also play a key role in the prevention of terrorism. Indeed, various international documents have repeatedly stressed the importance of involving civil society and NGOs in a comprehensive and multi-dimensional response to the threat of terrorism. Most recently, the UN General Assembly, in its resolution adopting the United Nations Global Counter-Terrorism Strategy on 8 September 2006, affirmed the determination of UN member states to “further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy”.² The Global Counter-Terrorism Strategy, formally launched on 19 September 2006, built on many of the elements proposed by then UN Secretary-General Kofi Annan in his April 2006 report entitled “Uniting against Terrorism: Recommendations for a Global Counter-Terrorism Strategy”.³ In this report, the vital role of civil society in promoting a truly global strategy against terrorism was highlighted throughout.

The importance of involving civil society and NGOs in effective efforts to prevent terrorism has not only been acknowledged by various UN documents but also features prominently in several terrorism-related declarations and documents adopted in the framework of the OSCE. The 2001 OSCE Bucharest Plan of Action for Combating Terrorism, for example, directly mandated the Office for Democratic Institution and Human Rights (ODIHR) to continue developing projects to solidify democratic institutions, civil society, and good governance.⁴ The 2001 Bishkek Programme of Action on Strengthening Comprehensive Efforts to Counter Terrorism stressed the importance

1 The opinions expressed in this contribution are those of the author alone and do not necessarily reflect the positions of the OSCE ODIHR.

2 United Nations General Assembly, *The United Nations Global Counter-Terrorism Strategy*, Doc. A/RES/60/288, 8 September 2006, operative paragraph 3 (d).

3 United Nations General Assembly, *Uniting against Terrorism: Recommendations for a Global Counter-Terrorism Strategy – Report of the Secretary-General*, Doc. A/60/825, 27 April 2006, at: <http://www.un.org/unitingagainstterrorism/sg-terrorism-2may06.pdf>.

4 Cf. Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, MC.DOC/2/01, 4 December 2001, reproduced 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: The Bucharest Plan of Action for Combating Terrorism, Annex to Decision No. 1, Combating Terrorism, MC(9).DEC/1/Corr.1, 4 December 2001, pp. 393-402, here: pp. 395-402; also available online at: http://www.osce.org/documents/cio/2001/12/670_en.pdf.

of promoting active civil society engagement in the fight against terrorism.⁵ Similarly, the 2002 OSCE Charter on Preventing and Combating Terrorism recognized that it was vital to engage civil society in finding common political settlements for conflicts and to promote human rights and tolerance as an essential element in the prevention of terrorism and violent extremism.⁶

The OSCE, and ODIHR in particular, have since been active in exploring and promoting the role of civil society in preventing and combating terrorism by means of various activities. In July 2005, ODIHR organized an OSCE Supplementary Human Dimension Meeting (SHDM) on Human Rights in the Fight against Terrorism. At this meeting, one of the three substantive sessions focused specifically on the role of civil society in the fight against terrorism.⁷ Building on the outcomes of this SHDM, ODIHR, in cooperation with the Centro de Investigaciones de Relaciones Internacionales y Desarrollo (CIDOB), organized an informal working-level meeting on the role of civil society in preventing terrorism in March 2007 in Barcelona.⁸ And, in early June 2007, an OSCE political conference on public private partnerships (PPP) in countering terrorism was held in Vienna on the initiative of the Chairman-in-Office, the United States, and the Russian Federation.⁹

This contribution will draw on some of the key outcomes of the various meetings mentioned above. It will first explore whether and to what extent there is a role for civil society and NGOs in preventing terrorism, and will then address some of the obstacles and challenges faced by civil society in working on issues related to terrorism and counter-terrorism.

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- 5 Cf. OSCE/UNODC, *Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism*, 13-14 December 2001, Programme of Action, at: http://www.osce.org/documents/cio/2001/12/677_en.pdf.
 - 6 Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, MC.DOC/1/02, 7 December 2002, reproduced in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 421-455, here: OSCE Charter on Preventing and Combating Terrorism, pp. 425-428, also available online at: http://www.osce.org/documents/odihr/2002/12/1488_en.pdf.
 - 7 Cf. OSCE Supplementary Human Dimension Meeting, "*Human Rights and the Fight against Terrorism*", *Final Report*, Vienna, 14-15 July 2005, pp. 15-17, at: http://www.osce.org/documents/odihr/2005/09/16203_en.pdf.
 - 8 Cf. OSCE ODIHR in co-operation with Fundació CIDOB, Centro de Investigaciones de Relaciones Internacionales y Desarrollo, *The Role of Civil Society in Preventing Terrorism*, Informal Working Level Meeting, 14-16 March 2007, Barcelona, Spain, Report, ODIHR.GAL/34/07, 16 May 2007, at: http://www.osce.org/documents/odihr/2007/05/24495_en.pdf.
 - 9 Cf. OSCE Permanent Council, *Decision No. 791, Agenda, Timetable and Organizational Modalities of the OSCE Political Conference on Public Private Partnership in Countering Terrorism*, PC.DEC/791, 2 April 2007, at: http://www.osce.org/documents/pc/2007/04/24195_en.pdf.

The 2005 SHDM in Vienna and the 2007 informal working-level meeting in Barcelona made clear that civil society and NGOs can make a significant contribution to the prevention of terrorism. It is imperative to recognize that any such contributions must be entirely voluntary, as the responsibility for combating terrorism and protecting human rights and fundamental freedoms lies solely upon the state. It is also evident that the extent to which civil society and NGOs can contribute to preventing and combating terrorism depends upon the circumstances and political realities prevailing in the various OSCE participating States. The opportunities for civil society to enter into partnership with government are very limited in countries where civil society structures are weak or non-existent.

Both meetings also made clear that in order for civil society and NGOs to play a meaningful role in the prevention of terrorism they needed to be given a sense of ownership of the related problems and processes. In many cases, however, partnership with government continues to be unbalanced and one-sided, as civil society institutions and NGOs are not treated as equal partners competent to address security issues of common concern. Unfortunately, the OSCE PPP conference itself was a case in point in this regard. While one of the aims of the conference was to address partnership with civil society, NGOs were not invited in their own right but rather as members of national delegations. A number of participating States raised serious concern about these modalities in an interpretative statement to Permanent Council Decision No. 791 (2007),¹⁰ but the modalities were not substantially changed. The result was that most if not all major NGOs and civil society organizations did not attend the conference.¹¹

The informal working-level meeting organized by ODIHR in Barcelona in March 2007 was more successful in this regard. It brought together some thirty participants from civil society, including leading NGOs, with representatives of ODIHR, the Office of the OSCE High Commissioner on National Minorities, the OSCE Secretariat's Action against Terrorism Unit, and the Spanish Ministry of Foreign Affairs to discuss and identify possible roles for civil society and NGOs in the prevention of terrorism. These roles identified are closely interrelated and may be broadly classified as:

- advisory and educational,
- community,
- advocacy and research, and
- legal.

10 Cf. European Union, *Interpretative Statement under Paragraph IV.1(A)6 of the OSCE Rules of Procedure*, *ibid.*, Attachment 1.

11 Several major NGOs were absent, including Amnesty International, Human Rights Watch, the International Commission of Jurists, Human Rights First, and Liberty.

Civil society organizations and NGOs can play a significant advisory and educational role. They can provide policy advice and expertise on aspects of preventing terrorism that is often not available within government. Equally importantly, civil society experts and NGOs may provide alternative appropriate language and terminology to public officials in addressing issues related to terrorism and security.

In order to strengthen their co-operation with governments, civil society and NGOs may also find it appropriate to acknowledge positive steps or measures taken by law enforcement officials and government where they occur. In addition, they may have a positive advisory role in providing concrete alternatives to counter-terrorism policies and measures that they consider to be ill-conceived. It is important to recognize, however, that the non-state sector needs to be given relevant information in order to understand the real extent of the threat and to be able to provide adequate suggestions of a response.¹²

As regards the educational role, it is vital for civil society and NGOs to explain that human rights are a useful framework for developing effective counter-terrorism strategies rather than an impediment. Specific activities in this regard may include providing information to school students as well as to youth workers and police and law enforcement officials. With regard to the latter, civil society and NGOs may enter into partnerships with law enforcement bodies to develop targeted programmes of co-operation, focusing, for instance, on increasing awareness and understanding of the diversity of communities. An interesting example of a good practice in this respect is a project in the United States where the Arab-American Anti-Discrimination Committee co-operated with the Office for Civil Liberties of the US Department of Homeland Security in developing a training DVD for federal law enforcement officials.¹³ This DVD was developed to meet a need for an enhanced understanding of different cultures and communities among law enforcement officers and other personnel and outlines the basics of the culture, religious customs, and traditions of Muslim communities, as well as their historical and geographical origins.

It is almost self-evident that civil society institutions and NGOs can also perform valuable community functions. They have an important role to play as catalysts for the development of opinions and ideas that is vital for building strong and vibrant communities. By creating safe spaces for dissent and by providing a forum where experiences can be shared on a personal level, civil society institutions and NGOs may contribute to healing community rifts and tensions. They may also consider engaging in outreach activities and taking proactive steps to address the root causes of terrorism. Activities

12 See also Rachel Briggs/Catherine Fieschi/Hannah Lownbrough, *Bringing it Home – Community-based Approaches to Counter-Terrorism*, London 2006, pp. 58-90.

13 Arab-American Anti-Discrimination Committee, *DVD to reach over 200,000 federal law enforcement officials, will significantly increase awareness of Arabs and Muslims*, Press Release, 25 January 2007, at: <http://www.adc.org/index.php?id=3040>.

of particular value in this regard are those that strengthen human rights and the rule of law. The promotion and protection of these pillars of democracy contribute to building strong societies in which citizens are free to participate in the political process and exercise their rights. Providing practical and effective support to defenders of human rights is therefore also essential.

Another issue which may warrant further examination is the question of whether civil society and NGOs should attempt to engage in dialogue with individuals and groups involved in and perpetrating acts of violence and “terrorism”. For various reasons, it is easier for civil society and NGOs to engage in such dialogue than for governments. However, a human rights-based approach is essential in this regard. This includes a clear indication that dialogue does not imply affording any form of legitimacy to the perpetrators of violence. The positive experience of the peace process in Northern Ireland is one example that may provide valuable lessons. Civil society and NGOs may play a meaningful advocacy and research role. As a matter of principle, it is important that they condemn all acts of violence against civilians regardless of the motivation behind those acts. With regard to positive measures in the area of advocacy, they may consider writing open letters and statements to armed groups condemning terrorist tactics and maintaining a principled approach to the applicability of human rights standards, i.e. that these standards apply to both perpetrators and victims of violence. There may be a role for civil society and NGOs in reducing the emotional and psychological impact of terrorism. In particular, they may engage in activities that aim to amplify the voices of the victims of terrorism and of persons affected by unlawful counter-terrorism operations.

Other aspects of an effective advocacy role include the issue of engaging with the media to shape the public discourse around “terrorism”. It is essential for civil society and NGOs to establish a constructive relationship with the media and the entertainment industry in order to provide reliable information, challenge negative or unbalanced portrayals of parts of the community, and initiate public debate on issues of public security and human rights. At the same time, it is important to encourage debate within the media profession on the image that is conveyed of minority groups in connection with the fight against terrorism and to alert them of their the responsibility to avoid perpetuating prejudices, stereotypes, or inaccurate and/or incomplete information.

Equally importantly, civil society and NGOs may contribute high quality research in the areas of terrorism, political violence, and the conditions conducive to the spread of terrorism. High quality research is vital as it informs effective and credible advocacy and prevention efforts. Valuable research may include conducting studies and surveys on the impact of counter-terrorism measures and on the complex question of the factors that make individuals subscribe to extremist ideas and ideologies and engage in acts of violence. An increase in statistical and monitoring work would also enable

civil society to engage with government in an open and facts-based dialogue about the effectiveness of counter-terrorism measures. This would include a frank and open debate on funds spent on “counter-terrorism”.

Finally, civil society and NGOs have an important legal role to play. Their work on legal issues related to terrorism and counter-terrorism continues to make a significant contribution to strengthening international and national legal frameworks for counter-terrorism activities, especially as they relate to the promotion and protection of human rights and the rule of law. There is a need to expand the work of civil society institutions and NGOs to answer technical questions relating to:

- the definition of terrorism;
- the scope of application of domestic, bilateral, and multilateral laws, treaties, and other instruments dealing with terrorism;
- the accountability of perpetrators and redress for victims of terrorist acts and of unlawful counter-terrorism practices, in respect of both domestic and international law;
- educating decision makers about the nature and extent of complementarity among different legal frameworks, including international humanitarian law, international human rights law, and domestic criminal and civil law; and
- translating complicated legal arguments for wider public mobilization.

Challenges for Civil Society and NGOs Working on Issues Related to Terrorism

The 2005 SHDM and the 2007 Barcelona meeting made clear that obstacles and challenges civil society and NGOs face in working on issues related to terrorism have direct implications on the role they can play in the area of prevention. For instance, it is particularly difficult for them to play any meaningful role in those OSCE participating States where there is little political pluralism and where civil society structures are weak or non-existent. Indeed, a lack of political pluralism in itself contributes to creating conditions conducive to terrorist recruitment. The fact that in some OSCE participating States fundamental changes to the political system are made under the pretext of tightening security and enhancing counter-terrorism is also a matter of concern.

Another major challenge for civil society institutions and NGOs relates to the fact that the discourse on terrorism has called into question principles and standards that were previously thought inviolable. Of particular concern in this regard is the absolute prohibition on torture. This presents enormous challenges for the NGO community by effectively questioning the value and relevance of previous advocacy and research efforts. In addition, counter-

terrorism policies affect democratic means of dissent – in particular as they impact on NGOs and the mass media – and this makes it very difficult for civil society institutions and NGOs to engage meaningfully with both governments and local communities.

Another closely related challenge concerns the perception that civil society institutions and NGOs are obstacles to governments in the fight against terrorism. Efforts to promote respect for human rights and the rule of law as key elements of an effective strategy to prevent terrorism continue to be portrayed as “pro-terrorist”. This includes accusations levelled at NGOs in some OSCE participating States that they represent foreign interests rather than local communities. In some cases, civil society institutions and NGOs are having their funding cut by governments for perceived connections to “terrorists”. When community fundraising is shut down, it may have a significant consequence for individuals within a community who may feel that they are not being treated as full citizens. Ultimately, such actions may have chilling results.

A further matter of concern is the harassment or persecution in some OSCE participating States of human rights defenders in the name of counter-terrorism. In some cases, this harassment goes as far as to include threats to the physical welfare of human rights advocates. Preoccupied with dealing with physical danger, supporters of human rights have difficulty in devoting adequate efforts to articulating ways in which the international community could offer assistance and support.

Equally problematic are some governments’ portrayals of attempts by civil society institutions and NGOs to investigate and discuss the root causes of terrorism as “justification” of terrorism. This undermines the possibility of serious debate on prevention and root causes. Moreover, in many cases, it is difficult for civil society groups and NGOs to engage in research due to criminalization of contact with “terrorist groups”. Furthermore, the secrecy around security issues makes it very difficult to engage effectively and practically in the debate.

Another challenge arises from newly enacted legislation in several OSCE participating States containing very broad definitions of “terrorism” and “extremism”. This had a devastating effect on civil society and NGO activities, especially those focused on the prevention of terrorism. The fact that anti-terrorism legislation contains overly broad definitions has harmful effects and makes it very difficult for civil society and NGO actors to engage in legitimate activity. One also notes with concern that several OSCE participating States have also adopted restrictive NGO legislation. Such legislation is not only unhelpful by limiting the role of civil society and NGOs in the prevention of terrorism, but may also be a potential catalyst for conflict – or even terrorist acts – by outlawing legitimate forms of political expression and association.

Finally, civil society institutions and NGOs face significant challenges in engaging and mobilizing public opinion. These include a massive information gap in the area of terrorism and counter-terrorism, with large parts of the community lacking both an understanding of and access to relevant information. It is thus essential that civil society institutions and NGOs underline the quality of their information and improve their means of disseminating it. It is also important for them to build broad common political fronts and to support coalitions that promote democratic values and human rights. This is particularly vital in order to address the challenges associated with young people's disaffection with politics.

Conclusion

Involving civil society and NGOs in efforts aimed at preventing and combating terrorism is essential, as they have several valuable roles to play. However, OSCE participating States need to engage with NGOs through genuine partnerships and avoid instrumentalizing civil society for political or intelligence-gathering purposes. The potential for partnerships between governments and civil society organizations depends on the varying circumstances and political realities in each OSCE participating State. A lack of political pluralism, a lack of channels for conveying messages, and a lack of independent media are among the factors that need to be taken into account when discussing and exploring the role of civil society and NGOs in preventing terrorism in the OSCE region. Indeed, it is difficult for civil society and NGOs to play a positive and meaningful role in preventing and combating terrorism when circumstances require them to put major resources into defending and protecting their own rights and existence, including at times their own physical integrity.

The OSCE, and ODIHR in particular, should engage more closely and regularly with civil society and NGOs on issues related to terrorism, counter-terrorism, violent extremism, and prevention. Forms of engagement include providing a forum for civil society and NGOs to raise issues with OSCE participating States in the field of human rights and terrorism or counter-terrorism. ODIHR should also consider organizing regular working-level meetings to bring together civil society representatives from across the OSCE region to discuss specific topics and challenges related to terrorism, counter-terrorism, and prevention. Meetings could be held to discuss the human rights issues around the definition of "terrorism" and "extremism" at national and international levels. Finally, ODIHR should continue facilitating and supporting civil society and NGO participation in OSCE political meetings and other platforms that allow them to address OSCE participating States. It is essential to create "safe spaces" for open discussion between governments

and civil society on issues relating to human rights and terrorism/counter-terrorism.

The informal working-level meeting held in Barcelona in March 2007 was a step in the right direction. It is to be hoped that OSCE participating States, the OSCE, ODIHR, as well as civil society itself will carefully examine the recommendations adopted at this meeting. As reiterated by the UN Global Counter-Terrorism Strategy, any successful campaign against terrorism needs the support of civil society and must be based on the full respect for fundamental rights and freedoms.

Annexes

Rules of Procedure of the Organization for Security and Co-operation in Europe¹

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Rules of Procedure of the Organization for Security and Co-operation in Europe

I. Participation in the OSCE

1. All States participating in the OSCE shall do so as sovereign and independent States and in conditions of full equality.
2. Each of the participating States shall decide on its representation in OSCE bodies and at OSCE meetings.

II. OSCE Decision-Making and Informal Bodies

(A) General provisions

1. The participating States of the OSCE may establish and dissolve working bodies of the OSCE which are authorized to take decisions and adopt documents having a politically binding character for all the participating States or reflecting the agreed views of all the participating States, hereinafter referred to as OSCE decision-making bodies. Only such bodies shall be regarded as official/formal OSCE bodies. Other bodies shall be regarded as informal bodies.
2. Decisions of the OSCE decision-making bodies shall be adopted by consensus. Consensus shall be understood to mean the absence of any objection expressed by a participating State to the adoption of the decision in question. This paragraph shall apply without prejudice to the earlier adopted CSCE/OSCE documents referred to in Annex 2.
3. Any texts, which have been adopted by a decision-making body by consensus, such as decisions, statements, declarations, reports, letters or other documents, shall hereinafter be referred to as OSCE decisions or OSCE documents. Such documents shall have a politically binding character for all the participating States or reflect the agreed views of all the participating States.
4. Documents issued by the Chairpersons of OSCE decision-making bodies or by OSCE executive structures shall not be regarded as OSCE documents and their texts shall not require approval by all the participating States.
5. Each decision-making body may set up subordinate decision-making bodies or dissolve them. In the former case, the participating States shall clearly define the terms of reference or mandate of these bodies and may amend them whenever appropriate. In the latter case, the tasks of a dissolved decision-making body may be transferred to other decision-making bodies.

6. Each decision-making body may set up informal subsidiary working bodies, hereinafter referred to as informal subsidiary bodies (ISBs), or dissolve them. These ISBs shall not have a decision-making capacity as specified in paragraph II(A)1 and shall be open to all participating States.
7. Each ISB shall work in accordance with its terms of reference or mandate and shall be accountable and report to a decision-making body hereinafter referred to as the superior decision-making body of that ISB.
8. The decision-making bodies, the Chairpersons of decision-making bodies, and the Chairpersons of ISBs in close consultation with their superior decision-making body, may set up or dissolve *ad hoc*/thematic open-ended informal working bodies, hereinafter referred to as informal working groups (IWGs), which shall not have a decision-making capacity as specified in paragraph II(A)1 and which shall be open to all the participating States.
9. Each IWG shall work in accordance with its terms of reference or mandate and shall be accountable and report to a decision-making body, the Chairperson of a decision-making body or the Chairperson of an ISB, hereinafter referred to as the superior authority of that IWG.
10. When setting up an ISB or IWG, the establishing authority shall clearly define the terms of reference for that body and it may amend them whenever appropriate. When an ISB or an IWG is dissolved, the tasks of the dissolved body may be transferred to other ISBs or IWGs.
11. A conference, seminar, workshop or other meeting which is held by a decision of the participating States shall be referred to hereinafter as an OSCE meeting. The participating States may decide to hold regular OSCE meetings, *ad hoc* OSCE meetings, or joint OSCE meetings with other international organizations or States.
12. The participating States shall be represented in the decision-making bodies, ISBs, IWGs and OSCE meetings by such delegates and experts, hereinafter referred to as Representatives, as they shall designate for the purpose.
13. The decision-making bodies may establish or dissolve, in keeping with their respective levels of authority, specific structures for the implementation of decisions taken and tasks set by the participating States. Such structures include the Secretariat, institutions, field operations, special representatives or other operational instruments of the Organization, hereinafter referred to as executive structures of the OSCE. When establishing an executive structure, the establishing authority shall clearly define its mandate and it may amend that mandate whenever appropriate. The decision-making body, which created the executive structure, shall constitute its superior authority.

14. Unless otherwise decided by the participating States,

- Algeria, Egypt, Israel, Jordan, Morocco and Tunisia shall hereinafter be referred to as *Mediterranean Partners for Co-operation*;
- Afghanistan, Japan, Mongolia, the Republic of Korea and Thailand shall hereinafter be referred to as *Asian Partners for Co-operation*;
- Asian and Mediterranean Partners for Co-operation may also be referred to as Partners for Co-operation;
- The modalities for the participation of the Partners for Co-operation in the work of the OSCE decision-making and informal bodies and OSCE meetings shall be governed by the relevant chapters of this document.

(B) Structure of the OSCE decision-making bodies

1. Unless otherwise decided by the participating States, the OSCE shall maintain the following structure of decision-making bodies.

2. The highest OSCE decision-making body is the Meeting of Heads of State or Government (Summit), which takes decisions, sets priorities and provides orientation at the highest political level.

3. The Ministerial Council, consisting of the ministers for foreign affairs of the participating States, is the central decision-making and governing body of the OSCE between Summits. It is the central forum for political consultations within the OSCE and may consider and take decisions on any issue relevant to the Organization. The Ministerial Council shall implement tasks defined and decisions taken by the Meetings of Heads of State or Government. The participating States may decide to convene regular or *ad hoc* meetings of other ministers with decision-making capacity as specified in paragraphs II(A)1 and II(A)5.

4. The Permanent Council (PC) is the principal decision-making body for regular political consultations and for governing the day-to-day operational work of the Organization between meetings of the Ministerial Council. It shall implement, within its area of competence, tasks defined and decisions taken by the Meetings of Heads of State or Government and the Ministerial Council.

5. The PC may convene reinforced PC meetings at the level of political directors or other senior officials from capitals in order to consider issues requiring such a level of representation and to adopt decisions.

6. The PC may also convene special PC meetings in order to discuss matters of non-compliance with OSCE commitments and to decide on appropriate courses of action. Special PC meetings may also be convened for other purposes in the periods when regular PC meetings are not normally held or for

the consideration of a particular issue/topic. Decisions adopted at reinforced or special meetings shall have the same force as other decisions of the PC.

7. The Forum for Security Co-operation (FSC) is the autonomous decision-making body with the mandate set in relevant decisions of the Meetings of Heads of State or Government and the Ministerial Council. It shall implement, within its area of competence, tasks defined and decisions taken by the Meetings of Heads of State or Government and the Ministerial Council.

8. The FSC may convene special FSC meetings for the consideration of a particular issue/topic or for other purposes in the periods when regular FSC meetings are not normally held. Decisions adopted at special meetings shall have the same force as other decisions of the FSC.

9. The PC and the FSC may convene joint meetings to consider issues related to the competence of both bodies and adopt PC and/or FSC decisions.

(C) Other structures and institutions

1. Unless otherwise decided by the PC or a higher-level decision-making body, the PC shall have the following ISBs as specified in paragraph II(A)6: the Preparatory Committee (PrepComm) as the highest-level ISB of the PC, the Advisory Committee on Management and Finance (ACMF), the Economic and Environmental Subcommittee (EESC), the Contact Group with the Mediterranean Partners for Co-operation and the Contact Group with the Asian Partners for Co-operation. (The latter two bodies may also be referred to as Contact Groups with the Partners for Co-operation.)

2. Unless otherwise decided by the FSC or a higher-level decision-making body, the FSC shall have the following ISBs, as specified in paragraph II(A)6: Working Group A, Working Group B and the OSCE Communications Group.

3. The Parliamentary Assembly of the OSCE (OSCE PA), as an autonomous OSCE body which is composed of members of parliament from the OSCE participating States and maintains close relationships with other OSCE structures, determines its own rules of procedure and working methods. The modalities for the participation of the OSCE PA in the work of the OSCE decision-making and informal bodies and in OSCE meetings are set out in chapters IV.1(D), IV.2, V and VI(A) of this document.

4. The OSCE Court of Conciliation and Arbitration, as the body established for settlement, by means of conciliation and, where appropriate, arbitration, of disputes which are submitted to it in accordance with the provisions of the Convention on Conciliation and Arbitration within the CSCE (Stockholm, 1992), determines its own rules, subject to approval by States parties to that

Convention. The OSCE rules of procedure, as set out in this document, shall not apply to the Court of Conciliation and Arbitration.

III. Chairmanship and Troika

1. The OSCE Chairmanship-in-Office, hereinafter referred to as the Chairmanship, shall be held for one calendar year by the participating State designated as such by a decision of the Summit or the Ministerial Council, as a rule two years before the Chairmanship's term of office starts.
2. The Chairmanship shall be responsible on behalf of the Ministerial Council and the PC for co-ordination of and consultation on current OSCE business. The functions of the Chairmanship shall be exercised by the minister for foreign affairs (hereinafter referred to as Chairman-in-Office) of that participating State together with his/her staff, including the Chairperson of the PC.
3. In performing its duties, the Chairmanship shall act in accordance with OSCE decisions, and shall be assisted by the preceding and succeeding Chairmanships, operating together as a Troika. The Chairmanship shall be supported by the executive structures of the OSCE.
4. The FSC Chairmanship shall be held for the period from the end of each recess (winter, spring, summer) to the end of the following recess by the participating States, succeeding each other in the French alphabetical order. The FSC Chairmanship shall be responsible on behalf of the FSC for co-ordination of and consultation on current FSC business.
5. In performing its duties, the FSC Chairmanship shall act in accordance with OSCE decisions, and shall be assisted by the preceding and succeeding FSC Chairmanships, operating together as an FSC Troika. The FSC Chairmanship shall be supported by the relevant executive structures of the OSCE. Should a participating State waive its turn to chair the FSC, it will have the option of participating in the FSC Troika as an additional member during the period in which it was due to exercise the chairmanship.

IV. Rules of Procedure for Decision-Making Bodies

IV.1 General Rules

(A) Procedural aspects of decision-making

1. Proposals for draft decisions may be initiated by the Chairmanship or FSC Chairmanship, as appropriate, or by any participating State or group of participating States. Proposals of participating States or groups of participating

States shall be submitted in writing to the Chairperson of the relevant decision-making body and circulated as soon as possible to all participating States.

2. The Chairperson shall ensure that draft decisions are considered in an appropriate IWG, ISB and/or subordinate decision-making body of the decision-making body to which the draft decision has been submitted, or otherwise discussed by all the participating States prior to the submission of the draft decision for adoption.

3. The Chairperson shall submit the draft decision for adoption by including it in the draft agenda of an appropriate meeting if it has been forwarded to him/her by a subordinate decision-making body or ISB. The Chairperson may also submit draft decisions for adoption on his/her own initiative if the conditions set out in paragraph IV.1(A)2 are met.

4. The absence of a Representative at a meeting of a decision-making body shall not be considered as an objection of that participating State or constitute an obstacle to the adoption of decisions at that meeting.

5. Decisions shall be adopted at meetings of decision-making bodies or, if so determined by consensus, through the application of a silence procedure. The modalities for the application of a silence procedure by the Ministerial Council, the PC and the FSC are set out in Annex 1.

6. Representatives may ask for their formal reservations or interpretative statements concerning given decisions, including those through a silence procedure, to be duly registered by the Secretariat and circulated to the participating States. Such formal reservations and interpretative statements must be submitted in writing to the Secretariat.²

7. Each decision shall enter into force on the date of its adoption unless otherwise specified in the text of the decision. If a decision has been adopted through a silence procedure, the date of the expiration of the period of silence shall be regarded as the date of adoption of the decision.

8. Once adopted, decisions shall not require an additional endorsement or approval by a higher-level decision-making body. Draft decisions requiring adoption by a higher-level decision-making body shall be forwarded, without adoption, to that decision-making body.

9. Any decision may be amended or overruled by the same decision-making body that has adopted the decision, unless this decision-making body specifies that a lower-level decision-making body may amend or overrule it. Any

2 This paragraph is intended to codify past and existing CSCE/OSCE practice with regard to formal reservations and interpretative statements.

decision may be amended or overruled by a higher-level decision-making body.

10. Texts of documents for adoption jointly by the OSCE participating States and other parties, including international organizations, shall be adopted by a decision of a relevant OSCE decision-making body. Such a decision shall contain provisions ensuring that a joint document with other parties comes into effect for the OSCE upon that document's entry into force for the other parties or for the OSCE, whichever is the later.

(B) Working languages and official records

1. The working languages of the OSCE shall be: English, French, German, Italian, Russian and Spanish.

2. Meetings of the decision-making bodies shall be conducted with interpretation between the working languages. Exceptionally, the Chairperson of a decision-making body may suggest, giving a clear explanation of the reasons, that, with the consent of the participating States, a meeting or a part of a meeting should be held in one language only, without interpretation.

3. Any Representative may make a statement in a language other than the working languages. In this case, he/she shall himself/herself provide for interpretation into one of the working languages.

4. Proceedings of the meetings of decision-making bodies shall be recorded in the journals of meetings, which shall constitute the only official OSCE records. These shall be issued both on paper and in electronic format in all the working languages, and shall be made public.

5. The journals shall be in a standard OSCE format and shall contain the following information about a meeting: the date(s), the time of opening/suspension/resumption/closing, name(s) of the Chairperson(s), subjects discussed, lists of statements made under each agenda item and sub-item (with reference numbers of statements distributed), records of decisions adopted, as well as the date, time and place of the next meeting.

6. The texts of decisions, with interpretative statements and formal reservations attached, if any, shall be circulated to the participating States in all the working languages in a standard OSCE format, shall be appended to the journal of the meeting at which the decision has been adopted and shall be made public. The texts of decisions adopted by a decision-making body through a silence procedure shall be appended to the journal of the first meeting of that body following the expiration of the silence period.

7. Statements made at a meeting may be annexed to the journal of the meeting if so requested by a Representative at the meeting and agreed by the

Chairperson. Such documents shall be submitted in writing to the Secretariat. The Chairperson may, if necessary, annex to the journal other documents relevant to that particular meeting, including Chairperson's statements, after announcing that at the meeting.

8. The journals shall be issued by the Secretariat as soon as possible, upon approval of their contents by the Chairperson(s) of the meeting in question.

9. Language conforming of the translations of documents adopted by the Ministerial Council and Meetings of Heads of State or Government shall be organized by the respective Chairmanship, following the distribution in all the working languages of the journal(s) of the respective meeting(s). Originally adopted texts of those documents or texts of documents not falling within the meaning of paragraph II(A)3 shall not be subject to language conforming.

10. The final document of each Ministerial Council meeting or Meeting of Heads of State or Government shall be compiled in a standard OSCE format as a separate volume, the contents and structure of which shall be defined by the respective Chairmanship with the assistance of the Secretariat. The final document shall contain the texts of all the documents adopted at the meeting, the texts of other documents annexed to its journal(s) and the texts of selected reports and letters submitted to that meeting. The final document shall be printed and issued in an electronic format in all the working languages.

11. All statements made at meetings of decision-making bodies in working languages other than English and subsequently distributed to all the participating States in a written form shall be translated by the Secretariat into English.

(C) Conduct of meetings

1. Any meeting of a decision-making body shall be conducted in accordance with an agenda. Decision-making bodies shall keep standing items on the agenda of their meetings: "review of current issues", "general statements", or "security dialogue" (as appropriate to the purview of the decision-making body), and "any other business", under which any issue may be raised by any participating State. Titles of documents to be adopted at a meeting of the PC or FSC shall be included in the draft agenda as separate items or sub-items, pursuant to paragraph IV.1(A)3.

2. Draft agendas for Summits and Ministerial Council meetings shall be prepared and issued by the Chairmanship and forwarded to the Chairperson of the Summit or the Ministerial Council meeting by a PC decision. The agenda shall be formally adopted at the beginning of the meeting and appended to the journal of that meeting.

3. Draft agendas of the meetings of the PC shall be prepared and issued in advance by the Chairmanship, taking into account views expressed by participating States. The Chairperson shall announce the agenda at the beginning of the meeting. If a reservation is expressed by a participating State regarding a non-standing item of the draft agenda, the Chairperson shall decide on the agenda of that meeting as appropriate.
4. Draft agendas of the FSC shall be prepared by the FSC Chairmanship and discussed in the FSC Troika. The draft agendas shall thereafter be issued and agreed upon by the FSC at the beginning of each meeting.
5. The Chairperson shall ensure the good order and smooth running of meetings.
6. During the meetings, the Chairperson shall keep a list of speakers to which all Representatives shall have equal and unhindered access.
7. During the meetings, the Chairperson may declare the list of speakers closed with the consent of the meeting. If a statement made after the closure of the list of speakers makes desirable a reply by a Representative, the Chairperson shall accord the right of reply to that Representative, at his/her request.
8. If a Representative wishes to raise a point of order, he/she shall communicate that wish to the Chairperson, and the latter shall give him/her the floor immediately. A Representative raising a point of order may not speak on the substance of the matter under discussion.
9. The Chairperson may change the order of consideration of agenda items with the consent of the meeting. He/she may suspend and resume the meeting as he/she deems necessary.
10. At the meetings of the decision-making bodies each participating State shall have one seat at the main table with a nameplate.
11. At the meetings of the decision-making bodies, the European Commission shall have one seat next to the participating State holding the EU Presidency.

(D) Other participants

1. Representatives of the OSCE PA and of executive structures may attend meetings of the decision-making bodies. They may make oral contributions at the invitation of the Chairperson of a meeting under an item on the agenda. They shall not participate in the drafting of documents, but may comment on drafts that directly concern them, at the invitation of the Chairperson.

2. The Partners for Co-operation and international organizations, institutions and initiatives may be invited by the participating States, on a regular or case-by-case basis, to attend meetings of decision-making bodies and make oral and/or written contributions, without the right to participate in the drafting of documents. Unless otherwise agreed by the participating States, the specific modalities for their participation at meetings of decision-making bodies, as set out in this chapter and chapter IV.2 below, shall apply.
3. Japan may attend and make both oral and written contributions at meetings of the decision-making bodies, without the right to participate in the drafting of documents.
4. Other Partners for Co-operation may attend and make both oral and written contributions at the Meetings of Heads of State or Government and Ministerial Council meetings and, upon invitation by the respective Chairperson, at certain meetings of the PC and the FSC, without the right to participate in the drafting of documents.
5. Representatives of other international organizations, institutions and initiatives, as well as non-governmental organizations (NGOs), academia and business may be invited by the participating States, on a case-by-case basis, to attend certain meetings of decision-making bodies and make oral and/or written contributions.
6. The participating States may decide to make certain meetings or sessions during meetings of decision-making bodies open to NGOs, the press and the public.

IV.2 Specific Rules

(A) Meetings of Heads of State or Government

1. The time and venue of Meetings of Heads of State or Government shall be determined by the Ministerial Council or the PC. A Meeting of Heads of State or Government or the Ministerial Council may decide on the frequency of Summits.
2. The decision on the timetable and organizational modalities for each Meeting of Heads of State or Government shall be adopted by the PC not later than two months before the meeting.
3. The Meetings of Heads of State or Government shall have a duration of not more than two days, as a rule, and shall consist of several plenary sessions, including opening and closing plenary sessions.

4. The Chair at the opening and closing sessions shall be taken by the host country. The Chair at other plenary sessions shall be taken by the Troika countries or those participating States designated by the PC.
5. The Meetings of Heads of State or Government shall be open to the press and the public, and the proceedings shall be broadcast live in all the working languages to the media centre and NGO centre by closed-circuit television, unless otherwise decided by the participating States.
6. For each Meeting of Heads of State or Government, the PC shall specify the list of international organizations, institutions and initiatives to be invited to attend and to make oral and/or written contributions.
7. The order of statements by the participating States shall be established by the drawing of lots. The European Commission may take the floor immediately after the participating State holding the EU Presidency.
8. The President of the OSCE PA shall be invited to address the Meeting of Heads of State or Government at the opening session.
9. The Partners for Co-operation shall be invited to address the Meeting of Heads of State or Government after the statements by the participating States in the order established by the drawing of lots.
10. Other participants invited to address the Meeting of Heads of State or Government pursuant to paragraph 6 above will speak in the order established by the PC.
11. Statements at the meetings should not exceed five minutes.

(B) Meetings of the Ministerial Council

1. The time and venue of the Ministerial Council meetings shall be determined by the Ministerial Council or the PC. The Ministerial Council shall meet, as a rule, once a year in the country holding the Chairmanship, unless otherwise decided by the participating States.
2. The decision on the timetable and organizational modalities for each Ministerial Council meeting shall be adopted by the PC not later than one month before the meeting.
3. The meetings shall have a duration of not more than two days and shall consist of several plenary sessions, including opening and closing plenary sessions.
4. The meetings shall be chaired by the Chairman-in-Office. The Chair at plenary sessions, other than opening and closing plenary sessions and those

taking up agenda items which are subject to discussion and possible decision, may be delegated to the preceding and/or incoming Chairman-in-Office.

5. For each meeting, the PC shall specify the list of international organizations, institutions and initiatives to be invited to attend and to make oral and/or written contributions.

6. Only the opening and closing sessions shall be open to the press and the public, unless the meeting decides to make other sessions open. Unless otherwise decided, all sessions, except for those taking up agenda items which are subject to discussion and possible decision, shall be broadcast live in all the working languages to the media centre and NGO centre by closed-circuit television.

7. The order of statements by the participating States shall be established by the drawing of lots. The European Commission may take the floor immediately after the participating State holding the EU Presidency.

8. The President of the OSCE PA shall be invited to address the meeting at the opening session.

9. The Partners for Co-operation shall be invited to address the meeting after the statements by the participating States in the order established by the drawing of lots.

10. Other participants invited to address the meeting pursuant to paragraph 5 above will speak in the order established by the PC.

11. Statements at the meetings should not exceed five minutes.

(C) Meetings of the PC and FSC

1. The meetings of these bodies shall take place, as a rule, once a week in Vienna. They may also be held at the venue of the Ministerial Council meetings and Meetings of Heads of State or Government, or elsewhere, if so decided by the participating States. The PC and FSC meetings shall be convened and chaired by the respective Chairperson or his/her representative.

2. The Chairmanship shall determine exact dates for the winter, spring and summer recesses during which meetings shall not, as a rule, be held.

3. The Chairperson may invite the States specified in paragraph IV.1(D)4 to certain meetings.

4. The Chairperson may invite high-level officials from the participating States and other international organizations, institutions and initiatives to address a meeting as a guest speaker.

5. Unless otherwise decided by the participating States, the meetings shall be closed to the press and the public. The Chairperson may allow the presence of the press during presentations of guest speakers. He/she may allow the presence of a limited number of visitors upon request of a participating State or the Secretariat.

6. The order of statements for each agenda item or sub-item shall be established by the Chairperson according to the order of requests for the floor. Such requests may be communicated to the Chairperson in advance.

7. Statements at the meetings shall not, as a rule, be limited in time. The Chairperson may request speakers to limit the length of their interventions if there is a time constraint for the duration of a meeting.

(D) Joint meetings of the PC and FSC

1. Joint FSC-PC meetings may be convened by the Chairpersons of both bodies when necessary and shall be co-chaired by both of them or their representatives.

2. The rules contained in paragraphs IV.2(C)3 to IV.2(C)7 shall apply, *mutatis mutandis*, to joint FSC-PC meetings.

3. PC and/or FSC decisions may be adopted at the joint FSC-PC meetings. The journals of the meetings shall be issued as set out in chapter IV.1(B).

V. Rules of Procedure for Informal Bodies

(A) Informal subsidiary bodies of the decision-making bodies

1. The work of an ISB shall be co-ordinated by its Chairperson, who shall be accountable and report to the Chairperson of the superior decision-making body, as set out in paragraph II(A)7.

2. Unless otherwise laid down in the terms of reference of an ISB, the functions of the Chairperson of an ISB shall be exercised by a representative of the Chairmanship or the FSC Chairmanship, as appropriate. In cases where an ISB is chaired by a representative of another participating State or the Secretariat, the overall responsibility for the work of that ISB shall remain with the Chairmanship or the FSC Chairmanship, as appropriate. Unless otherwise decided by the participating States, the latter provision shall relate to the following ISBs:

- (a) The ACMF, during a calendar year, shall be chaired by a representative of the Chairmanship from 1 January to 30 September and by a representative of the incoming Chairmanship from 1 October to 31 December;

- (b) The Contact Group with the Mediterranean Partners for Co-operation shall be chaired by a representative of the incoming Chairmanship;
- (c) The Contact Group with the Asian Partners for Co-operation shall be chaired by a representative of the preceding Chairmanship;
- (d) The OSCE Communications Group shall be chaired, on behalf of the Chairmanship, by a representative of the OSCE Secretary General.

3. The agenda for the meetings of an ISB shall be prepared and issued in advance by its Chairperson, who shall include in the agenda an appropriate item, such as “any other business”, under which Representatives may raise any issue. The Chairperson may include additional items in the agenda if so requested by a Representative before or at the beginning of the meeting.

4. There shall be no official records kept for the meetings of ISBs. The Chairperson of an ISB may issue informal summaries or reports of the meetings unless otherwise laid down in the ISB’s terms of reference.

5. The meetings of ISBs shall not, as a rule, be provided with interpretation between the working languages. Subject to availability of resources and in accordance with relevant provisions of paragraph (43) of Chapter V of the 1992 Helsinki Decisions, the Chairperson of the relevant superior decision-making body may decide otherwise for certain ISB meetings.

6. Unless otherwise decided for certain ISBs by the relevant superior decision-making body, representatives of the OSCE PA and of executive structures may attend and observe the meetings of the following ISBs: PrepComm, ACMF, EESC, both Contact Groups, Working Groups A and B. They shall not participate in the drafting of documents, but may comment on drafts or on other matters that directly concern them, and are related to the items on the agenda, upon invitation of the Chairperson.

7. Unless otherwise decided for certain ISBs by the relevant superior decision-making body, the Partners for Co-operation may attend the meetings of the following ISBs, without the right to participate in the drafting of documents:

- (a) Japan – PrepComm, EESC, Working Groups A and B, Contact Group with the Asian Partners for Co-operation;
- (b) Other Partners for Co-operation – their respective Contact Groups.

8. The relevant superior decision-making body may decide to invite the OSCE PA and the Partners for Co-operation to the meetings of ISBs that are not listed in paragraphs 6 and 7 above. The Chairperson of an ISB may invite, on a case-by-case basis, representatives of the OSCE PA and Partners for Co-operation to certain meetings of that ISB, where such attendance is not already stipulated by paragraphs 6 and 7 above.

9. The meetings of ISBs shall be closed to the press and the public. The Chairperson of an ISB may invite representatives of relevant international organizations and guest speakers to certain meetings of that ISB on a case-by-case basis and without the right to participate in the drafting of documents.

(B) Informal working groups

1. The work of an IWG shall be co-ordinated by its Chairperson, who shall be appointed by and be accountable to and shall report to its superior authority, as set out in paragraph II(A)9.

2. There shall be no official records kept for the meetings of IWGs. The Chairperson of an IWG may issue informal summaries or reports of the meetings unless otherwise laid down in its terms of reference.

3. The meetings of IWGs shall not, as a rule, be provided with interpretation between the working languages.

4. Representatives of the OSCE PA and of executive structures may attend and observe the meetings of IWGs. They shall not participate in the drafting of documents, but may comment on drafts or on other matters that directly concern them, and are related to the items on the agenda, upon invitation of the Chairperson.

5. The Chairperson of an IWG may invite Partners for Co-operation, representatives of relevant international organizations and guest speakers to certain meetings of that IWG on a case-by-case basis. The meetings of IWGs shall be closed to the press and the public.

VI. Conferences, Seminars, Workshops and Other Meetings

(A) OSCE meetings

1. OSCE meetings shall not have a decision-making capacity, as specified in paragraph II(A)1 and shall be open to all the participating States. Documents produced at such meetings shall not be considered as OSCE documents, as defined in paragraph II(A)3.

2. The participating States shall adopt decisions regarding the time, venue, theme(s), agenda, timetable and organizational modalities for each OSCE meeting or for a series of OSCE meetings. Unless otherwise laid down in those decisions, the following general rules of procedure shall be applied at the OSCE meetings:

- (a) All plenary sessions shall be conducted with interpretation between the working languages. Exceptionally, the chairperson may suggest, giving a clear explanation of reasons, that, with the consent of the participating States, a part of a meeting conducted outside of the agreed timetable should be held in one language only, without interpretation.
- (b) The chairperson or moderator shall ensure the good order and smooth running of meetings.
- (c) All participants shall have equal access to the list of speakers. The order of statements shall be determined by the chairperson or moderator according to the order of requests for the floor. Such requests may be communicated to the chairperson in advance unless a certain time is set for the opening of the list of speakers. The chairperson or moderator may change the order of statements if necessary.
- (d) During a meeting, the chairperson or moderator may declare the list of speakers closed. If a statement made after the closure of the list of speakers makes desirable a reply by a Representative, the chairperson or moderator shall accord the right of reply to that Representative, at his/her request.
- (e) If a Representative wishes to raise a point of order, he/she shall communicate that wish to the chairperson or moderator, and the latter shall give him/her the floor immediately. A Representative raising a point of order may not speak on the substance of the matter under discussion.
- (f) Statements shall be limited in time. The chairperson or moderator may establish and change the time limit for statements.
- (g) The OSCE PA and the Partners for Co-operation shall be invited to attend and make both oral and written contributions at OSCE meetings.
- (h) Official records (standard OSCE journals, as specified in chapter IV.1(B)) shall be kept and issued for the following regular OSCE meetings: Review Conferences, Annual Security Review Conferences (ASRC), Annual Implementation Assessment Meetings (AIAM), Economic and Environmental Forums (EEF) and Human Dimension Implementation Meetings (HDIM).
- (i) A report or summary of an OSCE meeting may be issued by the Chairmanship, the FSC Chairmanship or a relevant executive structure, as appropriate.

(B) Meetings organized by the Chairmanship, the FSC Chairmanship or an executive structure

1. An OSCE-related conference, seminar, workshop or other open meeting which is held by the Chairmanship, the FSC Chairmanship or an executive structure without a specific decision of the participating States shall not be referred to as an OSCE meeting. The organizers of such meetings shall not be

required to apply the rules of procedure set out in sub-paragraphs (a) to (i) of paragraph VI(A)2 above.

2. Such meetings shall not have a decision-making capacity, as specified in paragraph II(A)1, and shall be open to all the participating States. Documents produced at such meetings shall not be considered as OSCE documents, as defined in paragraph II(A)3.

3. The host(s) or organizer(s) of such meetings shall, as appropriate, inform the participating States about the time, venue, theme(s), agenda, timetable and organizational modalities of the meeting concerned, and provide the participating States with its report or summary.

VII. Final Provisions

1. These rules of procedure shall complement provisions of OSCE documents adopted earlier. In case of contradiction with OSCE documents adopted earlier, the rules of procedure contained in this document shall take precedence.

2. Pursuant to paragraph IV.1(A)9, the PC and FSC may decide, within their respective competencies, whenever necessary, to recommend to the Ministerial Council amendments to these rules of procedure. The Ministerial Council will decide whether to adopt the amendments recommended, if necessary through the application of the procedure set out in Annex 1(B), and will issue revised rules of procedure, as appropriate.

(A) Application of a Silence Procedure in the Permanent Council and the Forum for Security Co-operation

1. The Chairperson may suggest the adoption of a decision through a silence procedure. Such a suggestion shall be made during a meeting, with an indication of the exact time for the expiration of the period of silence. If there is no objection expressed by a Representative at that meeting, the decision shall be regarded as placed under a silence procedure.
2. Immediately after that meeting, the Secretariat shall issue an interim text of the decision without a number and with a temporary title reflecting the fact that the decision is subject to a silence procedure. The interim text shall be appended to the journal of that meeting.
3. The silence shall be regarded as broken if an objection or an amendment has been communicated by a participating State to the Chairperson in writing before the expiration of the silence period. In this case, the Chairperson shall immediately inform the participating States in writing that the decision in question has not been adopted.
4. If the silence has not been broken, the Chairperson, immediately after the expiration of the silence period, shall inform the participating States in writing that the decision in question has been adopted. The text of the decision shall not be issued until the next meeting. If urgent administrative actions are to be taken on the basis of that decision, the Chairperson may send the text of the decision to a relevant executive structure strictly for internal use.
5. At the first meeting following the adoption of the decision, the Chairperson shall make an announcement concerning the adoption of the decision.
6. Immediately after that meeting, the decision, with interpretative statements and formal reservations attached, if any, shall be issued by the Secretariat in a standard OSCE format and appended to the journal of that meeting. The date of the expiration of the silence period shall be regarded as the date of adoption of the decision.

(B) Procedure for Adopting Ministerial Council Decisions in the Period Between Meetings of the Ministerial Council

1. The Chairmanship shall circulate the text of a draft Ministerial Council decision to the participating States. After consensus has been reached or approached on the draft Ministerial Council decision, the Chairmanship shall issue a draft PC decision, hereinafter referred to as a PC recommendation, on forwarding the decision in question to the Ministerial Council and recom-

mending its adoption through a silence procedure. This draft PC decision may also contain a recommendation regarding the exact time of the expiration of the period of silence.

2. The PC shall, as a rule, adopt its recommendation without putting it under a silence procedure. If, nevertheless, a silence procedure is applied for the PC recommendation, then the next step (paragraph 3 below) shall be postponed until the expiration of the PC's period of silence, which shall be regarded as the date of entry into force of the PC recommendation.

3. Immediately after the entry into force of the PC recommendation, the Chairman-in-Office (CiO) shall circulate a letter to the other members of the Ministerial Council, which shall announce a silence procedure on the draft Ministerial Council decision and shall be sent as a restricted document, with the draft Ministerial Council decision attached, through the OSCE delegations in Vienna. This letter shall fix the exact time for the expiration of the silence period, which shall not be earlier than five days following the date of the circulation of the letter.

4. The silence shall be regarded as broken if an objection or amendment has been communicated by a participating State to the Chairmanship in writing before the expiration of the silence period. In this case, the Chairmanship shall immediately inform the participating States in writing that the decision in question has not been adopted.

5. If the silence has not been broken, the CiO shall circulate, immediately after the expiration of the silence period, a letter to the other members of the Ministerial Council announcing the adoption of the Ministerial Council decision. The text of the Ministerial Council decision shall not be issued until the next PC meeting.

6. At the first PC meeting following the adoption of the Ministerial Council decision, the Chairperson of the PC shall make an announcement about the adoption of the Ministerial Council decision.

7. Immediately after that PC meeting, the Ministerial Council decision, with the interpretative statements and formal reservations attached, if any, shall be issued by the Secretariat in a standard OSCE format and appended to the journal of that PC meeting. The date of the expiration of the silence period shall be regarded as the date of adoption of the Ministerial Council decision. The text of the CiO's letter mentioned in paragraph 5 above shall be annexed to the journal of that PC meeting, for the record.

8. At the first Ministerial Council meeting following the adoption of the Ministerial Council decision, the CiO shall announce that the decision has been adopted through a silence procedure, and the decision, with the inter-

pretative statements and formal reservations attached, if any, shall be appended to the journal of that Ministerial Council meeting.

* * * * *

9. The Ministerial Council may place draft decisions under a silence procedure at the meetings of the Ministerial Council. In this case, the consecutive procedure set out in paragraphs (A)1-2 and (B)4-8 of Annex 1 shall be applied.

Annex 2

Provisions Related to Paragraph II(A)2

Paragraph II(A)2 shall apply without prejudice to the following provisions of earlier adopted CSCE/OSCE documents:

- Paragraph 16 of Chapter IV of the Prague Document on Further Development of CSCE Institutions and Structures (1992),
- Paragraph 4 (d) of the Decisions of the Third Meeting of the Council (Stockholm, 1992),
- Decision on Peaceful Settlement of Disputes (Stockholm, 1992).

Attachment 1

Interpretative Statement under Paragraph IV.1(A)6 of the OSCE Rules of Procedure

By the delegation of Ukraine:

“In connection with the adoption of the OSCE Rules of Procedure, we would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure.

Ukraine has joined the consensus on the Rules or Procedure of the Organization for Security and Co-operation in Europe and welcomes the adoption of that document. We understand that paragraph IV.1(A)6 and both sections of Annex 1 of the OSCE Rules of Procedure reflect past and existing CSCE/OSCE practice with regard to formal reservations and interpretative statements.

Our understanding of this practice and of the adopted rules is that possible formal reservations or interpretative statements concerning given decisions are delivered orally during the meeting at which the decision in question is adopted or, in cases where a silence procedure is applied in accordance with section (A) or section (B) of Annex 1, at the first meeting following the successful expiration of the silence period, immediately after the Chairperson’s announcement about the adoption of the decision in question.

It is also our understanding that no interpretative statements or formal reservations can be made by a participating State and circulated or registered by the Secretariat after the texts of decisions, with interpretative statements and formal reservations attached, if any, are circulated to the participating States in accordance with paragraph IV.1(B)6, paragraph 6 of Annex 1(A) and paragraph 7 of Annex 1(B).

Mr. Chairperson, we ask for this interpretative statement to be duly registered by the Secretariat.”

Attachment 2

Interpretative Statement under Paragraph IV.1(A)6 of the OSCE Rules of Procedure

By the delegation of the Russian Federation:

“Having joined the consensus regarding the decision of the Ministerial Council on the OSCE Rules of Procedure, we take the position that the adoption of this document signals a useful, even if modest, step in reforming the OSCE and in placing its work on a firm normative basis in the form of a single

compendium of clear and collectively agreed rules, as befits a fully fledged international organization.

We believe that it will be necessary in the future to continue work on the codification of existing procedural practices within the OSCE, supplementing the Rules of Procedure adopted with provisions referring, *inter alia*, to the procedures governing the activities of OSCE institutions and field operations.

We would request that this statement be attached to the decision adopted and included as an annex to the journal of the day.”

Forms and Forums of Co-operation in the OSCE Area

G8 (Group of Eight)

Organization for Economic Co-operation and Development (OECD)

Council of Europe (CoE)

North Atlantic Treaty Organisation (NATO)

Euro-Atlantic Partnership Council (EAPC)

EAPC Observers

Partnership for Peace (PfP)

NATO-Russia Council

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 WEU¹

Associate Partners of the WEU

WEU Observers²

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

Central European Free Trade Agreement/Area (CEFTA)

Central European Initiative (CEI)

¹ The WEU does not differentiate between associate and full members.

² Observer status confers privileges restricted to information exchange and attendance at meetings in individual cases and on invitation.

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)

Collective Security Treaty Organization (CSTO)

Shanghai Cooperation Organization (SCO)

Sources:

OECD: www.oecd.org
Council of Europe: www.coe.int
NATO: www.nato.int
EU: europa.eu
WEU: www.weu.int
Baltic Defence Council: www.baltasam.org
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.stabilitypact.org/WT2/TradeCEFTA2006.asp
CEI: www.ceinet.org
SECI: www.secicenter.org
BSEC: www.bsec-organization.org
NAFTA: www.nafta-sec-alena.org
CSTO: www.dkb.gov.ru
SCO: www.sectesco.org

The 56 OSCE Participating States – Facts and Figures¹

1. Albania

Date of accession: June 1991

Scale of contributions: 0.125 per cent (OSCE ranking: 40)²

Area: 28,748 km² (OSCE ranking: 45)³

Population: 3,581,655 (OSCE ranking: 41)⁴

GDP per capita in international dollars at PPP rates⁵: 5,700 (OSCE ranking: 46)⁶

GDP growth: 5 per cent (OSCE ranking: 27)⁷

Armed forces (active): 11,020 (OSCE ranking: 38)⁸

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), SAA (2006), Stability Pact for South Eastern Europe, CEFTA, CEI (1995), SECI, SEECP, BSEC.

2. Andorra

Date of accession: April 1996

Scale of contributions: 0.125 per cent (40)

Area: 468 km² (51)

Population: 71,201 (52)

GDP per capita in international dollars at PPP rates: 38,800 (5)⁹

GDP growth: 3.5 per cent (37)¹⁰

Armed forces (active): none

Memberships and forms of co-operation: CoE (1994).

3. Armenia

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 29,800 km² (44)

Population: 2,976,372 (42)

GDP per capita in international dollars at PPP rates: 5,700 (46)

GDP growth: 13.4 per cent (2)

1 Compiled by Jochen Rasch.

2 Of 55 states.

3 Of 56 states.

4 Of 56 states.

5 The international dollar is the hypothetical unit of currency used to compare different national currencies in terms of 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 one US dollar would buy in the United States. See The World Bank, World Development Report 2002, Washington, D.C., 2002.

6 Of 48 states.

7 Of 55 states.

8 Of 54 states.

9 2005.

10 2005 (estimated).

Armed forces (active): 43,641 (21)

Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994), CIS (1991), BSEC, CSTO.

4. Austria

Date of accession: June 1973

Scale of contributions: 2.33 per cent (13)

Area: 83,870 km² (29)

Population: 8,192,880 (24)

GDP per capita in international dollars at PPP rates: 34,700 (9)

GDP growth: 3.3 per cent (39)

Armed forces (active): 39,600 (24)

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 contributions: 0.05 per cent (49)

Area: 86,600 km² (28)

Population: 7,961,619 (25)

GDP per capita in international dollars at PPP rates: 7,500 (45)

GDP growth: 34.5 per cent (1)

Armed forces (active): 66,740 (14)

Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994), CIS (1991), BSEC.

6. Belarus

Date of accession: January 1992

Scale of contributions: 0.31 per cent (30)

Area: 207,600 km² (19)

Population: 10,293,011 (19)

GDP per capita in international dollars at PPP rates: 8,100 (43)

GDP growth: 9.9 per cent (8)

Armed forces (active): 72,940 (12)

Memberships and forms of co-operation: EAPC, PfP (1995), CIS (1991), CEI (1995), CSTO.

7. Belgium

Date of accession: June 1973

Scale of contributions: 3.34 per cent (11)

Area: 30,528 km² (43)

Population: 10,379,067 (18)

GDP per capita in international dollars at PPP rates: 33,000 (13)

GDP growth: 3 per cent (41)
Armed forces (active): 39,690 (22)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Eurocorps (1993), Stability Pact for South Eastern Europe.

8. Bosnia and Herzegovina

Date of accession: April 1992
Scale of contributions: 0.125 per cent (40)
Area: 51,129 km² (36)
Population: 4,498,976 (36)
GDP per capita in international dollars at PPP rates: 5,600 (48)
GDP growth: 6.2 per cent (18)
Armed forces (active): 11,865 (36)
Memberships and forms of co-operation: CoE (2002), EAPC, SAP, Stability Pact for South Eastern Europe, CEFTA, CEI (1992), SECI, SEECP.

9. Bulgaria

Date of accession: June 1973
Scale of contributions: 0.55 per cent (26)
Area: 110,910 km² (23)
Population: 7,385,367 (27)
GDP per capita in international dollars at PPP rates: 10,700 (37)
GDP growth: 6.1 per cent (20)
Armed forces (active): 51,000 (19)
Memberships and forms of co-operation: CoE (1992), NATO (2004), EAPC, PfP (1994), EU (2007), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEI (1995), SECI, SEECP, BSEC.

10. Canada

Date of accession: June 1973
Scale of contributions: 5.53 per cent (7)
Area: 9,984,670 km² (2)
Population: 33,098,932 (11)
GDP per capita in international dollars at PPP rates: 35,700 (8)
GDP growth: 2.8 per cent (45)
Armed forces (active): 62,500 (16)
Memberships and forms of co-operation: G8 (1976), OECD (1961), NATO (1949), EAPC, Observer of the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, NAFTA.

11. Croatia

Date of accession: March 1992
Scale of contributions: 0.19 per cent (33)

Area: 56,542 km² (35)
Population: 4,494,749 (37)
GDP per capita in international dollars at PPP rates: 13,400 (35)
GDP growth: 4.8 per cent (29)
Armed forces (active): 20,800 (32)
Memberships and forms of co-operation: CoE (1996), EAPC, PfP (2000), EU Accession Negotiations (2004), SAA (2001), Stability Pact for South Eastern Europe, CEFTA, CEI (1992), SECI, SEECP.

12. Cyprus

Date of accession: June 1973
Scale of contributions: 0.19 per cent (33)
Area: 9,250 km² (49)¹¹
Population: 784,301 (47)¹²
GDP per capita in international dollars at PPP rates: 23,000 (25)
GDP growth: 10.6 per cent (6)
Armed forces (active): Greek sector: 10,000 , Turkish sector: 5,000
Memberships and forms of co-operation: CoE (1961), EU (2004), Stability Pact for South Eastern Europe.

13. Czech Republic

Date of accession: January 1993
Scale of contributions: 0.6 per cent (23)
Area: 78,866 km² (30)
Population: 10,235,455 (20)
GDP per capita in international dollars at PPP rates: 22,000 (26)
GDP growth: 6.4 per cent (17)
Armed forces (active): 24,752 (29)
Memberships and forms of co-operation: OECD (1995), CoE (1993), NATO (1999), EAPC, PfP (1994), EU (2004), Associate Member of the WEU (1999), Stability Pact for South Eastern Europe, CEI (1990/1993).

14. Denmark

Date of accession: June 1973
Scale of contributions: 2.02 per cent (15)
Area: 43,094 km² (39)
Population: 5,450,661 (29)
GDP per capita in international dollars at PPP rates: 37,100 (7)
GDP growth: 3.5 per cent (37)
Armed forces (active): 21,620 (31)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), WEU Observer (1992), Barents Euro-Arctic

11 Greek sector: 5,895 km², Turkish sector: 3,355 km².

12 Total of Greek and Turkish sectors.

Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

15. Estonia

Date of accession: September 1991

Scale of contributions: 0.19 per cent (33)

Area: 45,226 km² (38)

Population: 1,324,333 (46)

GDP per capita in international dollars at PPP rates: 20,300 (28)

GDP growth: 11.4 per cent (4)

Armed forces (active): 4,100 (47)

Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, PfP (1994), EU (2004), Associate Partner of the WEU (1994), Baltic Defence Council, CBSS (1992), Stability Pact for South Eastern Europe.

16. Finland

Date of accession: June 1973

Scale of contributions: 1.92 per cent (16)

Area: 338,145 km² (13)

Population: 5,231,372 (31)

GDP per capita in international dollars at PPP rates: 33,500 (12)

GDP growth: 4.9 per cent (28)

Armed forces (active): 29,300 (26)

Memberships and forms of co-operation: OECD (1969), CoE (1989), EAPC, PfP (1994), EU (1995), WEU Observer (1995), Barents Euro-Arctic Council, Nordic Council (1956), CBSS (1992), Stability Pact for South Eastern Europe.

17. France

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 643,427 km² (6)

Population: 60,876,136 (5)

GDP per capita in international dollars at PPP rates: 31,200 (18)

GDP growth: 2.2 per cent (51)

Armed forces (active): 254,895 (4)

Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Eurocorps (1992), Observer of the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

18. Georgia

Date of accession: March 1992

Scale of contributions: 0.05 per cent (49)

Area: 69,700 km² (32)
Population: 4,661,473 (34)
GDP per capita in international dollars at PPP rates: 3,900 (50)
GDP growth: 9.4 per cent (9)
Armed forces (active): 11,320 (37)
Memberships and forms of co-operation: CoE (1999), EAPC, PfP (1994), CIS (1993), BSEC.

19. Germany

Date of accession: June 1973
Scale of contributions: 9.35 per cent (2)
Area: 357,021 km² (12)
Population: 82,422,299 (3)
GDP per capita in international dollars at PPP rates: 31,900 (16)
GDP growth: 2.8 per cent (45)
Armed forces (active): 245,702 (5)
Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1950), NATO (1955), EAPC, EU (1958), WEU (1954), Eurocorps (1992), Observer of the Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe.

20. Greece

Date of accession: June 1973
Scale of contributions: 0.98 per cent (19)
Area: 131,940 km² (22)
Population: 10,688,058 (16)
GDP per capita in international dollars at PPP rates: 24,000 (23)
GDP growth: 4.3 per cent (33)
Armed forces (active): 147,100 (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, SEECP, BSEC.

21. Holy See, The

Date of accession: June 1973
Scale of contributions: 0.125 per cent (40)
Area: 0.44 km² (56)
Population: 800 (56)
GDP per capita in international dollars at PPP rates: n/a
GDP growth: n/a
Armed forces (active): 0¹³
Memberships and forms of co-operation: none.

13 Authorized strength 100-110 members of the Swiss Guard, cf. at: http://www.vatican.va/roman_curia/swiss_guard/500_swiss/documents/rc_gsp_20060121_informazioni_it.html.

22. Hungary

Date of accession: June 1973

Scale of contributions: 0.6 per cent (23)

Area: 93,030 km² (25)

Population: 9,981,334 (21)

GDP per capita in international dollars at PPP rates: 17,500 (31)

GDP growth: 3.9 per cent (35)

Armed forces (active): 32,300 (25)

Memberships and forms of co-operation: OECD (1996), CoE (1990), NATO (1999), EAPC, PfP (1994), EU (2004), Associate Member of the WEU (1999), Stability Pact for South Eastern Europe, CEI (1989), SECI.

23. Iceland

Date of accession: June 1973

Scale of contributions: 0.19 per cent (33)

Area: 103,000 km² (24)

Population: 299,388 (51)

GDP per capita in international dollars at PPP rates: 38,000 (6)

GDP growth: 2.6 per cent (50)

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 (1995).

24. Ireland

Date of accession: June 1973

Scale of contributions: 0.75 per cent (21)

Area: 70,280 km² (31)

Population: 4,062,235 (39)

GDP per capita in international dollars at PPP rates: 44,500 (3)

GDP growth: 5.7 per cent (25)

Armed forces (active): 10,470 (40)

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: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 301,230 km² (16)

Population: 58,133,509 (7)

GDP per capita in international dollars at PPP rates: 30,200 (19)

GDP growth: 1.9 per cent (52)

Armed forces (active): 191,152 (6)

Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Observer of the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, CEI (1989).

26. Kazakhstan

Date of accession: January 1992

Scale of contributions: 0.36 per cent (28)

Area: 2,717,300 km² (4)

Population: 15,233,244 (15)

GDP per capita in international dollars at PPP rates: 9,400 (38)

GDP growth: 10.6 per cent (6)

Armed forces (active): 65,800 (15)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), CSTO, SCO.

27. Kyrgyzstan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 198,500 km² (20)

Population: 5,213,898 (32)

GDP per capita in international dollars at PPP rates: 2,100 (52)

GDP growth: 2.7 per cent (48)

Armed forces (active): 12,500 (34)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), CSTO, SCO.

28. Latvia

Date of accession: September 1991

Scale of contributions: 0.19 per cent (33)

Area: 64,589 km² (34)

Population: 2,274,735 (43)

GDP per capita in international dollars at PPP rates: 16,000 (32)

GDP growth: 11.9 per cent (3)

Armed forces (active): 5,339 (45)

Memberships and forms of co-operation: CoE (1995), NATO (2004), EAPC, PfP (1994), EU (2004), Associate Partner of the WEU (1994), Baltic Defence Council, CBSS (1992), Stability Pact for South Eastern Europe.

29. Liechtenstein

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 160 km² (53)

Population: 33,987 (53)
GDP per capita in international dollars at PPP rates: 25,000 (22)¹⁴
GDP growth: 11 per cent (5)¹⁵
Armed forces (active): none¹⁶
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 contributions: 0.19 per cent (33)
Area: 65,200 km² (33)
Population: 3,585,906 (40)
GDP per capita in international dollars at PPP rates: 15,300 (33)
GDP growth: 7.5 per cent (12)
Armed forces (active): 12,010 (35)
Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, PfP (1994), EU (2004), Associate Partner of the WEU (1994), Baltic Defence Council, CBSS (1992), Stability Pact for South Eastern Europe.

31. Luxembourg

Date of accession: June 1973
Scale of contributions: 0.47 per cent (27)
Area: 2,586 km² (50)
Population: 474,413 (49)
GDP per capita in international dollars at PPP rates: 71,400 (1)
GDP growth: 6.2 per cent (18)
Armed forces (active): 900 (49)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Eurocorps (1996), Stability Pact for South Eastern Europe.

32. Macedonia, The Former Yugoslav Republic of

Date of accession: October 1995
Scale of contributions: 0.125 per cent (40)
Area: 25,333 km² (46)
Population: 2,050,554 (44)
GDP per capita in international dollars at PPP rates: 8,300 (42)
GDP growth: 3.1 per cent (40)
Armed forces (active): 10,890 (39)

¹⁴ 1999 (estimated).

¹⁵ 1999 (estimated).

¹⁶ In 1868, the armed forces were dissolved, cf. at: <http://www.liechtenstein.li/pdf-fl-multimedia-information-liechtenstein-bildschirm.pdf>.

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1995), EU Accession Negotiations (2005), SAP, SAA (2001), Stability Pact for South Eastern Europe, CEFTA, CEI (1993), SECI, SEECP.

33. Malta

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 316 km² (52)

Population: 400,214 (50)

GDP per capita in international dollars at PPP rates: 21,300 (27)

GDP growth: 2.9 per cent (43)

Armed forces (active): 1,609 (48)

Memberships and forms of co-operation: CoE (1965), EU (2004), Stability Pact for South Eastern Europe.

34. Moldova

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 33,843 km² (42)

Population: 4,466,706 (38)

GDP per capita in international dollars at PPP rates: 2,000 (53)

GDP growth: 4 per cent (34)

Armed forces (active): 6,750 (43)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), CIS (1991), Stability Pact for South Eastern Europe, CEFTA, CEI (1996), SECI, SEECP, BSEC.

35. Monaco

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 2.00 km² (55)

Population: 32,543 (54)

GDP per capita in international dollars at PPP rates: 30,000 (20)

GDP growth: 0.9 per cent (54)¹⁷

Armed forces (active): none

Memberships and forms of co-operation: CoE (2004), Member of the European Economic and Monetary Space by special agreement with France.

36. Montenegro

Date of accession: June 2006

Scale of contributions: <http://www.osce.org/item/19722.html?lc=DE> per cent

Area: 14,026 km² (48)

Population: 630,548 (48)

¹⁷ 2000 (estimated).

GDP per capita in international dollars at PPP rates: 3,800 (51)¹⁸
GDP growth: n/a
Armed forces (active): 7,300 (42)
Memberships and forms of co-operation: CoE (2007), EAPC, PfP (2006), SAP, Stability Pact for South Eastern Europe, CEFTA, CEI (2006).

37. Netherlands

Date of accession: June 1973
Scale of contributions: 4.16 per cent (9)
Area: 41,526 km² (40)
Population: 16,491,461 (14)
GDP per capita in international dollars at PPP rates: 32,100 (15)
GDP growth: 3 per cent (41)
Armed forces (active): 53,130 (18)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), WEU (1954), Observer of the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

38. Norway

Date of accession: June 1973
Scale of contributions: 2.15 per cent (14)
Area: 323,802 km² (14)
Population: 4,610,820 (35)
GDP per capita in international dollars at PPP rates: 46,300 (2)
GDP growth: 4.6 per cent (30)
Armed forces (active): 23,400 (30)
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.

39. Poland

Date of accession: June 1973
Scale of contributions: 1.34 per cent (17)
Area: 312,685 km² (15)
Population: 38,536,869 (10)
GDP per capita in international dollars at PPP rates: 14,400 (34)
GDP growth: 6.1 per cent (20)
Armed forces (active): 141,500 (11)
Memberships and forms of co-operation: OECD (1996), CoE (1991), NATO (1999), EAPC, PfP (1994), EU (2004), Associate Member of the WEU (1999), Observer of the Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe, CEI (1991).

18 2005 (estimated).

40. Portugal

Date of accession: June 1973

Scale of contributions: 0.98 per cent (19)

Area: 92,391 km² (26)

Population: 10,605,870 (17)

GDP per capita in international dollars at PPP rates: 19,800 (29)

GDP growth: 1.3 per cent (53)

Armed forces (active): 43,960 (20)

Memberships and forms of co-operation: OECD (1961), CoE (1976), NATO (1949), EAPC, EU (1986), WEU (1990), Stability Pact for South Eastern Europe.

41. Romania

Date of accession: June 1973

Scale of contributions: 0.6 per cent (23)

Area: 237,500 km² (18)

Population: 22,303,552 (13)

GDP per capita in international dollars at PPP rates: 9,100 (39)

GDP growth: 7.7 per cent (11)

Armed forces (active): 69,600 (13)

Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, PfP (1994), EU (2007), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEI (1995), SECI, SEECP, BSEC.

42. Russian Federation

Date of accession: June 1973

Scale of contributions: 6.5 per cent (6)

Area: 17,075,200 km² (1)

Population: 142,893,540 (2)

GDP per capita in international dollars at PPP rates: 12,200 (36)

GDP growth: 6.7 per cent (16)

Armed forces (active): 1,027,000 (2)

Memberships and forms of co-operation: G8 (1998), CoE (1996), EAPC, PfP (1994), NATO-Russia Council (2002), CIS (1991), Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe, BSEC, CSTO, SCO.

43. San Marino

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 61 km² (54)

Population: 29,251 (55)

GDP per capita in international dollars at PPP rates: 34,100 (10)¹⁹

¹⁹ 2004 (estimated).

GDP growth: 4.6 per cent (30)²⁰
Armed forces (active): none
Memberships and forms of co-operation: CoE (1988).

44. Serbia

Date of accession: June 1973
Scale of contributions: 0.19 per cent (33)
Area: 88,361 km² (27)
Population: 9,396,411 (22)
GDP per capita in international dollars at PPP rates: 4,400 (49)²¹
GDP growth: 5.9 per cent (24)²²
Armed forces (active): 39,686 (23)
Memberships and forms of co-operation: CoE (2003), EAPC, PfP (2006), SAP, Stability Pact for South Eastern Europe, CEFTA, CEI (1989/2000), SECI, SEECP, BSEC.

45. Slovakia

Date of accession: January 1993
Scale of contributions: 0.28 per cent (31)
Area: 48,845 km² (37)
Population: 5,439,448 (30)
GDP per capita in international dollars at PPP rates: 18,200 (30)
GDP growth: 8.3 per cent (10)
Armed forces (active): 15,223 (33)
Memberships and forms of co-operation: OECD (2000), CoE (1993), NATO (2004), EAPC, PfP (1994), EU (2004), Associate Partner of the WEU (1994), Stability Pact for South Eastern Europe, CEI (1990/1993).

46. Slovenia

Date of accession: March 1992
Scale of contributions: 0.2 per cent (32)
Area: 20,273 km² (47)
Population: 2,010,347 (45)
GDP per capita in international dollars at PPP rates: 23,400 (24)
GDP growth: 5.2 per cent (26)
Armed forces (active): 6,550 (44)
Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, PfP (1994), EU (2004), Associate Partner of the WEU (1996), Stability Pact for South Eastern Europe, CEI (1992), SECI.

20 2004 (estimated).

21 2005 (estimated).

22 2005 (estimated).

47. Spain

Date of accession: June 1973

Scale of contributions: 4.58 per cent (8)

Area: 504,782 km² (8)

Population: 40,397,842 (9)

GDP per capita in international dollars at PPP rates: 27,400 (21)

GDP growth: 3.9 per cent (35)

Armed forces (active): 147,255 (9)

Memberships and forms of co-operation: OECD (1961), CoE (1977), NATO (1982), EAPC, EU (1986), WEU (1990), Eurocorps (1994), Stability Pact for South Eastern Europe.

48. Sweden

Date of accession: June 1973

Scale of contributions: 3.37 per cent (10)

Area: 449,964 km² (10)

Population: 9,016,596 (23)

GDP per capita in international dollars at PPP rates: 32,200 (14)

GDP growth: 4.5 per cent (32)

Armed forces (active): 27,600 (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.

49. Switzerland

Date of accession: June 1973

Scale of contributions: 2.81 per cent (12)

Area: 41,290 km² (41)

Population: 7,523,934 (26)

GDP per capita in international dollars at PPP rates: 34,000 (11)

GDP growth: 2.7 per cent (48)

Armed forces (active): 4,200 (46)

Memberships and forms of co-operation: OECD (1961), CoE (1963), EAPC, PfP (1996), EU Association Agreement (rejected by referendum), Stability Pact for South Eastern Europe.

50. Tajikistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 143,100 km² (21)

Population: 7,320,815 (28)

GDP per capita in international dollars at PPP rates: 1,300 (55)

GDP growth: 7 per cent (15)

Armed forces (active): 7,600 (41)

Memberships and forms of co-operation: EAPC, PfP (2002), CIS (1991), CSTO, SCO.

51. Turkey

Date of accession: June 1973

Scale of contributions: 1.01 per cent (18)

Area: 780,580 km² (5)

Population: 70,413,958 (4)

GDP per capita in international dollars at PPP rates: 9,100 (39)

GDP growth: 6.1 per cent (20)

Armed forces (active): 514,850 (3)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU Accession Negotiations (2004), EU Candidate Country (1987), EU Association Agreement (1964), Associate Member of the WEU (1992), Stability Pact for South Eastern Europe, SECI, SEECP, BSEC.

52. Turkmenistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 488,100 km² (9)

Population: 5,042,920 (33)

GDP per capita in international dollars at PPP rates: 8,500 (41)

GDP growth: 6 per cent (23)

Armed forces (active): 26,000 (28)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991).

53. Ukraine

Date of accession: January 1992

Scale of contributions: 0.71 per cent (22)

Area: 603,700 km² (7)

Population: 46,710,816 (8)

GDP per capita in international dollars at PPP rates: 7,800 (44)

GDP growth: 7.1 per cent (14)

Armed forces (active): 187,600 (8)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), NATO-Ukraine Charter/NATO-Ukraine Commission (1997), CIS (1991), CEI (1995), BSEC.

54. United Kingdom

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 244,820 km² (17)

Population: 60,609,153 (6)

GDP per capita in international dollars at PPP rates: 31,800 (17)
GDP growth: 2.8 per cent (45)
Armed forces (active): 191,030 (7)
Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), WEU (1954), Observer of the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

55. USA

Date of accession: June 1973
Scale of contributions: 11 per cent (1)
Area: 9,826,630 km² (3)
Population: 298,444,215 (1)
GDP per capita in international dollars at PPP rates: 43,800 (4)
GDP growth: 2.9 per cent (43)
Armed forces (active): 1,506,757 (1)
Memberships and forms of co-operation: G8 (1975), OECD (1961), NATO (1949), EAPC, Observer of the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, NAFTA.

56. Uzbekistan

Date of accession: January 1992
Scale of contributions: 0.35 per cent (29)
Area: 447,400 km² (11)
Population: 27,307,134 (12)
GDP per capita in international dollars at PPP rates: 2,000 (53)
GDP growth: 7.3 per cent (13)
Armed forces (active): 55,000 (17)
Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), CSTO, SCO.

Sources:

Date of accession:

<http://www.osce.org/about/13131.html>

Scale of contributions:

<http://www.osce.org/item/17501.html>

Area:

<https://www.cia.gov/library/publications/the-world-factbook/rankorder/2147rank.txt>

Population (estimated as of July 2007):

<https://www.cia.gov/library/publications/the-world-factbook/rankorder/2119rank.txt>

GDP per capita in international dollars at PPP rates (*estimated as of 2006, unless stated to the contrary*):

<https://www.cia.gov/library/publications/the-world-factbook/rankorder/2004rank.txt>

GDP growth (*estimated as of 2006, unless stated to the contrary*):

<http://www.cia.gov/cia/publications/factbook/rankorder/2003rank.txt>

Armed forces (active):

International Institute for Strategic Studies (ed.), The Military Balance 2007, London 2007

OSCE Conferences, Meetings, and Events 2006/2007

2006

8-13 August	OSCE Mission in Kosovo: Dokufest 2006: Documentary and short feature film festival
14-24 August	OSCE Spillover Monitor Mission to Skopje: summer camp: "Let's practise democracy and economy"
26-26 August	OSCE Spillover Monitor Mission to Skopje: round-table on education and decentralization
14-15 September	UNODC-OSCE joint workshop: Automated Donor Assistance Mechanism (ADAM) and Policing OnLine Information System (POLIS)
18 September	OSCE Chairmanship organizes a Caucasian concert, Vienna
27 September	Conference on technology for democracy organized by the Belgian Chairmanship, Brussels
2-13 October	Annual ODIHR Human Dimension Implementation Meeting, Warsaw
2 October	OSCE Representative on Freedom of the Media, side event at the 2006 Human Dimension Implementation Meeting: "Towards media self-regulation in the OSCE area"
4-6 October	Joint ILO-OSCE workshop on security in ports, Antwerp
17-18 October	Joint OSCE/UNECE/EurAsEC seminar on the Harmonization Convention of Frontier Controls of Goods, organized by the OSCE, the UNECE, EurAsEC and UNESCAP, Moscow
19-20 October	The OSCE Representative on Freedom of the Media organizes a Central Asia media conference and training event, Bishkek
23-25 October	The HCNM visits Ukraine
23-24 October	2nd OSCE Tolerance Implementation Meeting: Education to promote mutual respect and understanding and to teach about the Holocaust, organized by OSCE Belgian Chairmanship, Ministry of Foreign Affairs of Croatia
25 October 2006	Conference on energy security, organized by the Energy Charter Secretariat, the International Energy Agency, and the OSCE Brussels
31 Oct. - 3 Nov.	The HCNM visits Georgia
2-3 November	The OSCE Representative on Freedom of the Media organizes the "Third South Caucasus Media Conference and Training Event", Tbilisi

2-3 November	Third Supplementary Human Dimension Meeting of 2006: "Democratization: Strengthening Democracy through Effective Representation", Vienna
6-7 November	2006 OSCE Mediterranean Seminar, Sharm El-Sheik
8 November	The OSCE Forum for Security Co-operation holds a workshop on the implementation of UN Security Council Resolution 1540, Vienna
9-10 November	ODIHR/OSCE Chairmanship organize Tolerance Implementation Meeting: "Addressing the Hate Crime Data Deficit", Vienna
13-15 November	OSCE-UNODC second sub-regional expert workshop on "International Co-operation on Counter-Terrorism, Corruption and the Fight against Transnational Organized Crime", Bucharest
16-17 November	First preparatory conference on land degradation and soil contamination for the 15th OSCE Economic and Environmental Forum, Bishkek
16-17 November	OSCE Special Representative on Combating Trafficking in Human Beings, Alliance against Trafficking in Persons, 5th Alliance against Trafficking in Persons Conference on "Human Trafficking for Labour Exploitation/ Forced and Bonded Labour: Prosecution of Offenders, Justice for Victims", Vienna
24 November	OSCE Strategic Police Matters Unit, Belgian Federal Police and the OSCE Chairmanship organize the first OSCE police chiefs meeting, Brussels
24 November	Launch of the OSCE Policing OnLine Information System (POLIS), Brussels
28 November	Conference "The Challenge of Educational Reform in Multi-Ethnic Central Asia" organized by the HCNM in collaboration with the Ministry of Public Education of the Republic of Uzbekistan, Tashkent
4-5 December	14th OSCE Ministerial Council 2006, Brussels
11-15 December	Joint ILO-OSCE national tripartite workshop on port and supply chain security in Turkey, Istanbul

2007

1 January	Spain takes over the OSCE Chairmanship from Belgium. Spanish Foreign Minister Miguel Ángel Moratinos becomes Chairman-in-Office
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22-23 January	15th Economic and Environmental Forum – part one: “Key challenges to ensure environmental security and sustainable development in the OSCE area: Land degradation, soil contamination and water management”, Vienna
22 January	OSCE Ministerial Troika meeting, Vienna
13-15 February	Regional workshop for Central Asia and the Caucasus on “International Co-operation against Terrorism and Transnational Organized Crime” co-organized by the OSCE Action against Terrorism Unit (ATU) and the UNODC for experts from Central Asia and the Caucasus in charge of international co-operation in combating terrorism, Antalya
14 February	2007 annual high-level meeting between the Council of Europe, the OSCE, the United Nations, and partner organizations in the “Tripartite-Plus” format on implementing the United Nations Global Counter-Terrorism Strategy, Vienna
22-23 February	OSCE Parliamentary Assembly Winter Meeting, Vienna
12-13 March	Second preparatory conference to the 15th OSCE Economic and Environmental Forum on “Key challenges to ensure environmental security and sustainable development in the OSCE area: Water Management”, Zaragoza
16 March	Civil society expert meeting on the design of the ODIHR Hate Crime Prevention and Response Resource Guide and Training, London
21 March	Special FSC meeting on combating the illicit trafficking of small arms and light weapons by air, organized by the Forum for Security Co-operation, Vienna
22-23 March	Third OSCE-wide workshop on legal co-operation in criminal matters to counter terrorism, organized by the OSCE Action against Terrorism Unit in partnership with the UNODC, Vienna
27-28 March	Annual gender focal points meeting, organized by the gender section of the OSCE Secretariat, Vienna
29-30 March	Supplementary Human Dimension Meeting: “Freedom of Assembly, Association and Expression”, Vienna
19-20 April	OSCE Strategic Police Matters Unit organizes meeting on lessons learned in the fight against organized crime, Vienna
8-9 May	OSCE Strategic Police Matters Unit holds police experts meeting on “Strengthening the role of the police and enhancing co-operation in combating terrorism”, Madrid

8-10 May	HCNM visits former Yugoslav Republic of Macedonia
14-15 May	OSCE and Eurasia Foundation organize a meeting on “Promoting Good Governance in Customs: Lessons Learned from the Caucasus”, Tbilisi
16-18 May	ODIHR holds Human Dimension Seminar on “Effective Participation and Representation in Democratic Societies”, Warsaw
20-22 May	HCNM visits Russia
21-23 May	15th Economic and Environmental Forum – part two on “Key challenges to ensure environmental security and sustainable development in the OSCE area: Land degradation, soil contamination and water management”, Prague
21 May	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings organizes conference on “National Monitoring and Report Mechanisms to Address Trafficking in Human Beings: the Role of National Rapporteurs”, Vienna
31 May-1 June	OSCE Political Public-Private Partnership Conference: “Partnership of State Authorities, Civil Society and the Business Community in Combating Terrorism”, Vienna
5-6 June	OSCE Strategic Police Matters Unit holds meeting on gender balance in police management positions, Madrid
7-8 Jun	OSCE Chairmanship and the Ministry of Foreign Affairs of Romania organize high-level conference on “Combating Discrimination and Promoting Mutual Respect and Understanding”, Bucharest
11-12 June	OSCE Strategic Police Matters Unit arranges OSCE Western European regional police experts’ meeting on community policing, Vienna
12-15 June	Extraordinary Conference of the States Parties to the CFE Treaty, Vienna
12-13 June	2007 OSCE-Mongolia conference on “Strengthening the Co-operative Security Between the OSCE and the Asian Partners for Co-operation”, Ulaanbaatar
19-20 June	2007 Annual Security Review Conference, Vienna
28-29 June	OSCE Strategic Police Matters Unit organizes drugs experts conference, Vienna
5-9 July	6th Annual Session of the OSCE Parliamentary Assembly, Kyiv
12-13 July	Second Supplementary Human Dimension Meeting in 2007: “Promotion and Protection of Human Rights”, Vienna
12 July	Secretary General presents report on gender equality in the OSCE, Vienna

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Abbreviations

ACFC	Advisory Committee on the Framework Convention for the Protection of National Minorities
ACFE	Adapted Treaty on Conventional Armed Forces in Europe
ACMF	Advisory Committee on Management and Finance
ACV	Armoured Combat Vehicles
ADAM	Automated Donor Assistance Mechanism
AEPC	Association of European Police Colleges
AIAM	Annual Implementation Assessment Meeting
ASEAN	Association of Southeast Asian Nations
ASRC	Annual Security Review Conference
ATAU	Anti-Trafficking Assistance Unit
ATU	Action against Terrorism Unit
BSEC	Black Sea Economic Co-operation
BSMC	Border Security and Management Concept
BWC	Biological Weapons Convention
CBMs	Confidence-Building Measures
CBSS	Council of the Baltic Sea States
CBT	Community Based Tourism
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEEA	Co-ordinator of OSCE Economic and Environmental Activities
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CEPOL	Collège Européen de la Police/European Police College
CFE	Treaty on Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy (EU)
CIDOB	Centro de Investigaciones de Relaciones Internacionales y Desarrollo
CiO	Chairman-in-Office
CIS	Commonwealth of Independent States
CMEA/	
COMECON	Council for Mutual Economic Assistance
CoE	Council of Europe
CORE	Centre for OSCE Research
CPC	Conflict Prevention Centre
CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since January 1995 OSCE)
CSIS	Center for Strategic and International Studies

CSO	Committee of Senior Officials
CSTO	Collective Security Treaty Organization
CWC	Chemical Weapons Convention
EACH-FOR	Environmental Change and Forced Migration Scenarios
EAPC	Euro-Atlantic Partnership Council
EBRD	European Bank for Reconstruction and Development
EC	European Commission
ECO	Economic Cooperation Organization
ECRI	European Commission against Racism and Intolerance (Council of Europe)
EEA	European Environmental Agency
EED	Economic and Environmental Dimension
EEF	Economic and Environmental Forum
EESC	Economic and Environmental Subcommittee
EMS	Evangelisches Missionswerk in Südwestdeutschland/ Association of Churches and Missions in South Western Germany
ENP	European Neighbourhood Policy
ENVSEC	Environment and Security Initiative
EOM	Election Observation Mission
ESDP	European Security and Defence Policy (EU)
EU	European Union
EU BAM	EU Border Assistance Mission
EUFOR	
RD Congo	European Union Force République Démocratique du Congo
EUJUST	
THEMIS	EU Rule of Law Mission to Georgia
EUMC	European Monitoring Centre on Racism and Xenophobia (since 1 March 2007 the European Union Agency for Fundamental Rights)
EURASEC	Eurasian Economic Community
FAO	Forest and Agriculture Organization of the United Nations
FOM	Representative on Freedom of the Media
FRA	The European Union Agency for Fundamental Rights (formerly the European Monitoring Centre on Racism and Xenophobia, EUMC)
FRY	Federal Republic of Yugoslavia
FSB	Federalnaya Sluzhba Bezopasnosti Rossiiskoi Federatsii/(Russian) Federal Security Service
FSC	Forum for Security Co-operation
FYROM	The former Yugoslav Republic of Macedonia
G8	Group of Eight (Canada, France, Germany, Italy, Japan, Russia, UK, USA)
GDP	Gross Domestic Product

HCNM	High Commissioner on National Minorities
HDIM	Human Dimension Implementation Meeting
HDZ	Hrvatska Demokratska Zajednica/Croatian Democratic Union
ICC	International Criminal Court
ICG	International Crisis Group
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDPs	Internally Displaced Persons
IFOR	Implementation Force
ILEA	International Law Enforcement Academy
ILO	International Labour Organisation
IMF	International Monetary Fund
INF	Intermediate Range Nuclear Forces
IOM	International Organization for Migration
IPCC	Intergovernmental Panel on Climate Change
IRMA	Integrated Resource Management
ISAF	International Security Assistance Force (Afghanistan)
ISB	Informal subsidiary bodies
ITC	International Training Center
IWG	Informal working group
JCG	Joint Consultative Group
KPS	Kosovo Police Service
MBFR	Mutual and Balanced Force Reductions
MANPADS	Man-portable air defence systems
MIEP	Magyar Igazság és Elet Pártja/Hungarian Truth and Life Party
MONUC	Mission des Nations Unies en République démocratique du Congo
NAFTA	North American Free Trade Area
NAMSA	NATO Maintenance and Supply Agency
NATO	North Atlantic Treaty Organisation
NEAP	National Environmental Action Plan
NGOs	Non-Governmental Organizations
NPT	Nuclear Non-Proliferation Treaty
NRC	NATO-Russia Council
OAS	Organization of American States
OAU/AU	Organization of African Unity/African Union
OCEEA	Office of the Co-ordinator of OSCE Economic and Environmental Activities
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the (UN) High Commissioner for Human Rights
OHR	Office of the High Representative

OIC	Organization of the Islamic Conference
OSCE	Organization for Security and Co-operation in Europe
PA	Parliamentary Assembly
PACE	Parliamentary Assembly of the Council of Europe
PC	Permanent Council
PCC	Project Co-ordination Cell (within the CPC)
PfP	Partnership for Peace (NATO)
PISGs	Provisional Institutions of Self-Government (Kosovo)
POLIS	Policing OnLine Information System
PPP	Public Private Partnership
PrepComm	Preparatory Committee
PSI	Proliferation Security Initiative
REACT	Rapid Expert Assistance and Co-operation Teams
REC	Regional Environment Centre
SAA	Stabilization and Association Agreement (EU)
SALW	Small Arms and Light Weapons
SAP	Stabilization and Association Process (EU)
SCO	Shanghai Co-operation Organization
SECI	Southeast European Co-operative Initiative
SEECp	South Eastern European Co-operation Process
SFOR	Stabilisation Force
SHDM	Supplementary Human Dimension Meeting
SME	Small and medium-sized enterprises
SPA	Senior Police Adviser
SPD	Sozialdemokratische Partei Deutschlands/Social Democratic Party of Germany
SPMU	Strategic Police Matters Unit
START	Strategic Arms Reduction Treaty
TACIS	Technical Assistance for the CIS (EU)
TANDIS	Tolerance and Non-Discrimination Information System
TLE	Treaty Limited Equipment (CFE Treaty)
TND	Tolerance and Non-Discrimination Programme (ODIHR)
UN/UNO	United Nations/United Nations Organization
UNCCD	United Nations Conventions to Combat Desertification
UNCERD	United Nations Committee on the Elimination of Racial Discrimination
UNCHR	United Nations Commission on Human Rights
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
UNESCO	United Nations Educational, Scientific and Cultural Organization

UNHCHR/ UNOHCHR	United Nations High Commissioner for Human Rights/UN Office of the High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Mission in Kosovo
UNODC	United Nations Office on Drugs and Crime (former UNODCCP)
UNODCCP	United Nations Office for Drug Control and Crime Preven- tion (since 1 October 2002 UNODC)
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
VD	Vienna Document
WCO	World Customs Organization
WEU	Western European Union
WMD	Weapons of Mass Destruction
WTO	Warsaw Treaty Organization
WTO	World Trade Organization

Contributors

- Dr Alice Ackermann*, Policy Support Officer for South Eastern Europe, OSCE Conflict Prevention Centre (CPC); Vienna
- Alyson J.K. Bailes*, Visiting Professor, University of Iceland; 2002-2007 Director of the Stockholm International Peace Research Institute (SIPRI); Reykjavík/Stockholm
- Marc Baltes*, Senior Adviser to the Co-ordinator of OSCE Economic and Environmental Activities; Vienna
- Prof. Wolfgang Benz*, Head of the Centre for Research on Anti-Semitism, Technical University; Berlin
- Jo-Anne Bishop*, Head of the ODIHR Tolerance and Non-Discrimination Programme; Warsaw
- Dr Dieter Boden*, Ambassador, Head of the Permanent Mission of the Federal Republic of Germany to the OSCE from 2002 to 2005; Potsdam
- Liviu Aurelian Bota*, Ambassador Extraordinary and Plenipotentiary, Head of the Permanent Mission of Romania to the OSCE; Vienna
- Kevin Carty*, Assistant Commissioner in the National Police of Ireland (*An Garda Síochána*), Senior Police Adviser to the OSCE Secretary General; Vienna
- Danijela Cenani, M.A.*, sociologist, works as a freelancer in the area of gender and civil conflict management; Berlin
- Dr Traian Chebeleu*, Ambassador for Special Assignments, Deputy Head of the Permanent Mission of Romania to the OSCE from 1999 to 2001; Vienna
- Dr Andrew Cotter*, Senior Lecturer and Jean Monnet Chair in European Political Integration in the Department of Government, University College Cork; member of the governing council of the British American Security Information Council (BASIC); Cork
- Ibrahim Djikić*, Ambassador, Head of the OSCE Centre in Ashgabad since 27 January 2005; Ashgabad
- Dr Pál Dunay*, Faculty Member, Geneva Centre for Security Policy; Geneva
- Vesko Garčević*, Ambassador, since 21 June 2006 Head of the Permanent Mission of Montenegro to the UN, OSCE, and other international organizations; since 10 April 2006 Ambassador of Montenegro to Austria; February 2004-June 2006 Head of the Permanent Mission of Serbia and Montenegro to the UN, OSCE, and other international organizations; Vienna
- Dr Jean-Yves Haine*, Senior Fellow, Transatlantic and Global Security, Stockholm International Peace Research Institute (SIPRI); Visiting Professor, University of Toronto; Stockholm/Toronto
- Miroslav Jenca*, Ambassador, OSCE Project Co-ordinator in Uzbekistan; Tashkent

Ina Jurasin, M.A., Project Officer in the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA); Vienna

Ulrich Kinitz, Kriminaloberrat, since 1 April 2007 Head of the Crime Division at the Office of the Chief Executive of the District of Coesfeld; until 31 March 2007 Head of the Police Office for the Protection of the Constitution at Police Headquarters, Münster; Coesfeld/Münster

Marietta S. König, M.A., Researcher at the Centre for OSCE Research (CORE)/Institute for Peace Research and Security Policy at the University of Hamburg (IFSH); Hamburg

Dr Zdzisław Lachowski, Senior Researcher at the Stockholm International Peace Research Institute (SIPRI); Stockholm

Nina Lindroos-Kopolo, MBA, Associate Programme Officer in the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA); Vienna

Christopher Michaelsen, LL.M., Human Rights Officer (Anti-Terrorism) at the OSCE Office for Democratic Institutions and Human Rights (ODIHR); Warsaw

Miguel Ángel Moratinos, Minister of Foreign Affairs and Co-operation of the Kingdom of Spain, OSCE Chairman-in-Office in 2007; Madrid

Manja Nickel, M.A., Researcher, currently working on an interdisciplinary research project involving the faculties of Social Sciences and Law at the University of Vienna; Vienna

Ömür Orhun, Ambassador, Personal Representative of the Chairman-in-Office of the OSCE on Combating Intolerance and Discrimination against Muslims since 2004 and member of the Foreign Policy Advisory Council of the Ministry of Foreign Affairs of Turkey

Marc Perrin de Brichambaut, Ambassador, Secretary General of the OSCE; Vienna

Philip Reuchlin, M.Sc., currently seconded by the Netherlands as Economic and Environmental Advisor to the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA); Vienna

Herbert Salber, Ambassador, Director of the OSCE's Conflict Prevention Centre (CPC); Vienna

Prof. Marat A. Sarsembayev, Doctor of Law, member of the Central Election Committee of Kazakhstan; Astana

Ursel Schlichting, M.A., Senior Researcher at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH); editor-in-chief of the OSCE Yearbook; Hamburg

Dr Arne C. Seifert, Ambassador ret., Central Asia Adviser at the Centre for OSCE Research (CORE)/Institute for Peace Research and Security Policy at the University of Hamburg (IFSH); Berlin/Hamburg

Bernard Snoy, Co-ordinator of OSCE Economic and Environmental Activities; Vienna

Prof. emer. Kurt P. Tudyka, long-serving editor-in-chief of the OSCE Yearbook; Bonn

Dr Markus A. Weingardt, Researcher at the Protestant Institute for Interdisciplinary Research/FEST (Heidelberg) and at the Global Ethic Foundation (Tübingen); Tübingen

Dr Wolfgang Zellner, Deputy Director of the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH) and Head of the IFSH's Centre for OSCE Research (CORE); Hamburg

