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Foreword by the Chairperson-in-Office

Helsinki +40: Back to the Future

When I addressed the Permanent Council at the start of Ireland's Chairmanship, I committed to pursuing the principles and aims of the OSCE – promoting a peaceful and secure environment for all our citizens – in a balanced and pragmatic manner. I set out our priorities for the year along with realistic expectations for what could be achieved in twelve months.

We have made much progress, and have left the Organization with a new mid-term vision in the form of the Helsinki +40 process, a multi-year process for the incoming Chairmanships to take forward as we approach the 40th anniversary of the Helsinki Final Act in 2015. Further efforts by all participating States are still required to advance our shared aim of a common, comprehensive, and indivisible security community, and there remain worrying tensions in parts of our region. Therefore, as we look forward to 2015 and develop a new path, we should also look back on the great achievements made since the Cold War tensions of the 1970s and renew our commitment to the principles that made such progress possible.

The year was framed by two developments that reflect the OSCE's ability to adapt to changing needs and realities. The first was the official closure of the OSCE Office in Zagreb in January. The successful implementation of the Office's mandate in assisting in Croatia's democratic development is a positive sign and concrete demonstration of the OSCE's capacity to help participating States, and is undoubtedly a success story. Towards the end of the year, we welcomed Mongolia as the 57th participating State. This will strengthen the Organization's work in this important region, as well as helping Mongolia to reinforce its democratic development.

The successful facilitation of voting by Serbian citizens in Kosovo in May again showed the Organization's flexibility and ability to respond rapidly to emerging situations, while also demonstrating the vital role of its network of field missions. This task was carried out with great skill, and I congratulate Secretary General Zannier and his team for the contribution they made to that electoral process. As we adapt and review the role of our various field presences to changing conditions, we should remember the enormous added value they give to our work and the capacity they provide us with for response on the ground.

I gave a commitment at the start of the year that Ireland would share its experience of conflict resolution as Chair-in-Office. I was delighted to host a major conference on this theme in April in Dublin. This was not only an opportunity to share lessons learned with other OSCE States, but also repre-

sented the first time that so many of those directly involved in the peace process, from all sides, had had the opportunity to come together and reflect on their joint achievements. At that conference, I offered to provide more detailed briefings on the Northern Ireland peace process, which we have done on a number of occasions this year, for example through a visit organized to Dublin and Belfast in May for the chief negotiators of the sides in the Transdniestrian settlement process. Ireland remains ready to offer further briefings to those involved in negotiations in the future.

I am happy to report that some progress has been made in relation to the Transdniestrian settlement process. Five meetings in the framework of the settlement process took place this year, the last in November at Farmleigh House in Dublin. This marks a considerable activation of the process since the resumption of official talks one year ago in Vilnius, after a gap of almost six years. Under the able chairmanship of my Special Representative, Ambassador Erwan Fouéré, the participants agreed on key principles and procedures for the conduct of negotiations, as well as on an agenda for the negotiating process. I look forward to negotiations taking place in all three baskets, with the view to achieving a comprehensive settlement. Increased engagement between the sides has also been marked by positive developments on the ground, such as the resumption of railway goods traffic in April.

The adoption of a decision on the Transdniestrian settlement process at the Ministerial in Dublin provides timely political impetus for the continuation of the good progress made in 2012. I hope that all concerned will work to maintain this momentum. I know that our Ukrainian colleagues are approaching their task of chairing these negotiations next year with seriousness and determination, and I wish them well in advancing the process towards a comprehensive settlement.

The Geneva International Discussions, now in their fifth year, have proved their value as a forum to address security, stability, and humanitarian issues in the aftermath of the 2008 war in Georgia. My Special Representative, Ambassador Pádraig Murphy, contributed significantly to these discussions as Co-Chair on behalf of the OSCE, as well as co-facilitating the Ergneti Incident Prevention and Response Mechanism, of which there have been no fewer than 13 meetings in 2012.

These meetings are vital to ensure calm and stability on the ground. Unfortunately, no meetings of the Gali Incident Prevention and Response Mechanism have taken place since March – I hope that meetings can be resumed as soon as possible.

The upsurge in violent clashes in April and during the summer on the line of contact and on the Armenia-Azerbaijan border, as well as other worrying developments, show clearly the continuing and urgent need for progress to resolve the Nagorno-Karabakh conflict. I call on all sides to engage seriously with each other and with the Co-Chairs of the Minsk Group to end this conflict, which has brought suffering to the people of the region for too long.

I wish to thank my Personal Representative, Ambassador Andrzej Kasprzyk, for his untiring efforts to safeguard the ceasefire and contribute to progress towards a resolution of the conflict.

In the politico-military dimension, I would also like to note the progress achieved under our Chairmanship on addressing transnational threats, with a package of decisions on policing, drugs, information and communications technology (ICT) security, and counter-terrorism adopted in the Permanent Council and endorsed by the ministers, which will guide our efforts in the coming years. The deadly terrorist attack in Burgas in Bulgaria earlier this year was a grim reminder that none of our states is immune from this threat.

One of the most effective ways of tackling crime and terrorism is to follow the money. As part of our efforts to champion good governance this year as the theme of the 20th Economic and Environmental Forum, we looked at ways of countering corruption, money-laundering, and terrorist financing. We also shared our national experience in the area of the seizure of criminal assets and highlighted the vital role of whistleblowers and the need to ensure their adequate protection. Good progress was made throughout the year, culminating in the Declaration on Strengthening Good Governance at the Dublin Ministerial Council. At the core of this declaration of support for promoting good governance and transparency is the reaffirmation that the rule of law and respect for human rights are crucial to creating a climate necessary for positive economic and social development.

While the OSCE already has a very rich and progressive human rights acquis that remains to be implemented, I am disappointed that for the second year running, we were unable to find consensus on any decisions in the human dimension at the Dublin Ministerial Council. Civil society representatives I met with on the margins of the Ministerial highlighted the particularly worrying situation for human rights defenders in many parts of our region. We must try harder in the years to come to avoid putting narrow political and national interests above our commitment to and support for the very principles on which this Organization was founded, where human rights are an integral part of comprehensive security.

Nevertheless, as Chair I believe that Ireland was able to make important advances in the dialogue on some key human-dimension issues. Internet freedom was one of our priorities, and we held a conference on the topic in Dublin Castle last June, which provided an excellent opportunity for debate among the 280 participants from participating States, civil society, academia, media groups, and the ICT industry. One message that emerged very strongly from the debate is the clear recognition that OSCE commitments in all three dimensions apply across all mediums and regardless of technologies. While I regret that consensus was not found on the proposed Ministerial Council declaration on fundamental freedoms in the digital age, there is growing support for its principles among OSCE States, and when I signed the declaration on the margins of the Ministerial Council, Ireland became the 48th OSCE

participating State to do so. Discussion is always a prelude to decision-making, and I believe we have made the case for internet freedom strongly and loudly, giving support to journalists, bloggers, and citizen voices throughout our region. We must continue to push for change to protect media freedom, heeding the warnings and advice of the OSCE Representative on Freedom of the Media, Dunja Mijatović, with whom we have closely worked this year.

Another of our priorities was tolerance and non-discrimination. In a year that saw the hosting of the UEFA European Football Championship in Poland and Ukraine and the Olympic Games in the United Kingdom, we highlighted the key role that sport can play in countering manifestations of racism, intolerance, and discrimination in society. Holding a Supplementary Human Dimension Meeting on this topic in co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in April, I believe we were able to give new prominence to this issue and raise awareness of both the problem and the potential ways the international sporting community and individual states can address it.

Despite progress in dialogue and decisions, it is clear that much work remains to be done if we are to achieve the vision of a Euro-Atlantic and Eurasian security community set out in Astana in 2010. While the year ended with many unresolved matters, and lack of consensus on important issues, we also united in identifying the need to work on our future path over the coming Chairmanships. By initiating the Helsinki +40 process, I believe Ireland has set the OSCE on a course for future success. Through the hard work that I have observed for myself this year by the OSCE Secretariat, institutions and field operations, I am confident that when we take stock of our achievements in 2015 we will see tangible results. I take this opportunity to wish Ukraine, Switzerland, and Serbia every success as they take on the challenge of chairing the Organization in the years to come.

Preface

At their Summit Meeting in Helsinki in 1992, the participating States of the OSCE (then the CSCE) created the office of the High Commissioner on National Minorities (HCNM). The twentieth anniversary of this act is the occasion for the special focus section of this OSCE Yearbook.

The immediate cause of the proposal made by the Dutch Ministry of Foreign Affairs in February 1992 to create the position of High Commissioner on National Minorities was the interethnic tensions in the Balkans and the wars that had broken out in Slovenia and Croatia in 1991, which ultimately led to the breakup of the multiethnic Yugoslav state. The horrendous explosive power of “new” – minority, territorial, and secession – conflicts had, however, already been evident for some time: “Nationality conflicts”, which generally only achieved widespread notice internationally once they had escalated into armed conflicts, had accompanied the upheavals in the Soviet Union since the mid-1980s, and were later to play a major role in the disintegration of this multiethnic state, too. The explosive potential of such conflicts is illustrated in the following with reference to the Soviet Union.

The territory of the Soviet Union was home to between 120 and 140 national and ethnic groups. These ranged from major nations such as the Russians and Ukrainians, to small ethnic groups largely unknown in the West, such as the Karakalpaks, Selkups, and Karachays. In linguistic terms, the Eastern Slavic people dominated numerically, followed by the largely Islamic Turkic peoples of Central Asia (e.g. Uzbeks and Kyrgyz) and the Caucasus (Azeris), via Baltic, Caucasian, and Iranian (Tajiks) peoples, to speakers of Indo-European languages, such as Armenians and Moldovans. Although some minorities had a more dispersed pattern of settlement, most ethnic groups lived in compact territories and possessed a greater or lesser degree of territorial autonomy. Some of them had given their name to “their own” union republic (e.g. Ukrainians, Lithuanians, Georgians, and Kazakhs), where they usually represented a majority of the population. Others lived within a union republic as a minority, such as the Abkhazians and Ossetians in Georgia. A number of minorities also enjoyed certain powers of self-government within Autonomous Republics (e.g. Tatars, Chechens and Ingush, and Kalmyks in the Russian union republic), but at lower levels (autonomous *oblasts* and *okrugs*), the power that this gave them was barely enough to ensure the survival of their identities and languages. As a result of the border-demarcation policies of the 1920s, the Central Asian union republics, in particular, were each home to large minorities of peoples who formed the titular nation in neighbouring republics, e.g. Uzbeks in Kyrgyzstan, and Kyrgyz in Uzbekistan. In addition, some 25 million Russians formed large

minorities outside the Russian union republic, e.g. in Ukraine, Kazakhstan, Moldova, Latvia, and Estonia.

The year 1986, in which severe unrest broke out in Kazakhstan when the long-serving Kazakh party leader was replaced by a Russian appointee of Moscow, marked the start of a process that the central government in Moscow proved powerless to oppose for as long as the Soviet Union continued to exist. The escalation of the emerging conflicts threatened Mikhail Gorbachev's policy of reform, which had made the articulation of ethnic or national interests possible in the first place, but had also brought the conflicts out into the open. Burgeoning self-determination and independence movements in most union republics increasingly threatened the integrity of the union. Soon there was barely a territorial administrative entity that was not demanding autonomy. The main flashpoints were in the Caucasus, the Baltic, and Central Asia. The conflict between Armenia and Azerbaijan over the autonomous *oblast* of Nagorno-Karabakh, which had first emerged in 1988, became a full-blown civil war in January 1990. The key demands of the strong Baltic opposition movements concerned migration, languages policy, the legacy of Soviet-Baltic relations, and the desire for economic autonomy. The initial climax of these disputes was Lithuania's proclamation of independence in March 1990, and it was followed by many similar declarations in the subsequent months, including the declaration of sovereignty of the Russian Soviet Federative Socialist Republic (RSFSR). Conflicts between the central government and the republics, between Russians and non-Russians, and among non-Russian peoples became a widespread problem and were often interlinked in complex ways. While Georgia, for instance, proclaimed its own independence in April 1991, the Georgian leadership was by no means prepared to concede to "its own" minorities the autonomy that it was demanding from the Soviet Union: The Georgian parliament declared invalid both the proclamation of state sovereignty made by the Abkhaz Autonomous Soviet Socialist Republic in August 1990 and the declaration on the sovereignty of the South Ossetian Autonomous Oblast of September the same year. In the Republic of Moldova, the founding of the independent Republic of Gagauzia and the Russian Republic of Transdniestria, and their non-recognition, led to serious disputes. The Central Asian republics were repeatedly rocked by serious unrest: In 1990, bloody clashes between Kyrgyz and Uzbeks shook the Kyrgyz SSR over the distribution of building and agricultural land; clashes in Uzbekistan had an ethnic component, as evidenced in the pogrom-like persecution of the Meskhetian minority, who had been forcibly resettled there by Stalin, but also took the form of anti-Moscow demonstrations.

This enumeration of conflicts and potential conflicts on the territory of the former Soviet Union, which is far from exhaustive, suffices to demonstrate the complexity and explosive power of conflicts involving nationalities and minorities and enables certain generalizable conclusions to be drawn.

The cause or trigger of the conflicts was mostly supposed or actual discrimination against ethnic and minority groups in all kinds of territorial subdivision, as manifest in a lack of political participation, economic disadvantages, poor educational and career opportunities, and low social status, or in barriers that made it difficult or impossible for minorities to preserve their languages and culture or practise their religion. Furthermore, ethnic, national, and religious affinities proved particularly attractive to those who were seeking new identities and ideological guidance in the wake of the collapse of state authority and the loss of ideological orientation that accompanied the dissolution of the Soviet Union. If minorities saw the solution to problems of political, economic, and cultural disadvantage in enhanced cultural, economic, and ultimately political autonomy, minority conflicts rapidly became conflicts over status. In no small number of cases, conflicts over minority rights, self-determination, and autonomy ultimately escalated into violent conflicts of secession.

One of the key distinguishing features of nationality and minority conflicts is their twin character as conflicts of identity and conflicts of interest. Ethnic, national, and/or religious components are joined by disputes over the redistribution of power and resources among emerging elites, who also try to mobilize and instrumentalize ethnic, national, and/or religious identities. Economic and social problems often serve to intensify conflicts. Nationality conflicts frequently display a high potential for escalation. Thus, they are always highly complex – an explosive mixture of minority, territorial, and status conflicts.

Conflicts that are initially restricted to or arise within a single state take on international relevance at the very latest when they become conflicts between states; there is also enormous potential for this. Minority conflicts can rapidly spread to neighbouring states, for instance when a minority in one country forms the majority or “titular nation” in another (the “kin state”), or when a conflict leads to border disputes. Furthermore, when a multiethnic state collapses and new nation states emerge, unresolved conflicts between former constituent republics automatically become international conflicts or wars – albeit on a regional scale.

Against this background, the High Commissioner on National Minorities – conceived of as an “instrument of conflict prevention” – received his mandate in Helsinki in 1992 from the participating States to “provide ‘early warning’ and, as appropriate, ‘early action’ at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States [...]”.¹ Max van der Stoep, the first holder of the new office, stressed above

1 CSCE, Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, Chapter II, CSCE High Commissioner on National Minorities, paras 2 and 3, in: Arie

all the innovative elements of this mandate: In the first place, the HCNM can become involved in an impending conflict as an external third party, and can do this at a very early stage. Second, such involvement is undertaken at the discretion of the High Commissioner: It requires neither the approval of the Permanent Council of the OSCE nor that of the state in question. Third, the High Commissioner, when involved in a given situation, has far-reaching competencies. These include the right to enter a participating State without that state's formal consent or the explicit support of other participating States. Fourth, as a non-state entity, he can operate independently, despite his accountability to the Organization and, in particular, to the Chairperson-in-Office. By establishing the High Commissioner on National Minorities, the Organization had developed an early-warning capacity geared specifically to the extremely sensitive area of national minorities.²

One notable feature of the HCNM's mandate is that it does not contain a definition of what precisely a "national minority" is. This mirrors the fact that – to this day – no binding definition of "minority" or "national minority" exists in international law, although numerous attempts have been made to draw one up in the context of efforts to establish regimes for minority protection. Common definitions combine "objective" elements such as absolute numbers, and ethnic, religious, linguistic, or cultural characteristics, with the subjective perception of identity or "belongingness".³

Yet even in the absence of a definition under international law, the term "national minority" is used in United Nations and Council of Europe documents.⁴ The (politically but not legally binding) OSCE Copenhagen Docu-

Bloed (ed.), *The Conference on Security and Co-Operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 701-777, here: pp. 715-716.

- 2 Cf. Max van der Stoep, Reflections on the Role of the OSCE High Commissioner on National Minorities as an Instrument of Conflict Prevention, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1999*, Baden-Baden 2000, pp. 381-391, here: p. 382.
- 3 A well-known and widely accepted definition comes from Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities. Capotorti defines a "minority" as: "A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language", UN Doc. E/CN.4/Sub.2/384/Rev. I, para. 568, cited in: United Nations Human Rights, Office of the High Commissioner for Human Rights, *Minority Rights: International Standards and Guidance for Implementation*, New York 2010, p. 2, available at: <http://www.ohchr.org/EN/Issues/Minorities/Pages/internationallaw.aspx>. From the extensive literature that has been produced on this topic, see, for instance, Gaetano Pentassuglia, *Minorities in international law*, Strasbourg 2002, particularly pp. 55-75.
- 4 See, for instance, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of the UN General Assembly, and the Framework Convention for the Protection of National Minorities of the Council of Europe.

ment from 1990 also assumes the term “national minorities” (Article 30),⁵ before enumerating a wide range of rights applicable to persons belonging to them. Thus, not even the OSCE itself provides the HCNM with a definition of the targets of his work, but rather establishes a comprehensive normative framework. Max van der Stoel thus had to provide his own answer to the question of what the concrete object of his activity should be. In a speech at a Human Dimension Seminar, he stated that “the existence of a minority is a question of fact and not of definition [...] I would dare to say that I know a minority when I see one.”⁶ However, van der Stoel followed this rather “personal” definition of the concept with an interpretation in terms of objective criteria: “First of all, a minority is a group with linguistic, ethnic or cultural characteristics which distinguish it from the majority. Secondly, a minority is a group which usually not only seeks to maintain its identity but also tries to give stronger expression to that identity.”⁷ The subjective aspect was nonetheless also important to him: “[...] the question of who belongs to a minority can be determined only by the subjective feelings of its members.”⁸

Further controversial aspects include the restriction of minority status to those who are citizens in their state of residence and, in particular, the question of whether minority rights should be individual or collective rights. When it is not merely a matter of protection but concerns specific rights, the UN, the Council of Europe, and the OSCE are unanimous in speaking of rights and freedoms of “persons belonging to national or ethnic, religious and linguistic minorities” or “persons belonging to national minorities”, and not of minorities as groups.⁹ Max van der Stoel was also able to apply his own interpretation here: “The UN General Assembly [,] [...] the Council of Europe and the OSCE speak of ‘persons belonging to national minorities’. This terminology raises [...] further questions that are of fundamental importance: first, what a national minority is and, second, the question of who is the holder of minority rights. Is it the minority as a whole or is it the ‘persons belonging to it’, i.e. the individual

5 *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*, Copenhagen, 29 June 1990, in: Bloed (ed.), cited above (Note 1), pp. 439-463, here: p. 456.

6 “Case Studies on National Minority Issues: Positive Results”, Keynote Address to the CSCE Human Dimension Seminar, 24 May 1993, Warsaw, Poland, in: Wolfgang Zellner/Falk Lange (eds), *Peace and Stability through Human and Minority Rights. Speeches by the OSCE High Commissioner on National Minorities*, Baden-Baden 1999, pp. 45-48, here: p. 45.

7 Ibid.

8 Max van der Stoel, Democracy and Human Rights. On the Work of the High Commissioner on National Minorities of the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 105-113, here: p. 107. The subjective aspect is also stressed in the OSCE Copenhagen Document: “To belong to a national minority is a matter of a person’s individual choice [...]”, Copenhagen Document, cited above (Note 5), Article 32.

9 See, for instance, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Interregional Pact on Civil and Political Rights (Article 27), the Framework Convention for the Protection of National Minorities, and the OSCE Copenhagen Document (Article 31).

members? [...] Finally, is there a difference between minority rights and human rights generally?”¹⁰ While the first of these questions has already been considered above, the other two he answered as follows: “[...] the concept of minority rights rests on the concept of individual human rights but it is only the joint exercise of certain rights in the fields of language, culture and religion that enables the persons belonging to a minority to preserve their identity.”¹¹

Following the disintegration of the multiethnic states in the early 1990s, the minority question continued in many cases at the level of the newly created nation states. A number of the conflicts from that time still remain unresolved. The disputes over Transdniestria, Abkhazia and South Ossetia, and Nagorno-Karabakh are still considered “frozen” or protracted conflicts, and have lost nothing of their danger, as became abundantly clear during the 2008 war between Georgia and Russia. The large Russian minorities in the successor states of the Soviet Union remained a cause of tension, as did the existence of large national minorities in Central Asia. The fact that these conflicts continue to be of concern serves as a stark reminder of the High Commissioner’s ongoing relevance. The success of this unique office is the subject of the special focus section of the OSCE Yearbook 2012. It is introduced by the current office holder, Knut Vollebæk. Olivier Brenninkmeijer then relates how the mandate was framed, going into detail about the pros and cons that were debated at the time and the misgivings and opposition towards the office entertained by some participating States. Natalie Sabanadze describes the evolution of the HCNM institution over the last 20 years with a focus on the main elements of the High Commissioner’s approach, and inquires into the limits and opportunities of conflict prevention in the contemporary political environment. Hans-Joachim Heintze deals with an original “invention” of the HCNM’s: the “thematic recommendations” on various questions relating to national minorities – an innovation that targets not only countries in transition, but all the OSCE participating States. The practical work of the HCNM in the past and the present is explored via case studies on the Albanian minority in Macedonia (Marcin Czapliński), the Baltic states (Jennifer Croft), the situation of the Russian minority in Ukraine and interethnic relations on the Crimean peninsula (Klemens Büscher), conflict prevention in Central Asia (Dmitry Nurumov), and project work in Georgia (Manon de Courten).

Beyond the special focus section, following the foreword by the OSCE’s Chairperson-in-Office, Ireland’s Deputy Prime Minister and Minister for Foreign Affairs and Trade, Eamon Gilmore, Walter Kemp and Rytis Paulauskas look back on Lithuania’s 2011 OSCE Chairmanship. Rolf Mützenich und Matthias Z. Karádi explore the concept, coined by Karl W. Deutsch, of a security community, first in general terms, and then, in pursuit of the question that has been discussed intensively since Astana 2010 of whether and to what extent the OSCE is on the way to becoming a security

10 Van der Stoep, cited above (Note 8), p. 106.

11 Ibid. p. 107.

community of this kind. In the same regard, Wolfgang Zellner presents the Initiative for the Development of a Euro-Atlantic and Eurasian Security Community (IDEAS) and Elisa Perry discusses the results of the Euro-Atlantic Security Initiative (EASI), undertaken by the Carnegie Endowment for International Peace from 2009 to 2011.

This year, the chapter on domestic developments in selected OSCE participating States focuses on Russia (Elena Kropatcheva), Kyrgyzstan (Azamat Temirkulov), Uzbekistan (Alisher Ilkhamov), Hungary (Pál Dunay), and Bosnia and Herzegovina (Tobias Flessenkemper). Rosemarie Will analyses the (mis)handling by German law-enforcement authorities of the murders carried out by the National Socialist Underground (NSU).

Turning to the responsibilities and activities of the OSCE, Sven C. Singhofen reports on recent developments in the North Caucasus, and Chechnya in particular, while Alice Ackermann provides an overview of the OSCE's latest work in the area of conflict prevention.

In the section on the three dimensions of security and cross-dimensional challenges, Loïc Simonet presents a comprehensive report on the status of implementation of the Code of Conduct on Politico-Military Aspects of Security. Juliane Markard-Narten and Jens Narten subject the project management concepts of the OSCE and its Mission in Kosovo to critical scrutiny. OSCE Secretary General Lamberto Zannier discusses the strengthening of the OSCE's co-operation with other international organizations, and, in conclusion, Graeme P. Herd analyses the complex consequences of the "Arab Spring" for the OSCE and the international situation.

The publishers and editorial staff would like to express their thanks to all our authors, whose contributions reflect the dedication and depth of specialized knowledge and personal experience that make it possible for the OSCE Yearbook to exist and lend it its unique character. As was also the case in 2011, the special focus section of the 2012 edition of the OSCE Yearbook is a result of close co-operation between the editorial team and the relevant OSCE institution. We would therefore like to offer our particular gratitude to current and former staff of the office of the HCNM for their first-hand accounts of the work of the High Commissioner, and to Natalie Sabanadze not only for her contribution but also for her always helpful co-operation and smooth co-ordination.

The approach of the High Commissioner on National Minorities, whose work reflects at the deepest level the personalities, values, and commitment of all those who have held the office so far – Max van der Stoep, Rolf Ekéus and Knut Vollebæk – can be summed up in a few concise words: independence, co-operation, impartiality, confidentiality, persistence, trust, and credibility. These are the key ingredients of the High Commissioners recipe of success: his "quiet diplomacy".¹² Wars seize the headlines, while the preven-

12 Cf. Walter A. Kemp (ed.), *Quiet Diplomacy in Action: The OSCE High Commissioner on National Minorities*, The Hague 2001, S. 34-46.

tion of war, the peaceful resolution of a conflict, garners little attention. “Yet international actors [...] need successes and visibility, and conflict prevention, especially of the long-term variety, offers neither [...] In many respects, therefore”, writes Natalie Sabanadze, “conflict prevention goes against the very logic of doing politics today”. In view of this sobering insight, the engagement of the OSCE High Commissioner on National Minorities cannot be valued too highly.

I.

States of Affairs – Affairs of State

The OSCE and European Security

Adapt or Die: “Smart Power”, Adaptive Leadership, the Lithuanian Chairmanship, and the Evolution of the OSCE

When Charles Darwin wrote about evolution, he did not say that it is the strongest species that survive, rather it is those that can adapt to their environment. The same logic holds true for multilateral organizations. If they are to remain relevant they must adapt. Otherwise they will die out. What they may lack in size and strength, they can compensate for in brains – or, as Joseph Nye calls it, “smart power”.

This chapter looks at how the concept of “adaptive leadership” enabled Lithuania – a country of 3.2 million people and with limited resources – to chair the Organization for Security and Co-operation in Europe (OSCE) in 2011, and how this experience enhanced Lithuania’s “smart power”. It also demonstrates how this experience contributed to the OSCE’s evolution, and argues that the OSCE needs to demonstrate “adaptive leadership” and enhance its own “smart power” in order to increase its relevance, profile, and leverage. It also looks at the role of public diplomacy in contributing to these processes.

“Adaptive Leadership”

“Adaptive leadership” is a concept designed to mobilize people and organizations to adapt to change, and to thrive as a result. The concept was developed by three professors at Harvard University’s Kennedy School: Ronald Heifetz, Marty Linsky, and Alexander Grashow. It is inspired by evolutionary biology. According to this theory, successful adaptation has three characteristics: 1) to preserve the DNA essential for the species’ continued survival; 2) to discard (reregulate or rearrange) the DNA that no longer serves the species’ current needs; and 3) to create DNA arrangements that give the species the ability to flourish in new ways and in more challenging environments.¹

How can this theory be applied to the OSCE and to Lithuania’s Chairmanship of this organization in 2011?

The OSCE has been striving to adapt since its very genesis in the mid-1970s. The basic DNA code comes from the Ten Principles of the 1975 Hel-

¹ Cf. Ronald Heifetz/Alexander Grashow/Marty Linsky, *The Practice of Adaptive Leadership: Tools and Tactics for Changing Your Organization and the World*, Boston, MA, 2009, p. 14.

sinki Final Act. This has been the organism's nucleus ever since. But the body keeps evolving.

In 1991, some critics suggested that what was at that time the Conference on Security and Co-operation in Europe (CSCE) had served its purpose and should be abolished. After all, if the point of the CSCE had been to help reduce tensions between East and West and to build security through co-operation, then surely the end of the Cold War and the reunification of Germany demonstrated that this had been successfully achieved.

However, in the early 1990s Europe faced challenges that no organization was equipped to deal with, such as ethnic tensions, intra-state conflicts, and post-communist transition. As a consequence, the CSCE was transformed and strengthened. Institutions were created to deal with conflict prevention, minority issues, elections and democratization, and freedom of the media. Field missions and special representatives were deployed to reduce tensions, resolve conflicts, and assist states in coping with the challenges of change. Permanent bodies were established to promote dialogue, increase transparency, and review the implementation of commitments. This evolution resulted in the change from the conference culture of the CSCE into the operational and institutional organization that became the OSCE (in 1995). In short, the transformation from CSCE to OSCE in the early 1990s is a good example of a multilateral species evolving and, as a result, thriving in a highly challenging environment.

A decade later, the OSCE again faced a challenge that called for adaptive leadership. For many states going through the process of post-communist transition, the EU and NATO proved to be more attractive than the OSCE: They had "hard" and "soft" power that the OSCE could not provide. But, as a result of EU and NATO enlargement, Europe's dividing lines were pushed farther East rather than erased. Revolutions in a number of OSCE States (including Georgia, Kyrgyzstan, and Ukraine) led to accusations that the Organization was being instrumentalized by some countries in order to assist regime change. There was also a cooling of relations between Moscow and Washington due to NATO enlargement, plans to deploy a missile defence system in Poland and the Czech Republic, and the war in Georgia in August 2008. Furthermore, some states complained of double standards in relation to the human dimension: Most countries of the Commonwealth of Independent States (CIS) objected to the imbalance among the OSCE's three dimensions and resented criticism of their human dimension record² while – they felt that – almost nothing was being said about human rights abuses in relation to campaigns in Iraq and Afghanistan (for example the treatment of prisoners in Abu Ghraib and Guantanamo Bay). As the Panel of Eminent Persons wrote

2 See *Appeal of the CIS Member States to the OSCE Partners*, Astana, 15 September 2004 (unofficial translation from the Russian) at: http://www.ln.mid.ru/brp_4.nsf/0/70f610ccd5b876ccc3256f100043db72?OpenDocument; see also *Statement by CIS Member Countries on the State of Affairs in the OSCE*, Moscow, 3 July 2004 (8 July 2004), at: http://www.ln.mid.ru/brp_4.nsf/0/3be4758c05585a09c3256ecc00255a52?OpenDocument.

in their report of June 2005: “Although the OSCE’s ability to adjust in a flexible manner to the changing security environment is generally appreciated, its relevance, effectiveness and strategic orientation have been questioned.”³ Others were more blunt: The OSCE was in “unabated decline”.⁴

Efforts were made under Greece’s Chairmanship in 2009 – particularly through the so-called “Corfu Process” – to strengthen the effectiveness of the OSCE and to try to restore the idea of a security community which had been so badly shaken by the war in Georgia. In terms of adaptive leadership, this was an attempt to genetically engineer the Organization’s DNA in order to enable it to flourish. At the same time, many participating States were careful to preserve those strands of the DNA deemed essential for the species’ survival, namely its principles and commitments. As former Secretary General Marc Perrin de Brichambaut put it, the OSCE has a “never-ending task [in] the role of guardian of common values throughout the Euro-Atlantic area and the Euro-Asian area”.⁵

The process of trying to revitalize the OSCE entered a new phase with the Astana Summit in December 2010 – the first OSCE Summit for eleven years. The Astana Commemorative Declaration is a good example of how Heads of State or Government knew that they had to demonstrate adaptive leadership if the OSCE were to evolve and thrive. In it, they recommitted themselves to a vision of a “free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals”.⁶ This preserved the DNA deemed essential for the Organization’s survival – namely its core values. For example, there was a categorical and irrevocable reaffirmation that “the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”.⁷ At the same time, there was a clear attempt to adapt the Organ-

3 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, 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, here: p. 360.

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

5 Marc Perrin de Brichambaut, Secretary General, Organization for Security and Co-operation in Europe, Thirty Years of Effective Helsinki Commitments, p. 3, in: Austrian Center for International Studies in co-operation with the Organization for Security and Co-operation in Europe, Frances Mautner Markhof (ed.), *Proceedings of the Conference to commemorate the 30th Anniversary of the Helsinki Final Act “Democracy and Security in the 21st Century and the Evolving Role of Regional Organizations”*, Vienna, 21-22 April 2005, available at: <http://www.osce.org/secretariat/17371?download=true>.

6 Organization for Security and Co-operation in Europe, Summit Meeting, Astana 2010, *Astana Commemorative Declaration – Towards a Security Community*, SUM.DOC/1/10/Corr.1, 3 December 2010, section 1, at: <http://www.osce.org/cio/74985>.

7 Ibid., section 6.

ization to new circumstances, for example, by taking a more active role in facing transnational threats.

Yet while the Astana Declaration set out a clear and shared vision for the future, the lack of agreement on an action plan meant that there was no map of how to get there. As a result, Lithuania, the incoming Chairmanship country, was tasked with organizing a follow-up initiative to push the process forward.

Meaningful Steps

The Lithuanian Chairmanship team knew that it would have to follow up whatever was agreed (or not agreed) at the Astana Summit. But the establishment of a European security community could not be achieved in a year. Therefore the challenge was to make demonstrable progress by the Vilnius Ministerial Council in December 2011 and to create momentum that could be built upon by future Chairmanships.

With this in mind, the incoming Chairmanship adopted the approach of taking realistic and meaningful steps in areas where Lithuania could make a difference. In a sense this was making a virtue out of necessity due to limited resources and objective realities. At the same time, it was inspired by the idea of “adaptive leadership”.

Lithuania decided to concentrate on five main priorities:

- registering tangible progress in addressing protracted conflicts;
- significantly improving implementation of media-freedom commitments;
- enhancing the OSCE profile with regard to transnational threats, including those emanating from the territory of Afghanistan;
- defining the OSCE’s role in the energy-security dialogue; and
- promoting tolerance education throughout the OSCE area in order to combat hate crimes and discrimination.

Implementation of these five goals has been assessed elsewhere.⁸ But to illustrate one of the most meaningful steps, we shall consider what was achieved in relation to the settlement process in Moldova.

8 Cf. OSCE Lithuania 2011, *Meaningful Steps, Report on progress made during Lithuania’s Chairmanship of the OSCE, 2011*, MC.GAL/13/11/Rev.1, 22 December 2011, at: <http://www.osce.org/mc/86008>.

For almost six years, negotiations on the Transdniestrian settlement process had been stalled. One of the priorities of the Lithuanian Chairmanship was to resume them, not only informally, but in the formal 5+2 format that brings together Moldova, Transnistria, Russia, Ukraine, and the OSCE, plus the EU and the United States. This particular protracted conflict (rather than say Abkhazia or Nagorno-Karabakh) was chosen by the Lithuanian Chairmanship because it was one where Vilnius felt that it could use its geostrategic position as an EU state, a US ally, and a Russian neighbour to find convergence between the main power brokers in the settlement process. Furthermore, the Merkel-Medvedev Meseberg initiative of 5 June 2010 had signalled the possibility of Transnistria being a test case for EU-Russia partnership, and perhaps even the basis “to explore the establishment of an EU-Russia Political and Security Committee (ER PSC) on ministerial level”.⁹

Therefore, in his opening speech to the OSCE Permanent Council in Vienna, Foreign Minister Audronius Azubalis made it clear that Lithuania would push for a resumption of formal “5+2” negotiations on Moldova. Words were followed by deeds when he visited Moldova on 8-10 February 2011, where he met with officials and civil society activists from both banks of the Dniestr.

He did not simply visit the country once and move onto the next crisis. He persisted. Together with his Special Representative for Protracted Conflicts, Giedrius Čekuolis, and the Head of the OSCE Mission to Moldova, Philip Remler, he remained in regular contact with the other mediators, Ukraine and the Russian Federation. He brought up the issue during his visits to Washington, Moscow, Kyiv, and Brussels, and at crucial stages in the process spoke on the telephone to his colleagues, including the Foreign Ministers of Germany, Russia, and Ukraine. He raised the issue at every available opportunity: in the briefing he gave to the UN Security Council, at EU meetings, and in briefings to the OSCE Parliamentary Assembly. He also tried to ensure that all relevant actors were repeating the same messages in their discussions with the parties.

To use the jargon of the “adaptive leadership” theory, the combination of high-level diplomacy, bottom-up confidence-building measures (CBMs) and on-the-ground engagement (particularly through the OSCE Mission to Moldova) enabled the Lithuanian Chairmanship to be “in the balcony” and “on the dance floor” at the same time.

The idea was to remain seized of the issue, to get people to focus on what is a relatively tractable situation, and to set a process in motion that

9 *Memorandum (Meeting of Chancellor Angela Merkel and President Dmitri Medvedev on 4-5 June 2010 in Meseberg)*, at: http://www.bundesregierung.de/Content/DE/_Anlagen/2010/2010-06-05-meseberg-memorandum.pdf;jsessionid=6C2873A978FA319312B534B55D2BD443.s4t1?__blob=publicationFile&v=1.

would create a momentum for change. Progress would not necessarily depend on a dramatic breakthrough, but it would be manifested by a number of small, cumulative steps in the right direction. As Ambassador Čekuolis put it, “progress would be measured by millimeters and each millimeter is as precious as gold”.¹⁰

Informal meetings in the 5+2 format were held in Vienna on 14-15 February and 4-5 April, and in Moscow on 21 June. At the same time, the Chairmanship kept up the pressure by engaging the support of the European Union and the OSCE Parliamentary Assembly. Furthermore, to keep constant attention on the process and, at the same time, to ripen it, ambassadors and representatives from 19 OSCE delegations visited Moldova in July 2011. The head of the delegation, Lithuanian Ambassador Renatas Norkus, reiterated the need for an early resumption of official negotiations in the 5+2 format without preconditions, and underlined the need for economic confidence-building measures, dismantling artificial barriers for trade, investment, and the movement of people, as well as restoring rail and telecommunications links between the two banks of the Dniestr river.

The Chairmanship stressed time and again that lack of progress in the settlement process could not be used as an excuse to halt CBMs. On the contrary: Confidence-building measures could create the good will and practical co-operation needed to generate the trust and momentum vital for the settlement process.

On 8-9 September, a seminar was held in Bad Reichenhall, Germany, on the issue of confidence-building measures. A set of regulations governing the operations of the Joint Expert Working Groups was adopted. Perhaps more importantly, a meeting took place between Moldovan Prime Minister Vlad Filat and Transdniestrian leader Igor Smirnov, brokered by the OSCE and the German government. Foreign Minister Ažubalis and German State Secretary Emily Haber also took part.

This meeting helped pave the way for a meeting in Moscow on 22 September at which participants in the Permanent Conference on Political Issues in the Framework of the Negotiating Process for Transdniestrian Settlement agreed to resume their formal negotiations in the 5+2 framework (for the first time in more than five years). The first meeting took place in Vilnius on 30 November and 1 December. More than a “golden millimetre” of progress had been made. Since then, under Ireland’s Chairmanship of the OSCE in 2012 and with a new regime in Tiraspol, regular meetings have been held, and further progress has been made in implementing CBMs. The challenge now is to keep the process going, and to reach a final settlement to a conflict that has dragged on for more than twenty years. This will require adaptive leadership, not least by Ukraine’s Chairmanship of the OSCE in 2013.

10 *Intervention of Ambassador Giedrius Čekuolis at the “V to V dialogue” seminar “CBMs As A Way Forward Towards Integration Between The Two Banks Of Nistru River”, Vienna, 3 April 2011.*

As much as a Chairmanship tries to plan in advance, it must also expect the unexpected. In order to enable a “certainty of response”, a Chairmanship – like any effective leadership during times of crisis – must be able to anticipate and recognize potential threats. While one cannot predict the future, one can at least be better prepared for it.

The Arab Uprisings are a good example of how leaders can be caught off guard and how they need adaptive leadership to handle a crisis. Almost no one anticipated that there would be dramatic uprisings in North Africa in early 2011. Indeed, when a few countries had suggested, just one month earlier at the Astana Summit, that the OSCE’s Mediterranean (and not just Euro-Atlantic and Eurasian) character should be highlighted, this was dismissed as irrelevant. Suddenly, in January 2011, just days after taking office, Lithuania had to come up with a policy for how OSCE States would react to this crisis in the southern Mediterranean.

The OSCE quickly prepared a set of institutional proposals to the governments of Egypt and Tunisia, which are OSCE Partners for Co-operation. To explore possible areas of co-operation, the Chairperson-in-Office visited Tunisia on 15-17 April, while Lithuanian Deputy Foreign Minister Asta Skaisgirytė-Liauškienė and a team of ODIHR experts visited Egypt from 31 May to 3 June. Members of the OSCE Parliamentary Assembly monitored the elections to the Constituent Assembly in Tunisia in October. Under the Chairmanship of Ireland, the OSCE-Mediterranean dialogue intensified, as manifested, for example, by the increased level of interest and range of topics at the OSCE Mediterranean Conference that took place in Budva, Montenegro, on 10 and 11 October 2011.

However, it was hard to make policy in a situation where there were so many variables out of the Chairmanship’s (even the OSCE’s) control. Firstly, it was sometimes difficult to figure out who spoke for the new regimes: the ambassador in Vienna or someone new in the capital? This made it difficult to identify the needs of the country concerned, and to assess whether they even wanted the OSCE’s support. Secondly, it was hard to engage the governments of Mediterranean Partners because they were in a state of flux and had other things to think about than talking to representatives of European security organizations. Thirdly, there was a plethora of well-meaning actors rushing to help, but no mechanism to co-ordinate their responses. In a good example of adaptive leadership, Foreign Minister Ažubalis tried to work with UN Secretary General Ban Ki-moon to bring the relevant organizations together in order to promote complementarity. However, as so often happens, no organization wanted to be “co-ordinated” by another, and therefore no mechanism for inter-institutional co-operation was devised. This was a missed opportunity.

There will, inevitably, be unexpected events in the future that Chairmanships and the OSCE as a whole will have to respond to. It would therefore be prudent to strengthen the analytical capabilities of the Secretariat in order to help anticipate and prepare for potential crises. This need not be a large unit, but at least one or two people should be responsible for synthesizing information from the field, from open sources, liaising with think-tanks, and collecting data from inter- and non-governmental organizations. The Secretariat would be doing the Chairmanship a great service if it could augment the capacity of its staff with timely analysis, and strategic forecasting. This would also strengthen the Organization's early warning capacity.

Constraints on Adaptive Leadership within the OSCE

Countries that seek to pursue a policy of adaptive leadership within the OSCE face a number of constraints.

In the OSCE – as in other organizational cultures – efforts to discard those parts of the DNA that are no longer needed are fiercely resisted. One state's idea of a redundant activity is usually another state's pet project (and vice versa). In a consensus-based organization, it is hard to kill things – you have to just let them die.

Another constraint on exercising adaptive leadership within the OSCE is that the country holding the Chairmanship has limited room for manoeuvre. The Chair has few powers of initiative, nor can it act on its own. The real power brokers are the Permanent Council, and particularly the representatives of the European Union, the United States, and the Russian Federation. Furthermore, because decisions within the OSCE are taken on the basis of consensus, any country – if it is determined and vocal enough – can torpedo an initiative. As Nye writes, “one of the dilemmas of multilateral diplomacy is to how to get everyone into the act and still get action”.¹¹ The key is to define what everyone would consider as “thriving”, and then help to lead them to the realization of that objective.

It is not only participating States that the Chairmanship has to work with. The Secretary General and heads of OSCE institutions and field missions all have a high degree of autonomy. This decentralized form of governance can be considered a weakness insofar as it may not be clear to the target audience who is speaking for the OSCE. Sometimes there are too many cooks. Conversely, the relative independence of OSCE institutions and executive structures (as long as they are accountable) prevents political interference in operational activities.

It is important to keep things in perspective. There are constraints on leadership in any organization. At least the OSCE enables the Chairmanship

¹¹ Cf. Joseph S. Nye, Jr., *The Future of Power*, New York 2011, p. 217.

country to help set the agenda, and to identify certain priorities. Since the OSCE's executive structures are relatively light (compared, for example, to the UN or EU), the Chairmanship can be innovative and push forward ideas, as long as it can bring all the participating States along. The fact that states continue to want to chair the OSCE is a good sign – it creates a certain expectation that new impulses will come every year, and that fresh approaches will be taken, since the Chairmanship has a self-interest in achieving a successful outcome. Indeed, demonstrating effective leadership of the OSCE can enhance a state's "soft power" and can help construct a state's "smart power".

"Soft" Power

According to Joseph Nye, the "soft power" of a country rests heavily on three basic resources: its culture (which makes it attractive to others); its political values (if applied consistently); and its foreign policies (when others see them as legitimate and possessing moral authority).¹² This can make a country attractive and respected, regardless of its military might. If it is seen as benign, competent, and charismatic, it can leverage its soft-power resources in ways that can affect behaviour and policy.

Of course, soft power is not only dependent on the agent who is projecting it: It is also in the eye of the beholder; the message one sends is not always the one that is received. Different cultural perspectives and historical experiences can filter information in ways that result in an idea being perceived in different ways.

Chairing the OSCE helps states (particularly smaller ones) to demonstrate soft power. As Chair, the country concerned is first among 57 equals for a year. This raises its profile, provides a rare opportunity for the foreign minister to have access at eye-level to more powerful peers, and brings with it considerable responsibility and influence (including in crisis management). Chairing the OSCE also enables the state concerned to enhance its networks, and it is a unique learning experience for a country's diplomats. This is particularly attractive for smaller EU countries that have become less visible due to the EU Common Foreign and Security Policy, or countries that are seeking to increase their European and international profiles – such as Kazakhstan, which chaired the OSCE in 2010. Kazakhstan used its OSCE Chairmanship – to great effect – to enhance its image, to play a leadership role in Eurasia (not least by hosting the first OSCE Summit since 1999), and to draw attention to issues that it feels strongly about, including Afghanistan, nuclear non-proliferation, and dialogue among civilizations. Chairing the OSCE also stands countries in good stead for leadership positions in other multilateral

12 Ibid., p. 92.

forums: for example, the OSCE Chairmanship prepared Slovenia and Lithuania for their Presidencies of the EU (in 2008 and 2013, respectively), and Kazakhstan used its OSCE Chairmanship as a springboard for a seat on the UN Security Council.

As Chair of the OSCE, Lithuania was well placed to exercise soft power. As an EU and NATO member, it was able to generate a positive attraction among its allies. At the same time, due to two decades of excellent relations with the United States and a large diaspora in America, Lithuania enjoyed close ties with Washington. While relations with Moscow were not as close, Lithuania had demonstrated in the past that it could be pragmatic (for example in relation to Kaliningrad), and was able to communicate effectively with its neighbour, not least since most of its diplomats speak Russian. In short, Lithuania was able to work well with all three power brokers within the OSCE (the EU, the US, and Russia), and tried to be even-handed in its relations with them all. It was a country that all participating States could do business with, which gave it considerable soft power. It leveraged this power to push forward the negotiation process in Moldova and reach consensus on a number of key decisions at the Vilnius Ministerial Council.

It is important to note that soft power also brings with it certain expectations. If soft power is generated in part by solid political values and benign foreign policies, a state needs to demonstrate those qualities as the Chair. While there are no formal criteria for becoming Chair, countries are held to account by their peers, particularly in relation to their human-rights record. Kazakhstan, for example, was subjected to tough scrutiny concerning the case of imprisoned human-rights defender Yevgeny Zhovtis. Austria's Chairmanship of the OSCE in 2000 was overshadowed by the inclusion of Jörg Haider's Freedom Party in the government coalition. Lithuania was criticized over tolerance issues, while the trial and treatment of former Prime Minister Yulia Tymoshenko has put Ukraine's Chairmanship of the OSCE (in 2013) under pressure.

Since culture is a key ingredient of soft power, the Lithuanian Chairmanship took every available opportunity to project a positive image of its country. This included highlighting the country's culture, history, and sport, and making the link between Lithuanian values and OSCE principles and commitments. For example, there were classical music concerts (at the Hofburg and Mozart House), a joint Lithuanian-Russian film evening, photo exhibits, a jazz concert, and even a basketball tournament (that the Lithuanian team won).

But soft power has its limitations.

At the Astana Summit, President Alexander Lukashenko of Belarus said: “I want to wish our close partner, our neighbour – Lithuania – every success and substantial achievements in the course of its Chairmanship in the OSCE in 2011. I want to assure you that we will do everything possible, not just as neighbours but as OSCE member state, so that your chairmanship would be successful.”¹³ But on 19 December 2010, in the aftermath of the Presidential elections, the Belarusian authorities imprisoned President Lukashenko’s main political rivals, increased systemic persecution and harassment of the opposition and civil society, and curtailed freedom of media and assembly. These moves were heavily criticized by the OSCE. In reaction, Belarus did not agree to extend the mandate of the OSCE Office in Minsk beyond 31 December 2010.

Even before assuming the Chairmanship, Foreign Minister Ažubalis spoke out against the proposed closure and urged the Belarusian authorities to rethink their decision – but to no avail. On taking up the Chairmanship, he immediately called his Belarusian counterpart and invited his deputy to come to Vilnius to explore possible areas of co-operation. During the course of those and subsequent consultations at various levels in Vienna and Vilnius, it became apparent that there was little willingness to compromise.

The Chair sought to keep the channels of communication open with Minsk, while also trying to shield and support Belarusian civil-society groups. It successfully backed efforts by the Office for Democratic Institutions and Human Rights (ODIHR) to monitor the trials of those detained on 19 December. However, the impact of the trial monitoring was limited. ODIHR’s report was published in November 2011, but its findings were not accepted by the Belarusian authorities. Similarly, when 14 OSCE participating States triggered the Moscow Mechanism,¹⁴ Minsk refused to grant the rapporteur, Professor Emmanuel Decaux, a visa. He therefore met representatives of Belarusian civil society in Paris, Geneva, Vienna, Vilnius, and Warsaw. The Belarusian authorities then argued that because Professor Decaux had never visited Belarus, his (scathing) report¹⁵ was not credible.

13 *Statement by the President of the Republic of Belarus Aleksandr Lukashenko at the Plenary Meeting of The OSCE Summit, Astana, 2 December 2010*, SUM.DEL/64/10, 2 December 2010.

14 The Mechanism, agreed by consensus at the CSCE’s Moscow Meeting in 1991 by all 38 OSCE States and amended by the CSCE’s Rome Meeting in 1993, allows for deployment of an independent, impartial fact-finding mission if one participating State, supported by at least nine others, “considers that a particularly serious threat to the fulfilment of the provisions of the [OSCE] human dimension has arisen in another participating State”. Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 605-629, here, p. 611; also available at: <http://www.osce.org/odihr/elections/14310>.

15 See Prof. Emmanuel Decaux, *OSCE Rapporteur’s Report on Belarus*, 28 May 2011, ODIHR.GAL/39/11/Corr. 1, 16 June 2011.

The case of Belarus demonstrates the limits of soft power. The OSCE was powerless to change Belarus's tough stance. Invoking the Moscow Mechanism when the target country refused to co-operate only served to demonstrate how blunt an instrument the mechanism is. The counter-argument is that Belarus's refusal to co-operate with its peers showed how callous and untrustworthy the regime in Minsk is, and therefore deepened its isolation from most of the international community. It also provided further arguments for applying sanctions on the Belarusian leadership.

In Ukraine, the government is also paying a high price for the way former Prime Minister Yulia Tymoshenko has been treated in detention. Ukraine – as co-host of the 2012 European football championships and Chair of the OSCE in 2013 – has considerably more soft power than Belarus. It is therefore more vulnerable to criticism. When the President of Lithuania, Dalia Grybauskaitė, visited Kyiv on 11 May 2012 – as the first foreign leader to see Tymoshenko in hospital – she warned that “Europe's trust in Ukraine is dwindling”. The lesson is: Lose the trust of other countries and you lose soft power.

In that respect, the OSCE – and small countries like Lithuania that are respected within the European and international community – *can* exert some influence by drawing on their own soft power, and by explaining to states that have soft power that the failure to change their policies can undermine their trustworthiness. It is usually most effective to communicate this message discreetly, and to appeal to a state's self-interest. If that fails, more robust public diplomacy may be necessary.

Constructing “Smart Power”

If soft power is insufficient, what about “hard power”? The country chairing the OSCE cannot threaten coercive measures. Nor is the OSCE in a position to project hard power, for example by sending in peacekeepers. However, if a state can combine the “hard” power of coercion (the stick), with the persuasive attraction of “soft” power (the carrot), the result is what Nye describes as “smart power”.¹⁶

Small countries such as Lithuania can gain “smart power” by combining their soft power with the hard power that they acquire by being part of NATO and the EU. They can also demonstrate an ability to achieve results, to put forward innovative ideas, and to lead during times of crisis. One could argue that Lithuania demonstrated these traits during its Chairmanship of the OSCE in 2011. It will continue to develop its smart power during its Presidency of the EU and in its bid to be a non-permanent member of the UN Security Council.

16 Nye, cited above (Note 10), p. xiii.

But can this concept be applied to international organizations? NATO is trying to carve out a niche for itself in terms of “Smart Defence”.¹⁷ The idea (triggered in part by the financial crisis) is that Alliance nations must give priority to those capabilities which NATO needs most, specialize in what they do best, and look for multinational solutions to shared problems. A concrete example of this pooling and prioritizing is the NATO Air Policing Mission in the Baltic states.

What about the OSCE? The OSCE has some aspects of hard power – including policing and field operations. Its conflict-prevention and early-warning tools, its mediation capacity, and its confidence-building measures are good examples of how the OSCE could profile itself as a “smart power” organization.

Furthermore, the OSCE has a niche as a “normative intermediary”.¹⁸ Through its co-operative approach, it can appeal to the self-interest of states to implement their OSCE commitments. A good example is the High Commissioner on National Minorities (HCNM), who works discreetly with governments to defuse ethnic tensions at an early stage by explaining how international minority standards can promote peaceful integration. Other examples include the work of the OSCE in brokering the August 2001 Ohrid Agreement, which brought peace to the former Yugoslav Republic of Macedonia, or the Border Monitoring Operation in Georgia between December 1999 and December 2004, which helped to create greater transparency along a tense portion of the Georgian border.

In a similar vein, the OSCE has an opportunity to exercise smart power in Central Asia. As the International Security Assistance Force (ISAF) scales down in Afghanistan, the OSCE can help contain a possible spillover of the conflict to the north. For example, it could scale up its border monitoring support capacity in Tajikistan, help to defuse tensions between Tajikistan and Uzbekistan, work to reduce vulnerability in the Fergana Valley, and help to promote regional co-operation, for example in relation to water management. This is a region where the OSCE can really make a difference.

Projecting smart power and soft power are dependent on effective marketing, and here public diplomacy is vital.

17 See NATO, *Summit Declaration on Defence Capabilities: Toward NATO Forces 2020*, 20 May 2012, sections 7-9, at: http://www.nato.int/cps/en/natolive/official_texts_87594.htm, and NATO, *Chicago Summit Declaration*, 20 May 2012, section 56, at: http://www.nato.int/cps/en/natolive/official_texts_87593.htm.

18 An expression coined by Steven R. Ratner, Does International Law Matter in Preventing Ethnic Conflict? In: *New York University Journal of International Law and Politics* 3/2000, pp. 591-698, here: p. 668; cf. also Walter A. Kemp (ed.), *Quiet Diplomacy in Action: The OSCE High Commissioner on National Minorities*, The Hague 2001, p. 25.

The country holding the Chairmanship of the OSCE has to carry out a careful balancing act in terms of public diplomacy. On the one hand, the Chairmanship – working with the Secretariat – has to try to raise the profile of the OSCE. Working with the participating States, it must also explain the OSCE's policies. On the other hand, the Chairperson has to satisfy a domestic audience, including parliamentarians and the press. What he or she may want to say as foreign minister may not jibe with what the Chairmanship should say on behalf of all participating States.

In the build-up to the Chairmanship, the Lithuanian Task Force had to identify issues that were both priorities for the OSCE and of particular relevance to Lithuania. At the same time it had to measure its policies towards neighbours such as Belarus, Poland, and Russia to ensure that bilateral issues would not jeopardize the need to build consensus as OSCE Chair. The Chairmanship team also had to explain to the Lithuanian parliament and public the added value of the OSCE. Lithuanian political actors were supportive of NATO and the EU, but were less familiar with, and not particularly supportive of, the OSCE. The domestic press was largely indifferent to the OSCE, even sceptical. Consequently, one of the Chairmanship's first adaptive leadership challenges was to generate domestic support for its leadership of the OSCE.

In the spirit of "adaptive leadership", Foreign Minister Ažubalis was determined to "act politically".¹⁹ The opening of Lithuania's Chairmanship coincided with the twentieth anniversary of the so-called "January Events" of 1991, when Soviet military units attacked the television tower in Vilnius, months after Lithuania had declared its independence from the USSR. In his "We Believe in Freedom" speech, which he delivered to the OSCE Permanent Council on 13 January 2011, Ažubalis, who had witnessed the "January Events" first hand, used the example of the popular resistance that he saw that day as an inspiration for how people can defend their freedoms. He stressed the importance of adhering to democratic values, implementing the Helsinki principles, and protecting human-rights defenders and freedom of speech and assembly. He came back to this theme throughout the year, particularly when speaking up for civil society in Belarus, Russia, and Ukraine. Championing this cause and recalling Lithuania's history was a calculated risk because, while it could win support from civil society and the Lithuanian public, it could have made the Chairmanship less acceptable to the political establishments of some neighbouring countries. The fact that the Chairmanship consciously pursued this policy demonstrates its determination to act politically.

19 Heifetz/Grashow/Linsky, cited above (Note 1), p. 133.

At the same time, the Chairmanship had to act politically on behalf of all OSCE participating States. It therefore tried to lead in pursuing the vision of a Euro-Atlantic and Eurasian security community that had been agreed to at the Astana Summit. Furthermore, at the Vilnius Ministerial Council in December 2011, it stuck its neck out to try to win support for Mongolia's bid to become an OSCE participating State, and for Switzerland and Serbia to take on the OSCE Chairmanship in 2014 and 2015, respectively.

To gain support for its objectives, to ensure visibility for the OSCE, and to promote adherence to the OSCE's values, the Chairperson and his team undertook 21 missions and took part in around 40 OSCE-related events, conference, and round tables. Further political weight was given to the Chairmanship by Lithuania's President Grybauskaitė. She took part in the Astana Summit, briefed the Permanent Council in Vienna, visited the South Caucasus and Moldova, and played a key role in the Ministerial Council in Vilnius.

During its Chairmanship of the OSCE, Lithuania tried to get its message across through the mass media. Over the course of the year, the Chairmanship team issued 243 press statements, of which 34 were devoted to human-rights issues and 38 to conflict resolution. During that period, dozens of articles in the various regional news portals of OSCE participating States, 25 op-eds, and a significant number of live interviews targeted the OSCE community's audience. At the Vilnius Ministerial Meeting on 6 and 7 December 2011, 175 representatives of the mass media were present, producing around 160 articles in the Lithuanian and international press. Over the course of the two-day meeting, the OSCE's website had 12,000 visitors, totalling 40,000 page views per day – 60 per cent more than the usual daily hit rate.

But quantity does not always add up to quality: There is not necessarily a positive correlation between how much information one generates and how it is received. Indeed, as Nye points out, "plentiful information leads to scarcity of attention".²⁰ To avoid this problem, there should be strategic communication to explain a set of themes, and regular communications to explain the context of policy decisions (ideally in relation to these themes).

There should also be long-term engagement with key policy and opinion makers to familiarize them with one's objectives and policies. That is why Lithuania engaged think-tanks (such as the International Peace Institute) as well as academics and NGOs, for example in the V to V Dialogues,²¹ and welcomed the work of the Euro-Atlantic Security Initiative (EASI). In 2012, this process intensified with the Initiative for the Development of a Euro-Atlantic and Eurasian Security Community (IDEAS) organized by think-tanks in France, Germany, Poland, and Russia as well as the first-ever Security Days (organized by the OSCE Secretariat). These activities opened up the inter-governmental process to external opinions and generated new ideas on

20 Nye, cited above (Note 10), p. 103.

21 "V to V" stands for Vancouver to Vladivostok via Vienna and Vilnius.

how to revitalize the OSCE. This is a good example of how public diplomacy can contribute to adaptive leadership and soft power.

Crisis or Opportunity?

There is a lot of talk about how the OSCE is in crisis. If this is true, then, as Hillary Clinton said, never waste a good crisis. With adaptive leadership, this crisis can be transformed into an opportunity. After all, one of the OSCE's strengths since 1975 has been its ability to adapt.

A number of factors are in the OSCE's favour. The financial crisis can force participating States to set some priorities: to do less, but do it better. This would enable the OSCE to identify its added value, its "smart power". The stronger the OSCE's profile, the more attractive it will be as a "soft" and "smart" power, and therefore the easier it will be – for policy makers, treasuries, the media, and the public – to understand the added value of the OSCE.

The fact that the next three Chairmanships have already been decided – namely Ukraine (2013), Switzerland (2014), and Serbia (2015) – means that there is a degree of predictability that can enable greater continuity and forward planning. The Helsinki +40 process should be used as an opportunity to outline a three-year process (from 2013 to 2015) to push forward the agenda from Astana to Belgrade (via Dublin, Kyiv, and Bern).

Another opportunity arises from the fact that so many ideas are being generated about the OSCE's role, for example, through EASI and the IDEAS process. This can help stimulate the process of adaptive leadership. At the same time, the OSCE should avoid becoming the Woody Allen of European security organizations – self-obsessed and introspective to the point of being neurotic. Instead, it should focus on what it does well, and just do it.

This will be easiest where there is a convergence of strategic interests. Central Asia is a good example. The recent Kazakh Chairmanship, Mongolia's heightened interest in the OSCE, the impending draw-down of ISAF forces in Afghanistan, and the growing strategic relevance of Central Asia all strengthen the OSCE's Eurasian credentials. Transnational threats are another subject where the interests of participating States converge. If the OSCE can demonstrate added value in this field, it can play a key role in reducing the risk posed by, for example, transnational organized crime. Furthermore, if the OSCE can show progress in resolving at least one of the protracted conflicts (most likely Moldova), it can restore confidence in its mediation skills. Participating States should also have a fresh look at peacekeeping, which is badly needed in Nagorno-Karabakh, and at arms control which has completely stalled. Progress in these fields would create DNA arrangements that would enable the OSCE to flourish in a challenging environment, and enable the Organization to find its appropriate place in a quickly evolving multilateral context.

Conclusion

We hope that the observations made in this contribution can better explain some of the thought processes that went on within the Lithuanian Chairmanship of the OSCE in 2011. This can be of particular relevance to future Chairmanships, and to those interested in policy- and decision-making processes within a multilateral framework. We also hope that the idea of adaptive leadership can be applied within the OSCE in order to enable it to evolve and thrive in a time of challenges and change. One of the aspirations of adaptive leadership should be to enhance the OSCE's "smart power" to give the Organization a stronger profile, a clear set of objectives, and the means to achieve them.

It is essential for the OSCE, as it is for all regional and international organizations, to evolve. If they do not, they lose their relevance. Indeed, the alternative to adaptive leadership is stasis. As Albert Einstein pointed out, doing the same thing over and over again and expecting different results is insanity – which is quite the opposite of "smart" power.

The OSCE as a Euro-Atlantic and Eurasian Security Community: Theoretical Foundations, Preconditions, and Prospects

European Security and the Crisis of Multilateralism

Immediately after the end of the Cold War, expectations towards the OSCE, then still the CSCE, were high. For many, it appeared to be the nucleus of a pan-European security system that would subsume the Cold War alliances. As we now know, things transpired differently. Most – if not all – Central and Eastern European states saw the future of their security in NATO and the EU. Nonetheless, in the intervening years, the OSCE has time and again been taken as a model for a European security community. Most recently, the vision of a Euro-Atlantic and Eurasian security community was formulated at the 2010 OSCE Astana Summit. The OSCE, however, is further from realizing this vision than ever. Of Mikhail Gorbachev's "common European home", so far only the (enlarged) west wing has been built, at best. And yet it is no great comfort that the crisis of multilateralism has recently also caught up with NATO and the EU. The weakening of international institutions is not merely the result of renationalization and a renaissance of unilateral sovereignty politics, but is also an internal crisis, caused by slow-moving and opaque decision-making processes coupled with blockades and other barriers.

There is no shortage of security institutions in the Euro-Atlantic and Eurasian security area. Nonetheless, the European security system shows signs of having problems in terms of legitimacy, participation, and effectiveness. This is not the fault of the OSCE, nor that of NATO and the EU, but is rather the result of a failure of political will on the part of governments. The European security architecture is currently a conglomerate of collective defence, co-operative security, security communities, collective security, and balance-of-power/concert-of-powers-style politics. International institutions have two functions here. On the one hand, they mirror the interests of the states involved in them: Membership of international organizations is in the interest of a state (in terms of power projection). When these interests change, so does the character of the international institution concerned. Thus, the evolution of NATO and the OSCE since 1989 illustrates the changing preferences of their members – above all those of the major states. On the other hand, international institutions colour and influence the behaviour of states. There is a certain sense in which states are "socialized" by them. International organizations such as NATO and the OSCE are therefore certainly in a position to influence the interests and preferences of states via institutionalized learning processes, perhaps even to change them. Here, the basic as-

sumption of the theory of democratic peace also applies, namely that the more democracies an institution has as members, the more powerful its socialization effect will be. Furthermore, democracies are more willing to form security communities than non-democracies. This is also why the North Atlantic Alliance is more than a conventional military alliance, but rather a pluralistic security community of Western countries based on a shared democratic identity.¹ In contrast, the OSCE is a co-operative security system, whose goal is defined as the creation of a pluralistic security community in the area stretching from Vancouver to Vladivostok. As such, the OSCE could be described as an emerging security community, or, in the words of Emanuel Adler, as a “security community-building model”.² The OSCE, “rather than waiting for ‘the other’ to change its identity and interests before it can be admitted to the security community-building institution, [...] has incorporated, from the outset, all states that express a political will to live up to the standards and norms of the security community, hoping to transform their identities and interests”.³

Even if the wearisome abundance of communiqués with the same hackneyed avowals and declarations of intention invites equally hackneyed criticism, the European security system is better than its reputation. Other regions of the world look at the degree of co-operation and norm-setting that exists in Europe with envy. Despite the undeniable progress that has been made, however, the reality of European security in the OSCE area continues to consist of not only co-operation, but also zero-sum games, formal and informal “concerts of powers”, and security dilemmas. This changes nothing about the necessity of the vision of a security community stretching from Vancouver to Vladivostok.

Karl W. Deutsch and the Concept of a Security Community – Theoretical Foundations

The concept of a “security community” was developed by Karl Wolfgang Deutsch in his much-cited 1957 work *Political Community and the North Atlantic Area. International Organization in the Light of Historical Experience* (Princeton 1957), which has since become a standard text. Initially, this concept was far from successful: The atmosphere of confrontation between the US and the USSR in the Cold War meant that the concept vanished from the debate, which was dominated at the time by US academics, as quickly as

1 For a thorough discussion of this, see Thomas Risse-Kappen, *Cooperation among Democracies: The European Influence on U.S. Foreign Policy*, Princeton 1995.

2 Emanuel Adler, Seeds of peaceful change: the OSCE’s security community-building model, in: Emanuel Adler/Michael Barnett (eds), *Security Communities*, Cambridge 1998, pp. 119-160.

3 Emanuel Adler, The OSCE as a security community, in: *OSCE Magazine* 1/2011, pp. 14-15, here: p. 15.

it had arisen. The only forms of “security community” that were acceptable at the time were collective defence organizations such as NATO, CENTO, and SEATO.

According to Deutsch, a “pluralistic security community” can be characterized as follows: 1. The use of violence for states to assert their interests against each other has been superseded (non-violent problem resolution). 2. Its members share a set of basic political values (compatibility of values). 3. Their behaviour towards each other is predictable (dependable expectations). The consequence is a civilizing of inter-state behaviour. Security communities can thus be said to consist of close, institutionalized relations between states that are not only based on mutual interests, but also on shared values and common sympathies. An intensive meshwork of interests, communication, and organizations holds their members together. Security is understood to be a collective good.

As well as the “pluralistic security community”, Deutsch identifies the “amalgamated security community”. The difference between them is that a pluralistic security community consists of several sovereign states, while amalgamated security communities consist of a single state or state-like area with a centralizing power. An amalgamated community is created via the integration of two previously independent units into a larger independent unit with a single government. Examples include the United States and the German Empire of 1871-1918. The counterpart of the amalgamated community is the pluralistic security community. Its main objective is the preservation of peace among its constituents. In a pluralistic security community, there is no pooling of sovereignty by states to form a single government. Furthermore, a pluralistic security community is far easier to create and maintain, requiring merely the three main conditions mentioned above (non-violent problem resolution, compatibility of values, and dependable expectations). An “amalgamated” security community, which can also be referred to as “integrated security”, arises only when the member states transfer sovereignty to the regional level. The EU can thus be considered a pluralistic security community that is heading towards integrated security. Hence, it is more than “pluralistic”, but not yet an “amalgamated security community”.

Integrative processes amount to a historic transformation of societies. However, this runs both ways: Security communities of the amalgamated or the pluralistic variety are always in danger of relapsing. The same three indicators – here appended with minus signs – can thus also be used to analyse counter-trends, and the risk of backsliding can thus be determined in terms of the same factors that characterize the process of integration: “Integration is a matter of fact, not of time. If people on both sides do not fear war and do not prepare for it, it matters little how long it took them to reach this stage. But

once integration has been reached, the length of time over which it persists may contribute to its consolidation.”⁴

Ultimately, all security communities can develop in three possible directions: evolution, stagnation, and devolution. Deutsch assumes that there are certain thresholds that, once crossed, guarantee the existence of a security community. This is only possible if a strong sense of community emerges and is maintained, helping the institutions of a security community to remain relevant. Only through a sense of community can the survival of the community be ensured; the use of force or the existence of a hegemonic power within the community cannot achieve this. Close ties between states increase the cost of the use of force, so that the states ultimately seek peaceful solutions to conflicts.

When considering the development of a regional security architecture in the OSCE framework, the question arises as to whether security communities can only be formed by democracies. Or, to ask a slightly different question: Is democracy a necessary or sufficient condition for the formation of a security community? According to Deutsch’s criteria, refraining from the use of force, compatibility of values, and dependable expectations are sufficient for the development of a pluralistic security community. Given that Greece, Spain, and Portugal were members of NATO when all three were still military dictatorships, one could even argue that membership of a security community can accelerate the development of social participation. However, participation, social justice, and the rule of law may promote the process of regional integration. For, as noted above, institutions whose members include a higher proportion of democracies have a more powerful socialization effect. Furthermore, democracies are more willing to form security communities than are non-democracies.

The Development of Deutsch’s Concept since the 1990s

After the end of the Cold War, the concept of the pluralistic security community was revived in international relations and revised in light of the new global political situation. Emanuel Adler and Michael Barnett’s much-cited anthology *Security Communities* is particularly responsible for the renaissance that Deutsch’s concept has experienced in recent years.⁵ They take up Deutsch’s ideas and seek to adapt them to the new security situation that has emerged since the end of the Cold War. Adler and Barnett basically make three modifications or additions.

4 Karl W. Deutsch et.al., *Political Community and the North Atlantic Area. International Organization in the Light of Historical Experience*, Princeton 1957, p. 6.

5 Cf., in particular, Emanuel Adler/Michael Barnett, A framework for the study of security communities, in: Adler/Barnett (eds), cited above (Note 2), pp. 29-65, here: p. 30.

First, they define the concept of “security community” more rigorously than did Deutsch. They reject the idea of an amalgamated security community and speak instead of communities of sovereign entities who enjoy dependable expectations of peaceful change. Furthermore, Adler and Barnett have expanded and clarified Deutsch’s concept by distinguishing between two types of (pluralistic) security communities: “loosely coupled” and “tightly coupled”. A loosely coupled security community consists of sovereign states that maintain dependable expectations of peaceful change and no more. Tightly coupled security communities go beyond this basic requirement, pose a greater challenge and have higher ambitions. On the one hand, they demonstrate a degree of mutual aid. On the other, they provide their members with a system or rules at a level somewhere between an association of sovereign states and a centralized regional government. Adler and Barnett describe this system somewhat imprecisely as a post-sovereign system, equipped with common supranational, transnational, and national institutions, as well as a kind of collective security complex.

Pluralistic security communities thus consist of several sovereign states that retain their own governments and political systems. These states nonetheless share common core values based on similar political institutions, similar (historical) experiences, and a certain degree of communality and loyalty. There thus exists, at least in embryonic form, a “we-feeling”. The member states of a pluralistic security community are so closely interdependent and/or integrated that they may trust that conflicts that (still) emerge will be resolved peacefully. Furthermore, security communities can also be categorized according to their degree of maturity as “mature”, “ascendant”, or “nascent”. According to Adler and Barnett, mature security communities stand at the highest possible level of development. Examples of these are the United States and – somewhat less integrated – the EU.

Both types of security community described by Adler and Barnett go through three stages in their development process: birth, growth, and maturity. In nascent security communities, the states examine how they can co-ordinate their activities to enhance common security, to reduce transaction costs, and to create the potential for further interaction in the future. A precondition for this initial phase is usually the perception of a common threat, resulting in a desire to seek protection. The phase of growth is characterized by increasingly dense networks, new institutions and organizations that reflect closer military co-ordination and co-operation, and reduced fear that the various other members could represent a threat. This phase also sees the development of a deeper mutual trust and a collective identity. The institutions that emerge in this process lead, in turn, to greater social interaction and to the spread of shared identity and complementary interests. The phase of growth eventually gives way to the third stage: maturity. At this point, the regional actors share a common identity and establish dependable expectations of peaceful change, which allows the emergence of a genuine security com-

munity.⁶ A “pluralistic security community”, by contrast, has more modest ambitions. It is limited to the necessary compatibility of core values, a certain sensitivity, and a sense of responsibility towards the socially disadvantaged and minorities, and the predictability of the behaviour of each actor within the community. Deutsch nonetheless emphasizes that both kinds of security community are always at risk of relapsing.

Creating a typology of the OSCE area based on Deutsch’s paradigm proves to be difficult. While NATO is precisely the prototype of a pluralistic security community, the European Union is a hybrid that lies somewhere between a pluralistic and an amalgamated security community. Despite the dense network of institutions, transactions, and relationships, there has been no amalgamation yet, and whether there ever will be remains to be seen. So far, the immediate consequences of the European banking and debt crisis have been rather a kind of national parochialism and a trend towards re-nationalization. Dealing with the crisis, however, could well lead to a new push for integration. Common banking regulation and efforts to harmonize economic and social policies perhaps indicate the way forward. So far, the EU is still best described as a tightly coupled security community, in Adler and Barnett’s terms. The extent to which the OSCE has the attributes of a security community or the prerequisites to become one will be discussed below.

The Crisis of the OSCE and the Key Role of Russia

Criticism of the state of the OSCE is not new – for many, the Organization represents a “picture of misery”. It has been described as a “powerless talking shop”, a “paper tiger”, “a fair-weather organization”, and, in extremely politically incorrect terms, as a circus sideshow “half lady”. It may be a platitude, but it cannot be repeated often enough: An institution is always only as strong as its members allow it to be. The OSCE is no more an independent power than the EU or NATO. Philip Zelikow has illustrated this strikingly with regard to NATO: “No one who walked past a neighbor’s house and saw a visiting car parked in the drive would say, ‘look dear, a Chevrolet is visiting the Bensons tonight’. NATO may be the vehicle [...] but NATO is not the driver.”⁷

For more than ten years, the OSCE has been fighting against a loss of importance. There are several reasons for this: competition from other actors, the paralysis stemming from the East-West divide, and the Organization’s indistinct profile and low external visibility. Not least the excessive expectations that were placed on the CSCE in the early nineties, as well as the rather stubborn insistence by many of its political and academic friends and

6 Cf. *ibid.*, pp. 50-57.

7 Philip Zelikow, *The Masque of Institutions*, in: *Survival* 1/1996, pp. 6-18, here: p. 8.

supporters on its key role in the emerging continental and transcontinental security landscape, allowed an aura of disappointment to develop around the OSCE.

In Berlin, too, the OSCE ekes out a living mainly in the political shadows. It is either effectively absent from policy debates and relevant papers produced by foreign-policy think tanks, or is only mentioned in passing. One of the few exceptions is the Central Asia strategy developed by Foreign Minister Frank-Walter Steinmeier and his then Minister of State Gernot Erler at the time of Germany's 2005-2009 Grand Coalition government – yet here, too, the key role was played by the EU. While the German commitment to the OSCE has not completely vanished, it has significantly weakened. This is partly – but not entirely – a consequence of the EU and NATO enlargement processes. It has also become evident that expectations that the OSCE could become the heart of a pan-European peace order were naive. For all the pro-OSCE rhetoric, therefore, the priorities of German foreign and security policy have shifted in recognition of the security-policy realities on the continent towards NATO, since 1992, and the EU/European Security and Defence Policy (ESDP), since 1999. Thus, Germany, too, views the OSCE less and less as the overarching platform for pan-European security. Instead, it is increasingly seen as an optional instrument for the pursuit of limited foreign-policy objectives, primarily in regions in which neither the EU nor NATO are willing or able to play a role. In internal policy documents, the OSCE receives cursory mention at best.

The deficits of the OSCE also reflect the shortcomings of the Euro-Atlantic security architecture as a whole, which is still characterized by highly disparate zones of security. While NATO and the EU have created a high degree of integration, mutual trust, and collective security, beyond these organization's borders, such trust is still absent. The OSCE works with an integrative approach that is different from the conditionality-driven enlargement strategies of the EU and NATO. However, this integrative approach also means that the OSCE inevitably takes on board all the conflicts, problems, and contradictions of its participating States, which must then be managed within the Organization. Within and at the edges of the OSCE area, there are a number of countries that exhibit characteristics of fragile statehood, where internal conflicts, in particular, could erupt at any time. A look at the conflicts in the OSCE area shows that demand for the Organization's services persists. By defining its roles more precisely, distinguishing itself more clearly from other actors, and focusing on its core competencies, the OSCE could help to ensure that it once again gains in attractiveness as a forum on security issues for its participating States.

A Eurasian security community is a far-off and visionary goal. The realities of the contemporary European security landscape show this starkly. With the exception of the Transdniestrian conflict, where the parties involved at least revived the official 5+2 negotiating format in November 2011, there

is little sign of progress. The Nagorno-Karabakh conflict is likely to heat up as a result of bellicose rhetoric. In Georgia, too, the different parts of the country are growing ever further apart. In Belarus, not only is the political opposition subject to repression and imprisonment, the basic freedoms of the individual – which all OSCE States are committed to protect – are being trampled upon; a similar situation prevails in Ukraine and the Central Asian states.

This leads us to the key role of Russia. The crisis of the OSCE is also a crisis of the West's Russia policy, which urgently needs to be made more coherent.⁸ Admittedly, this has not been made easier by Putin's return to office for a third term as president. The key issues – missile defence, Libya, and Syria – show the tensions and problems that need to be dealt with here. The continuing division of the continent, together with the consensus principle, also paralyses the Organization: The attempt to adopt a framework for action at the Astana Summit failed; it proved impossible to agree on common final declarations at several previous Ministerial Council meetings; and the budget has often been a source of dispute. This lack of accord has also led to key OSCE missions not being renewed or their mandates being diluted (e.g. Georgia, Belarus, Uzbekistan). Moreover, Moscow has tried to increase political control of the relatively independent OSCE institutions (the Office for Democratic Institutions and Human Rights, ODIHR, the High Commissioner on National Minorities, HCNM, and the Representative on Freedom of the Media, RFOM). The division within the ranks of participating States is also responsible for blocking efforts to clarify the Organization's legal status and adopt an OSCE Charter. In Russia, the predominant view is that the co-operative strategy of the 1990s was a failure. Russian security interests were overlooked on issues including missile defence and the CFE Treaty, and Moscow's sphere of interest was not respected, as shown, for instance, in the West's support for the "colour revolutions". Russia raises three specific allegations: 1. The OSCE's human dimension is over-emphasized at the expense of the politico-military dimension. 2. In the conflict between state sovereignty (territorial integrity, inviolability of borders) and fundamental human rights, the OSCE chooses an interpretation that favours the latter in an unbalanced way (for example, in the recognition of Kosovo). 3. The OSCE only practices intervention "East of Vienna", although there are also relevant issues in the West (e.g., the Basque Country and Northern Ireland).

To make matters worse, Russia's original intention of creating a pan-European security system under the auspices or control of the OSCE was stillborn from the outset. The post-Cold War European security structure is and will continue to be an evolutionary process that does not allow the im-

8 See, for instance, Przemysław Grudzinski, *Contract 2015: A Conceptual Framework for Regional Security*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2010*, Baden-Baden 2011, pp. 75-84, here pp. 77-78.

position of models. Nevertheless, the rekindled debate on new security structures (the Corfu Process and the results of the discussions at the Astana Summit) provides the OSCE with a great opportunity to strengthen its role as a key forum for pan-European security and co-operation. The improvement of relations between the United States and Russia, and the rapprochement between Russia and NATO following the war in Georgia have fostered a dynamic process of dialogue within the OSCE. Even if it is too early to speak of a reversal of the OSCE's decline, a revival of the Organization's significance cannot be ruled out.

Is the OSCE a Nascent Security Community? Preconditions and Obstacles

Reading the OCE's declarations and final documents and considering the shared principles recognized by all 57 participating States, the OSCE may already appear to be a security community. Yet once again, while there is no shortage of good intentions, there is a lack of both political will and practical application of these principles. Most recently, the war in Georgia has made all sides all too dramatically aware that no lasting democratic peace prevails in the OSCE area.

Emanuel Adler distinguishes the following seven community-building functions of the OSCE towards becoming a security community: "(1) It promotes political consultation and bilateral and multilateral agreements among its members. (2) It sets liberal standards – applicable both within each state and throughout the community – that are used to judge democratic and human rights performance, and monitors compliance with them. (3) It attempts to prevent violent conflict before it occurs. (4) It helps develop the practice of peaceful settlement of disputes within the OSCE space. (5) It builds mutual trust by promoting arms control agreements, military transparency, and cooperation. (6) It supports assistance to newly independent states and supports the building of democratic institutions and market-economic reforms. (7) It provides assistance to post-conflict reestablishment of institutions and the rule of law."⁹

In any event, Astana was the first time that an OSCE final document mentioned the goal of a Euro-Atlantic and Eurasian security community. How this vision can be filled with ideas and content is completely open and a matter of disagreement among the participating States. The OSCE cannot simply deliver ready-made solutions to all Europe's security problems. But it can provide a framework within which the pressing questions can be defined, proposals examined, and practical solutions sought. The OSCE today is characterized by a high degree of flexibility, cost-effectiveness, and organizational structures that remain relatively lean. Since 1990, the Organization has

9 Adler, cited above (Note 2), p. 132.

developed into a kind of versatile ad hoc committee for the security problems and conflicts that the EU and NATO cannot or will not deal with. It therefore fills a critical gap in the European security architecture.

The OSCE connects the Euro-Atlantic and Eurasian regions. It is the only European security organization in which both the United States and Russia are full members. The broad membership, the consensus rule, the comprehensive understanding of security, and its experience as a platform for dialogue and action alike give the OSCE a potentially vital role in the European security architecture. The OSCE contributes more to the resolution of conflicts than is often visible. For instance, the Kazakh Chairmanship contributed to ensuring that the crisis in Kyrgyzstan did not escalate further. And while the Organization's successes in the Baltic and the effective work of the HCNM in conflict prevention in Estonia, Latvia, Hungary, and Crimea have not made headlines – because only “bad news” sells – this does not make them any less real.

Yet the Organization's paramount importance is in the field of standard-setting, i.e. the creation of norms that enable states to live together in peace. Here, the history of the CSCE shows that the spread of normative principles needs time before they can show substantive results. Furthermore, the problem – as already noted – lies less in setting standards than in *enforcing* them. Here, the OSCE remains dependent on the consent and co-operation of its 57 participating States, and, as an intergovernmental institution, it cannot force the implementation of its norms and goals. In this regard, it is a typical international organization in every respect. States make use of it to solve certain problems co-operatively, but disregard it as soon as they define their interests differently. To this extent, the OSCE – like most other organizations – only borrows its power. Ultimately, therefore, the participating States will themselves have to answer the question of whether they want the OSCE to play a more important role. In other words: It is less a question of making new rules for the OSCE, than ensuring compliance with the existing ones. In terms of its declarations, the OSCE is already a security community, in reality it is far from that.

Vision and Reality – A Euro-Atlantic and Eurasian Security Community

The pluralistic Euro-Atlantic security community, despite the crises of NATO and the EU, is a reality. It needs to be defended against emerging re-nationalization. The “West” is held together by a dense web of cultural and economic relations that are growing ever closer in a globalizing world. For all that, the “West” was never a static or even a geographically bounded entity – it is rather an ideal construct, in which the balance of power is being constantly redefined, conflicts of interest rebalanced, and values reassessed.

The OSCE, in contrast, is not and never was an embodiment of the Western community of values, but rather a conglomerate of Eurasian states and Eurasian values. Some of its participating States are home to traditional, patriarchal societies where Islam is the predominant religion and source of culture and values. There are deep differences with regard to socio-political issues and value systems, which ultimately lie behind key disputes, such as the question of whether democracy is “the only system of government” (Charter of Paris, 1990). Not only in Central Asia, but also in Russia, Belarus, and Ukraine, retrograde movement has been evident. The enlargement of the Euro-Atlantic security community to a Eurasian security community under the umbrella of the OSCE remains to be accomplished. So far it is only a vision.

There can be no common security without mutual trust. Trust has to grow. It grows most sustainably through concrete, practical co-operation. Even after four decades, the OSCE is still the only organization that unites the North American democracies, the countries of the EU, and the EU’s eastern neighbours as far as Central Asia. The great opportunities that this offers need to be used more effectively. In many regards, the OSCE is better than its reputation, and, in historical terms, it has achieved an extraordinary amount. The work of creating a Euro-Atlantic-Eurasian security community is a process that demands an ongoing commitment and, above all, the political will to act and to change.

Even in Europe, where security communities exist (NATO, EU) or are emerging (OSCE), terms such as “balance of power”, “hegemony”, “alliances”, and “concert of powers” have not disappeared from political discourse. The OSCE remains an important co-operation forum for those states that are not part of the EU and NATO security communities. It is a co-operative security system that has formulated the goal of creating a pluralistic security community from Vancouver to Vladivostok, or, in the words of Emanuel Adler, a “security community-building model”.¹⁰ However, we should beware of excessively high expectations that would ascribe the OSCE omnicompetence for pan-European security. The OSCE has the vital task of concerning itself with those states that are not – or better said, not yet – part of the security communities of “the West”. It is a security community in the making, which would only be redundant if all 57 OSCE States were members of the EU and/or NATO.

To conclude: Despite notable successes, the OSCE has not yet succeeded in emerging from the shadows and continues to eke out a living, largely unremarked, in the “niche of co-operative security”. However, in terms of evolutionary biology, niches are there to be occupied, and, what’s more, they ensure survival. To this extent, the OSCE will continue to play an important role in the European security system. It certainly has the potential

10 Adler, cited above (Note 2).

to broaden and expand this role. For this to occur, however, will require key participating States to change their thinking and their priorities. Frank Zappa's legendary quip, coined with reference to jazz, can therefore also apply very aptly to the OSCE: "The OSCE is not dead; it just smells funny."

The IDEAS Project: A Contribution to an OSCE Network of Academic Institutions

How We Came to Create IDEAS

Two years after the 2010 OSCE Astana Summit Meeting, the language of the “Astana Commemorative Declaration – Towards a Security Community” still sounds clear, bold, and forward-looking. In this document, the Heads of State or Government of the then 56 participating States committed themselves “to the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals”.¹ In paragraph eleven, they added further important qualifications: “This security community should be aimed at meeting the challenges of the 21st century and based on our full adherence to common OSCE norms, principles and commitments across all three dimensions. It should unite all OSCE participating States across the Euro-Atlantic and Eurasian region, free of dividing lines, conflicts, spheres of influence and zones with different levels of security.”

Interestingly, the OSCE’s discovery of the vision of a security community is paralleled by a renaissance of this idea in the academic sphere. Emanuel Adler and Michael Barnett’s ground-breaking 1998 book “Security Communities”, a constructivist reframing of the seminal 1957 work “Political Community and the North Atlantic Area” by Karl Deutsch and others, and more specifically Adler’s essay on “The OSCE’s security community-building model” have opened up a whole cosmos of broader conceptual thinking about Euro-Atlantic and Eurasian security that is still largely neglected by politicians.² Another major contribution to this strand of thinking is Charles Kupchan’s 2010 book “How Enemies Can Become Friends”.³ If we compare and contextualize how the political and scholarly communities have dealt with security communities, two things stand out: First, the academic discourse starts a decade earlier than the political one. And second, both discourses have emerged when the political conditions for creating a Euro-

1 Organization for Security and Co-operation in Europe, Summit Meeting, Astana 2010, *Astana Commemorative Declaration – Towards a Security Community*, SUM.DOC/1/10/Corr.1, 3 December 2010, para. 1, at: <http://www.osce.org/cio/74985>. OSCE.

2 See Emanuel Adler/Michael Barnett (eds), *Security Communities*, Cambridge 1998; Emanuel Adler, Seeds of peaceful change: the OSCE’s security community-building model, in: *ibid.* pp. 119-160; Karl W. Deutsch/Sidney A. Burrell/Robert A. Kann/Maurice Lee, Jr./Martin Lichterman/Raymond E. Lindgren/Francis L. Loewenheim/Richard W. Van Wagenen, *Political Community and the North Atlantic Area. International Organization in the Light of Historical Experience*, New York 1957.

3 See Charles A. Kupchan, *How Enemies Become Friends. The Sources of Stable Peace*, Princeton 2010.

Atlantic and Eurasian security community were substantially worse than they were in the early 1990s. History will show what this means for the chances of realizing this great vision one day.

The idea of a security community is a notion that *could* give guidance to states and societies at a time when almost all their energy is consumed by short-term crisis management. However, the message from Astana has not yet really arrived in most capitals. And even within the OSCE itself, the concept was not really debated seriously during 2011. This was the starting point for IDEAS – the Initiative for the Development of a Euro-Atlantic and Eurasian Security Community, a joint project of the Centre for OSCE Research (CORE) at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), the Fondation pour la Recherche Stratégique (FRS), the Polish Institute of International Affairs (PISM), and the Moscow State Institute of International Relations (University) of the Russian Foreign Ministry (MGIMO). Our key concern was that the neglect of a vision as bold as that of a security community would not only represent a missed opportunity, but would seriously undermine the credibility of the OSCE as the only pan-European security organization.

In this situation, receiving the support of the foreign ministers of Germany, France, Poland, and the Russian Federation represented a major step forward. On 6 December 2011, they declared that “the four Ministers have asked four academic institutes to organize four workshops in Berlin, Warsaw, Paris and Moscow in 2012. These workshops will advance further the discussion on the future character of a Euro-Atlantic and Eurasian security community. The institutes are invited to present their final report and their recommendations to all OSCE participating States in Vienna in autumn 2012.”⁴

Why This Format?

We have always perceived the IDEAS project as a contribution to a network of academic institutions as proposed by OSCE Secretary General Lamberto Zannier in his first speech in his new capacity in the Permanent Council on 4 July 2011:

I believe we should explore the creation of a network of academic institutions – centres of excellence with an emphasis on researching issues on the OSCE agenda. There are excellent examples, such as the Centre for OSCE Research (CORE) at the University of Hamburg. Each participating State would designate a focal point for this network, thereby providing geographical balance. The aim would be to increase the visi-

4 *Joint Communiqué, Vilnius, 6 Dec 2011, Ministers of Germany, France, Poland and Russia launch a scientific network to pave the way for a Security Community in the OSCE area*, MC.DEL/16/11, 6 December 2011.

bility of the OSCE in each of the participating States, to stimulate debate and generate ideas and initiatives on Euro-Atlantic and Eurasian security for the OSCE to consider and, very importantly, to help us reconnect with the civil society.⁵

At the same time, it was obvious that we had to start with a smaller circle of participants if we wanted to complete a first study of the idea of a Euro-Atlantic and Eurasian security community during 2012. There were many ideas regarding the initial format. I remember that I would have preferred a somewhat broader approach with six or seven participants, but in the end I was convinced by colleagues that bringing six or seven institutes together would be too complicated for the limited time at our disposal. So we combined two existing formats – the Weimar Triangle consisting of France, Germany, and Poland, and a more recent triangle of Germany, Poland, and the Russian Federation – giving us the four IDEAS participants. However, it has always been clear that this constellation was an interim solution on the way towards a broader network of academic institutions.

The Conception of the Workshops

The IDEAS project started with four workshops in Berlin (March), Warsaw (May), Paris (June), and Moscow (July). The report was to be based on as broad a discussion as possible. The four workshops were therefore differentiated in two aspects: While all of them dealt with the general question of the key features of a security community, they each also addressed different working fields: arms control in Berlin, sub-regional conflicts in Warsaw, transnational threats and challenges in Paris, and all three of these issues together in Moscow. The workshops also aimed at addressing different target groups. While representatives from OSCE headquarters in Vienna and of the host country were present at every workshop, the Berlin workshop specifically aimed at including US participants, the Warsaw workshop focused on participants from Central Europe, the Paris one on Western Europe, and the Moscow event on a representative panel of Russian participants.

Although the number of participants in a workshop is itself limited – and with slightly more than 100 participants, the Berlin event reached the limits of what you can call a workshop – there was a clear intention to ensure that these meetings were as accessible and inclusive as possible. Thus, all the workshops were open to at least one representative from each participating State. And indeed, the Berlin and Moscow workshops, in particular, were each visited by some two dozen ambassadors from Vienna. In addition, the Irish Chairperson-in-Office designated Ambassador Lars-Erik Lundin his

5 OSCE, Special PC, *OSCE Secretary General Lamberto Zannier, Remarks in response to the “welcome” by Delegations*, 4 July 2011, p. 5.

representative at the IDEAS workshop series, and the Secretary General was also represented at each event.

Each workshop was opened by a high representative of the host country's foreign ministry. In Germany, this was Federal Foreign Minister Guido Westerwelle; in Warsaw, Undersecretary of State in the Polish Ministry of Foreign Affairs Bogusław Winid; in Paris, Deputy Director General for Political and Security Affairs in the French MFA Pierre Cochard; and in Moscow, Deputy Minister of Foreign Affairs Alexander Grushko. Other experienced personalities also enriched the discussion, including former Russian Foreign Minister Igor Ivanov (Moscow), NATO Deputy Assistant Secretary General Jamie Shea (Paris), the former Polish Foreign Minister Adam Daniel Rotfeld, and the Chairman of the Committee on Foreign Affairs of the German Bundestag, Ruprecht Polenz. In addition, the members of the IDEAS team had the opportunity to conduct interviews in each capital with high-ranking representatives from the ministry of foreign affairs, the ministry of defence, and/or members of parliament.

All in all, the four workshops provided a good picture of the general status of the discussion on a security community and related issues. However, the discussion almost always remained within the limits of existing discourses and failed to open up new ones. From this it became clear that the report could not exclusively be built on the workshop input, but would need additional ideas generated by the four institutes.

What the IDEAS Report Was not to Be

Before the IDEAS team began drafting the report, it considered what the report *should not become*. To start with – and this was easy to agree – the report was not to be a completely utopian piece dwelling on how nice and peaceful life would be in a fully-developed security community some day. In the same way, an over-pragmatic approach that would not discuss any more far-reaching and bolder perspectives was excluded. We were also rather sceptical of any language that represented static concepts: The famous “European security architecture” is certainly the best known case in point. The frequently used term “roadmap”, which suggests a well-known route towards a well-known goal, is another. The notion of “founding” a security community in an act of deliberate will was also (strongly) rejected. Rather we tried to think in terms of open and contingent processes. Later, the term “strategic uncertainty” became a key concept for this kind of thinking. And finally, we had to deal with a dilemma: From a number of conversations, it had become clear that there were two groups with contrary expectations: The first demanded concrete proposals and recommendations that would be useful for the OSCE. This would require a report focused tightly on OSCE issues.

However, representatives of the other group stated that a report limited to OSCE issues would be superfluous and irrelevant.

The IDEAS Report – Main Deliberations and Key Issues

Starting from the insight that there were two target groups that both had to be somehow addressed, we decided to divide the report into two parts: a more general analytical section, which goes far beyond the OSCE and treats the Organization only as one part of the whole (chapters 1 to 4), and specific recommendations on “What the OSCE Can Contribute to Building a Security Community” (chapter 5).

In the analytical part, we addressed four distinct, yet closely interlinked areas: the vision of a security community (or, in more sober terms the “key features of the objective”); arguments as to why the OSCE States would benefit from such a security community; an analysis of developments in the OSCE space, particularly during the last decade; and finally, a decalogue of guiding principles for a strategy towards a security community.

The Vision of a Security Community.

Formulating this mini-chapter, although it comprises not much more than a page, was by no means the easiest part of the whole exercise. It consists of a working definition of a security community and some additional qualifications. The definition reads as follows:

This report proceeds on the basis of the understanding that a security community stands for a community of states and societies whose values, social orders and identities converge to such a degree that war among them becomes unthinkable. A security community means stable and lasting peace among states and within societies where there are no longer zones of different security, regardless of whether individual states belong to alliances or not.⁶

This definition already contains the notion of “convergence”, one of the key terms of the report. There are only a few additional qualifications, but these are essential. One key insight is that there are “quite different – even contradictory” perceptions of what the key elements of a security community are – whether values or so-called “hard-security” issues. We deemed it necessary that all these elements and perceptions be included in a process towards

6 Wolfgang Zellner (co-ordinator)/Yves Boyer/Frank Evers/Isabelle Facon/Camille Grand/Ulrich Kühn/Lukasz Kulesa/Andrei Zagorski, *Towards a Euro-Atlantic and Eurasian Security Community. From Vision to Reality*, Hamburg, Paris, Moscow, Warsaw 2012, reprinted in this volume, pp. 409-433, here: p. 413-414.

building a security community. The notion of a process – long-term, open-ended – is a second essential qualification. It excludes the possibility that a security community is created by a single founding act. A third qualification is that a “security community is not an alliance directed against any outside state or alliance”.⁷ This is important because sometimes the scholarly literature equates the notion of a security community with military alliances such as NATO. And finally, it was vital to stress that the “process towards a Euro-Atlantic and Eurasian security community extends beyond the OSCE”,⁸ or, as formulated more strongly in the executive summary: “Building a security community in the OSCE area cannot be delegated to the OSCE alone.”⁹ Qualifications of this kind may appear simple. However, as starting points, they play a key role in shaping the whole of the subsequent argument.

Arguments in Favour of a Security Community.

This section, the shortest of the whole report, was definitely among the most complicated to draft, and required a great deal of discussion. This was not so much because there are no good arguments in favour of a security community; rather the difficulty was formulating these arguments so that they would apply to all the OSCE States. The range of the OSCE States is so broad – not just geographically but also in terms of their thinking – that it is difficult to bring all their diverse identities and interests together around a single concept. A good example is the “shared identity of Europeanness”,¹⁰ a term we included after long discussions. However, the question remains as to how far this can cover, for example, Kazakh or Tajik, let alone Canadian, identities. The same is true of more material interests: Different states in different regions of the OSCE space have different strategic options tied to adjacent areas outside the OSCE space. The relationship between these options and the goal of a Euro-Atlantic and Eurasian security community is complex. This kind of strategic uncertainty makes it impossible to forecast how a security community may develop. The only way the issue can be treated is in terms of gradual and contingent processes of increasing convergence.

Analysis of Developments in the OSCE Space.

Two main dangers were lurking in this key chapter of the report: painting too rosy a picture of the whole situation and – more fashionable among intellectuals – taking too gloomy a view. A balanced analysis of the situation is already made difficult by the nature of memory: Current affairs are much

7 Ibid., p. 414.

8 Ibid.

9 Ibid., p. 411.

10 Ibid., p. 414.

more prominent in mind than past developments that might have been more powerful in framing the overall picture. For this reason it was good to start the chapter on “Developments in the OSCE Space” with some very basic statements that are not made every day: “The greatest achievement of the last two decades is that a major war in Europe between states and alliances – the ever-present threat during the era of East-West confrontation – has become inconceivable.”¹¹ We also took the view that “there are no more antagonistic or major ideological divides within the OSCE space”.¹² In other words: We may have disputes and conflicts of various kinds, but all of them are solvable, at least in principle.

From this initial statement, we came logically to three fields of convergence among the OSCE States during the last two decades. First, we noted a “remarkable process of normative convergence”,¹³ in spite of many difficulties in implementation. This statement has attracted criticism on the grounds that the implementation of commitments is the key aspect of the normative dimension. While in no way underestimating the relevance of the actual implementation of norms, I would like to stress another aspect of the normative OSCE regime that backs our argument. This is a reference to the fact that the normative *acquis* of the OSCE is the only game in town; it is unrivalled by any other normative project, be it communism, sharia law, “Asian values”, or whatever else. As long as all states declare their belief in this set of values, it can maintain and uphold a certain normative hegemony, even if the implementation of these norms is shaky (and non-existent in certain fields). The second area of convergence we noted – “convergence [...] resulting from the membership of an increasing number of states in or their co-operation with other international organizations”¹⁴ – is of critical relevance because its logical consequence is that any process towards a security community is a process of interaction and co-operation among many organizations, and not a matter for the OSCE alone. And finally we noted a trend of convergence related to co-operation on transnational threats, an observation that is frequently made in the course of the OSCE’s everyday operations.

The other side of the coin concerns the growing number of well-known divergences that have emerged, particularly during the last decade, ranging from the unresolved sub-regional conflicts and the stagnation in arms control, via deficits in the observance of human rights and other human-dimension commitments, to the tendency towards a new institutional divide between integration networks in the West and in the East. Particularly worrying is that these disputes are not limited to isolated issues but have resulted in a resurrection of the security dilemma and zero-sum-game thinking. Thus, the “current situation in the OSCE space is ambiguous. Advances towards greater

11 Ibid., p. 415.

12 Ibid.

13 Ibid. p. 416.

14 Ibid.

convergence are paralleled by divergences preventing joint action. The main divergence is political and concerns a lack of cohesive policy approaches to many issues in various fields.”¹⁵ Consequently, the first step on the way towards a security community is the return to a practical co-operative security policy.

Guiding Principles of a Strategy towards a Security Community

While it is not possible to draft a detailed strategy of how to achieve a security community – the objective is too distant and the uncertainty of reaching it too great – it is possible to formulate some principles that might be useful in attempting to approach this goal. The first one we listed is that believing in (economic) interdependence is not enough. Rather it is necessary to take political action to reach political goals. That sounds simple – and is – but it is frequently neglected because of an exaggerated belief in the beneficial impact of interdependence.

Two other principles concern the need to increase convergence and decrease divergence over the long term, and the fact that maintaining this process is more important than quick fixes. This implies also that the “task is not to fix the *status quo*, but rather to manage the process of ongoing change”.¹⁶ This addresses the status quo fixation of a good part of current policies that look easier at first glance – the status quo is something known – but make it actually more difficult to address a future, many elements of which are yet unknown.

Again, two further principles address the need to deal with as many issues as possible and *not* to limit oneself to so-called game changers – key issues that it is believed will change the whole conflict constellation. The game-changer syndrome represents the desire to reduce the complexity of a situation by concentrating on one or two issues. Sometimes this is successful. However, it also bears the risk of the game changer becoming a spoiler if the issue is not resolved.

Another key to making progress is to find a good mix of elements from the old agenda inherited from the Cold War and the new agenda that has arisen in response to current threats and challenges. Some observers have taken the view that the reason why the “reset” of US-Russian relations has not been so successful was that it was mainly focused on elements from the old agenda. On the other hand, many legacy issues remain unresolved and need to be dealt with.

Finally, we proposed two principles related to modes of thinking and the need to approach these issues from a variety of perspectives. One is that it is important to desecuritize and even to depoliticize issues. Another is the

15 Ibid., p. 419.

16 Ibid., p. 420 (emphasis in the original).

need for the active engagement of not just states but also groups within societies, such as the epistemic, religious, and business communities.

Policy principles of this kind are necessarily general in nature. However, one may find that the success or failure of concrete processes frequently depends on whether these (and other) principles were applied or not.

What the OSCE Can Contribute to Building a Security Community

I shall not describe the IDEAS Project's recommendations to the OSCE in detail here. Most elements we recommended have been discussed in the OSCE community at one time or another – frequently without reaching agreement. Hence, it is not their novelty that might be decisive, but rather the achieving a consensus on their implementation. Resuming effective arms control, resolving the protracted conflicts, supporting stability in Central Asia and Afghanistan, and addressing transnational threats are familiar challenges. Encouraging reconciliation among states and societies has been an element of many OSCE activities over the last two decades, but could be done in a more focused way.

Two proposals concerning the human dimension were more innovative, namely improving the effectiveness of the OSCE's human-dimension events cycle and opening a dialogue with Muslim communities. The latter proposal was hotly debated by the IDEAS team, and opinions differed as to whether the OSCE might play a useful role in this area. And, of course, we stated our readiness to contribute to the creation of an OSCE network of academic institutions.

The Reception of the IDEAS Report in Vienna, Astana, and Brussels

On the invitation of Ambassador Eoin O'Leary, the Chairperson-in-Office's representative in Vienna, the four institutes had the opportunity to present the IDEAS report at an informal ambassadorial meeting at the Vienna Hofburg on 23 October 2012.

The reception was generally very positive. One ambassador called the report "forward-looking and pragmatic, solid work" and welcomed particularly the section on the creation of an academic network. Another agreed that efforts to broaden the academic network should be supported. A third said that the report showed the importance of track II initiatives, and needed to be followed up with the inclusion of other think tanks. However, he expressed doubt about the inclusion of an element of dialogue with Muslims. Still another speaker thanked the four institutes for their very impressive report. However, there was also criticism. One ambassador questioned whether we have really achieved normative convergence. There was also caution about

appealing to a notion of common Europeanness, rather than acknowledging multiple identities. The same speaker who made this point also perceived a bias to the disadvantage of the human dimension. And finally, one speaker stated that NGOs are not aware of the fundamental concerns of the OSCE. All in all, some 16 ambassadors took the floor. On the same day, CORE researcher Ulrich Kühn presented the IDEAS report at the conference “The OSCE Astana Declaration: Towards a Security Community”, jointly organized by the Ministry of Foreign Affairs of the Republic of Kazakhstan, the OSCE Centre in Astana, and the Kazakhstan Institute for Strategic Studies under the President of Kazakhstan (KazISS) in Almaty.

Finally, on 18 December, the institutes presented their report to the Euro-Atlantic Partnership Council (EAPC) at NATO headquarters in Brussels. While the overall reception was as positive as in Vienna, and the need was underlined to work more with think tanks, a lot of questions were asked on the report and the way it had been produced: What could be the role of NATO and the EAPC in discussions of this kind? How was the report received by the OSCE? What understanding of civil society and NGOs do the authors of the report share? What are the personal experiences and lessons learnt of the drafters? On which issues did they disagree? In a frank atmosphere, Lukasz Kulesa (PISM), Wolfgang Zellner (CORE) and, connected by video link, Andrei Zagorski (MGIMO) from Moscow tried to answer all these questions.

Representatives of the four institutes plan to meet in early 2013 to discuss what form IDEAS should take in the future and which issues it should deal with. There is already agreement that the number of institutes involved should be considerably enlarged.

The Euro-Atlantic Security Initiative

The Euro-Atlantic Security Initiative (EASI), launched by the Carnegie Endowment for International Peace in 2009, completed its work in early 2012. The Initiative was structured as an independent, high-level Commission, whose task lay in creating the intellectual foundation for a strengthened Euro-Atlantic security order. As previously described in this publication,¹ the Commission was co-chaired by former German Deputy Foreign Minister Wolfgang Ischinger, former Russian Foreign Minister Igor Ivanov, and former United States Senator Sam Nunn, and directed by Robert Legvold, Marshall D. Shulman Professor Emeritus of Political Science at Columbia University. The 26-member Commission included prominent members drawn from across North America, Europe, and Russia. Over the past two years, EASI has assessed the weaknesses in existing Euro-Atlantic security arrangements and considered the challenges posed to them by both unresolved problems from the past and an array of new threats. Upon conclusion of its work, the Commission released a final report with recommendations for new approaches and institutional adjustments intended to transform the region into a genuine Euro-Atlantic security community.

The substantive recommendations of the Commission are classified in three dimensions: military security, human security, and economic security. Within each of these dimensions, the Commission identifies specific areas in which improvement in Euro-Atlantic relations is needed. In the dimension of military security, the EASI Commission concludes that a political dialogue is necessary to increase stability and reduce hard security tensions, and proposes an agreement on missile defence. In the realm of human security, Commissioners are calling for a strategy to improve historical reconciliation and initiate resolutions for protracted conflicts. On the subject of economic security, the Commission proposes two areas through which Euro-Atlantic co-operation will impact and contribute to the overall security of the region: natural gas and the Arctic.²

In addition to the substantive recommendations produced by the final report, some significant essential truths about Euro-Atlantic security emerged from EASI's work. The first was the recognition that mistrust among the regional players – particularly between Russia and the West – still exists twenty years after the end of the Cold War and must be overcome. The sec-

1 Rachel S. Salzman, The Euro-Atlantic Security Initiative, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2010*, Baden-Baden 2011, pp. 85-90.

2 Cf. Euro-Atlantic Security Initiative, *Toward a Euro-Atlantic Security Community, Final Report*, Washington, DC/Moscow 2012, at: <http://carnegieendowment.org/2012/02/03/toward-euro-atlantic-security-community/9d3j>.

ond was that the ability of high-ranking former policy-makers, diplomats, generals, and business leaders from across the region to come together and achieve consensus on key issues demonstrates the communal potential of the region. The third was that while there is no magic solution for improving Euro-Atlantic relations, focusing on practical problems and actively working together constitutes the soundest foundation for a process leading to the larger goal of an inclusive security community. These themes, interwoven throughout the Commission's work, must now become the basis for enhanced efforts towards building a Euro-Atlantic security community.

EASI's Work in Its Second Year

As a means of shoring up the Initiative's efforts in its first year – which were documented in the above-mentioned contribution to the OSCE Yearbook 2010 – and focusing attention on the most significant threats to a Euro-Atlantic security community, EASI commissioned five working groups to delve more deeply into specific topics related to the region in its second year. The Working Group on Missile Defense (WGMD) was established at the Commission's October 2010 meeting. At the February 2011 EASI meeting in Munich, the Commission established four additional working groups. Two of these are of similar size and stature to the WGMD: the Working Group on Reconciliation and Protracted Conflicts (WGRPC) and the Working Group on Energy (WGE). Two smaller working groups were also formed to supplement these efforts: the Working Group on Turkey (WGT) and the Working Group on Non-Strategic Nuclear Weapons (WGNSNW). Commissioners chose these topics because they concluded that progress on these issues would contribute significantly to the development of a true and lasting Euro-Atlantic security community. Working groups were made up of both EASI Commissioners and outside experts, unless otherwise stated below.

The WGMD comprised former senior government officials, academics, and technical experts from North America, Europe, and Russia. In addition to three working group meetings in the spring of 2011, participants met with missile defence experts in relevant governments and multinational organizations. Over the course of their work, the WGMD agreed on a concept for missile defence co-operation and the principles that should underlie it, and designed a prospective architecture demonstrating its practicality. The working group's final paper, including this detailed architecture, represents a carefully constructed consensus among all the group's members. The WGMD paper recommends, for example, putting together a team to work on co-operation challenges; initiating real-time data exchange between NATO and Russia; creating joint (operational) co-operation centres; and conducting tabletop exercises, discussions, and war-gaming exercises to increase missile

defence capabilities and augment ongoing co-operation among relevant actors.³

The WGRPC held several meetings over the spring and summer of 2011 in a number of salient locations, including Vienna, Riga, and Moscow. Over the course of its deliberations and in meetings with governmental officials, the WGRPC determined that the persistence of several serious conflicts and entrenched historical disputes hampers the social, political, and economic development of the region and creates insecure conditions which could lead to broader conflict and further societal degradation. Traditional diplomatic efforts to address these conflicts have proved ineffective. In light of this, the WGRPC recommends an ambitious new initiative to mobilize civil society and knit together a sense of common destiny for the region. Recommendations include calling for the active development of new tools and processes to promote reconciliation across the region and between particular states and peoples where long-lasting hostility and mistrust prevent any forward movement towards peace. The initiative would make full use of the institutional strengths and capacities of the OSCE, which is the only organization whose members include all the countries of the region and whose mandate directly relates to reconciliation and protracted conflicts. These efforts would be made in conjunction with the exploitation of new and diverse means of communication, including social media.⁴

The WGE held three meetings during the spring and summer of 2011. The group, which included former policy-makers as well as industry and academic experts, concentrated its work on the significant issues of natural gas and the Arctic. The working group discussion on natural gas centred on the economic tensions in the EU-Russia gas relationship, which, despite having eased in recent years, remain a significant potential impediment to the establishment of a genuine Euro-Atlantic community. This working group also met with key officials and experts in both the public and private sectors. The working group's final recommendations on natural gas include co-operation to improve energy efficiency and the establishment of a regional centre for energy innovation. The WGE offers several recommendations for co-operation in the Arctic, one of the best examples of the intersection of energy, environmental, and security issues. Members of the WGE emphasize that managing the Arctic by establishing modes of co-operation in the region, also among the littoral Arctic states, can be a potential building block for creating a Euro-Atlantic security community.⁵

3 Cf. Euro-Atlantic Security Initiative, *Missile Defense: Toward a New Paradigm*, Paper of the EASI Working Group on Missile Defense, Washington, DC/Moscow 2012, at: <http://carnegieendowment.org/2012/02/03/missile-defense-toward-new-paradigm/9cvz>.

4 Cf. Euro-Atlantic Security Initiative, *Historical Reconciliation and Protracted Conflicts*, Paper of the EASI Working Group on Reconciliation and Protracted Conflicts, Washington, DC/Moscow 2012, at: <http://carnegieendowment.org/2012/02/03/historical-reconciliation-and-protracted-conflicts/9cwb>.

5 Cf. Euro-Atlantic Security Initiative, *Energy as a Building Block in Creating a Euro-Atlantic Security Community*, Paper of the EASI Working Group on Energy, Washington,

Two smaller working groups also served the Commission: the Working Group on Turkey and the Working Group on Non-Strategic Nuclear Weapons. While the recommendations of these working groups are much more narrowly focused than the three larger working groups above, each brought focused contributions to the Commission's work.

The WGT held three meetings in 2011. The aims of this group were to define the Turkish dimension of Euro-Atlantic security and to discuss the challenges and opportunities Turkey poses to and for the creation of a Euro-Atlantic security community. Its conclusions include upgrading the dialogue between Turkey and the EU to increase co-ordination and collaboration on common security concerns; making maximum use of Turkey's proven role in assisting in the resolution of conflicts; and increasing Turkey's participation in securing and stabilizing the greater Euro-Atlantic region.⁶

The WGNSNW met twice in the spring of 2011. This working group comprised eleven distinguished experts who were recruited from outside of the Commission's membership. Over the course of its two meetings, the WGNSNW drafted a paper which helps policy-makers to focus on the issue of non-strategic nuclear weapons and consider alternative approaches to its various dimensions. Recommendations were centred on increasing strategic co-operation, reducing the role of these weapons, and enhancing the transparency of their numbers and deployment. The paper was shared with officials in Europe, the United States, and Russia, but was presented as the product of a group convened under EASI auspices rather than as a paper from the EASI Commission.⁷

Outcome of the EASI Working Groups' Papers

When the Commission met in the autumn of 2011 in Kyiv, the working groups' papers were presented to Commissioners, reviewed, and debated. The Commission discussed the possible inclusion of each of the working groups' recommendations in the EASI final report and how best to structure the final recommendations for maximum impact. It concluded that certain elements of each paper would be integrated into the EASI final report. The draft of the final report was completed and reviewed at EASI's fifth and final meeting in Moscow in December 2011.

DC/Moscow 2012, at: <http://carnegieendowment.org/2012/02/03/energy-as-building-block-in-creating-euro-atlantic-security-community/9cvy>.

6 Cf. Euro-Atlantic Security Initiative, *Addressing the Turkish Dimension in Creating a Euro-Atlantic Security Community*, Paper of the EASI Working Group on Turkey, Washington, DC/Moscow 2012, at: <http://carnegieendowment.org/2012/02/03/addressing-turkish-dimension-in-creating-euro-atlantic-security-community/9cwi>.

7 Cf. Euro-Atlantic Security Initiative, *Addressing Nonstrategic Nuclear Forces*, Paper of the Working Group on Nonstrategic Nuclear Weapons, Washington, DC/Moscow 2012, at: <http://carnegieendowment.org/2012/02/03/addressing-nonstrategic-nuclear-forces/9cw1>.

In Moscow, the Commission spent considerable time deliberating over and finalizing the report, bearing in mind their declaration in EASI's 2010 vision statement: "[...] failing such a transformation, the Euro-Atlantic states and their organizations will settle for suboptimal and too often utterly inadequate responses to the twenty-first century's security challenges [...]"⁸ By the end of their meeting, a final draft was completed which synthesized the Commission's work of the previous two years and highlighted EASI's recommendations for building a strong Euro-Atlantic security community. The Commission also decided that, along with EASI's final report, the five working group papers would be published and distributed at the Munich Security Conference in February 2012.

Mistrust

Again, certain important themes on the subject of a Euro-Atlantic security community emerged throughout the period of the Initiative's existence. The issue of mistrust continued to come up during the Commission's meetings and its final deliberations. The Commission's final report attempts to highlight methods of overcoming the lack of trust among states whose conflicts had supposedly ended at the close of the Cold War twenty years before.

EASI's work on missile defence, for example, demonstrates the significance of establishing trust between the United States and Russia. As the Commission notes: "Achieving a genuinely collaborative approach to missile defense matters not only in addressing a threat, but in removing the misgivings blocking progress toward a common security space."⁹ Furthermore, the system is intended to be open to any actor willing to embrace the nuclear non-proliferation regime and eschew the development of medium- and intermediate-range missiles.¹⁰

Similarly, the paper by the WGRPC looks at tangible ways to overcome mistrust. Among their concrete recommendations is the fostering of a robust civil society to establish inter-societal links, an increase in dialogue between and among societies, and a diminution of opposition through confidence-building measures. The WGRPC calls for increased reliance on pre-existing institutions, such as the OSCE, to facilitate these efforts. As Commissioner Adam Daniel Rotfeld writes, "(EASI) also suggests taking Nelson Mandela's example and creating a Group of Elders which would reinvigorate the OSCE process of resolving protracted conflicts between Kishinev and Tiraspol in

8 Euro-Atlantic Security Initiative, *Why Euro-Atlantic Matters to World Order*, Washington, DC, 2010, at: <http://www.carnegieendowment.org/2010/11/09/why-euro-atlantic-unity-matters-to-world-order/5gn>.

9 Ibid.

10 Cf. Sam Nunn/Igor Ivanov/Wolfgang Ischinger, All Together Now: Missile Defense, in *The New York Times*, 21 July 2010, at: <http://www.nytimes.com/2010/07/22/opinion/22iht-edischinger.html>.

Moldova and between Armenia and Azerbaijan in Nagorno-Karabakh”.¹¹ These substantive recommendations demonstrate the importance of establishing co-operative and transparent measures to improve trust among all regional actors.

Co-operation

The Commission’s discussion of the missile defence paper also shows the practicality of a diverse group of officials working together, leaving their national affiliations at the door, and finding common ground on a difficult issue. During an era of cutbacks in defence budgets, the Commission argues that attempting to build missile defences separately would be prohibitively expensive, making the burden-sharing achieved through co-operation all the more essential. The EASI co-chairs wrote in their July 2010 op-ed on missile defence in *The New York Times*: “Were North America, Europe and Russia to make defense of the entire Euro-Atlantic region against potential ballistic missile attack a joint priority, they would – apart from addressing a concrete problem – in a single stroke undermine much of the threat analysis that sets Russia against NATO, and prove that trilateral cooperation on a key security issue is possible.”¹²

The significance of high-ranking individuals working together to recommend a path for overcoming obstacles to Euro-Atlantic co-operation was evident in the Commission’s discussion of the WGT’s paper. The paper outlines both Turkey’s emerging role on the diplomatic stage, as well as its fraught relationship with the European Union. The Commission – which included participants from both Turkey and European Union countries – concludes that the two entities need one another, and should work to minimize existing mistrust and animosity in order to secure the advantages of greater foreign policy co-ordination, particularly in the Arab Middle East and the troubled Caucasus.¹³

Process

The EASI co-chairs stressed the importance of process in their op-ed in *The New York Times* on 31 January, 2012, noting that “The ‘Euro-Atlantic Security Initiative’ set out to identify the practical steps needed to secure the region’s future.”¹⁴ The final goal of a fully developed Euro-Atlantic security

11 Adam Daniel Rotfeld, NATO 2020: In Search of a Security Community, in *Polish Quarterly of International Affairs*, No. 1/2012.

12 Nunn/Ivanov/Ischinger, cited above (Note 10).

13 Cf. Euro-Atlantic Security Initiative, *Addressing the Turkish Dimension in Creating a Euro-Atlantic Security Community*, cited above (Note 6).

14 Wolfgang Ischinger/Igor Ivanov/Sam Nunn, Euro-Atlantic Goals, in: *The New York Times*, 31 January 2012, at: <http://www.nytimes.com/2012/02/01/opinion/euro-atlantic-goals.html>.

community, therefore, is not the first or only measure of success. Progress on the path to such a community constitutes an early and equally important goal.

For example, the consensus among the WGE participants is that the economic relationship established between the European Union and Russia with regard to natural gas needs to be depoliticized by mitigating the effect of the two sides' conflicting concepts of a continental natural gas market. With this in mind, the Commission suggests several mechanisms for progressing towards this goal, including a Euro-Atlantic Centre for Energy Innovation and Efficiency along the lines of a similar, although more narrowly focused centre recommended by the 2000-2010 EU-Russia Energy Dialogue Report.¹⁵

The Commission's discussions on historical reconciliation and protracted conflict also demonstrate the value of progressive co-operation. Commissioners acknowledge that successful efforts at reconciliation were historically different throughout the region and between and among states. The WGRPC paper notes that each of the protracted conflicts in the post-Soviet space "reflects above all the basic failure of the Euro-Atlantic countries to address adequately ongoing centrifugal forces and the security needs of states and sub-state groups in the aftermath of the Soviet Union's collapse".¹⁶ Achieving progress on any of the conflicts of Nagorno-Karabakh, South Ossetia, Abkhazia, or Transdniestria would strengthen a unifying Euro-Atlantic narrative, stressing the common future of the region.¹⁷

EASI's Final Report

The EASI final report was completed in late January and hard copies were distributed on a close-hold basis to senior officials in relevant national governments and multinational organizations. Commissioners made a specific push to distribute copies personally to their own national leaders, many of whom had been kept informed about EASI activities on an ongoing basis since the start of the project.

This final report was presented and promoted publicly at the 48th annual Munich Security Conference in February 2012. The Munich Security Conference counts many former Euro-Atlantic officials, as well as current officials from all of the Euro-Atlantic countries and multinational organizations, among its participants and speakers. The EASI pack distributed to conference participants and officials in the run-up to the Munich Security Conference also included published versions of the five working group papers.

15 Cf. Euro-Atlantic Security Initiative, *Energy as a Building Block in Creating a Euro-Atlantic Security Community*, cited above (Note 5).

16 Euro-Atlantic Security Initiative, *Historical Reconciliation and Protracted Conflicts*, Paper of the EASI Working Group on Reconciliation and Protracted Conflicts, cited above (Note 4), p. 7.

17 Cf. *ibid.*, pp. 7-8.

The report was rolled out primarily during the Munich Security Conference's Saturday sessions (4 February 2012), in which participants focused on the security of the region. The session opened on Saturday morning with an introduction by EASI Co-Chair and Conference Chair Wolfgang Ischinger, who then introduced EASI Co-Chairs Sam Nunn and Igor Ivanov. In his remarks, Nunn discussed the significance of creating new pathways to a more inclusive and effective Euro-Atlantic community, stressing the need for the regional actors to work together actively on issues such as missile defence and increased warning and decision time.¹⁸ Ivanov spoke of the EASI process and how it brought together a diverse and experienced group of stakeholders, a feat that other, similar initiatives failed to achieve.¹⁹

Following the co-chairs' presentation, top US, Russian, and European officials presented statements on the subject of "Building a Euro-Atlantic Security Community". Governmental reception of the Commission's work at the Conference was positive, as demonstrated by the comments of current officials on the contents of its final report. US Secretary of State Hillary Clinton noted: "The Euro-Atlantic Security Initiative [...] holds great promise for us all if we heed the words that it contains."²⁰ Guido Westerwelle, the German Foreign Minister, observed: "The proposals put forward in the Euro-Atlantic Security Initiative show the right way forward."²¹

In addition to accepting the substantive recommendations of the Commission's work, more detailed participant comments serve to highlight acknowledgement of the important lessons gleaned from the Initiative. On mistrust, Westerwelle observed that participating in multilateral forums is "the only way to nurture trust".²² The Secretary-General of the North Atlantic Treaty Organization (NATO), Anders Fogh Rasmussen, commented on the significance of the co-operation achieved by Commission members as follows: "I particularly welcome the fact that the report is the result of the joint efforts by senior political and military leaders from Russia, Europe, and the United States. The fact that you managed to reach consensus on such difficult issues is an inspiration to us all. It shows how much we can accomplish together, if we are committed to cooperation."²³ Commenting more specifically

18 Cf. Samuel A. Nunn, *Speech at the 48th Munich Security Conference*, Munich, Germany, 4 February 2012, <http://www.securityconference.de/Samuel-A-Nunn.824+M52087573ab0.0.html>.

19 Cf. Igor Ivanov, *Speech at the 48th Munich Security Conference*, Munich, Germany, 4 February 2012, <http://www.securityconference.de/Prof-Igor-S-Ivanov.826+M52087573ab0.0.html>.

20 Hillary R. Clinton, *Speech at the 48th Munich Security Conference*, Munich, Germany, 4 February 2012, <http://www.securityconference.de/Hillary-R-Clinton.827+M52087573ab0.0.html>.

21 Guido Westerwelle, *Speech at the 48th Munich Security Conference*, Munich, Germany, 4 February 2012, <http://www.securityconference.de/Dr-Guido-Westerwelle.825+M52087573ab0.0.html>.

22 Ibid.

23 Anders Fogh Rasmussen, *Speech at the 48th Munich Security Conference*, Munich, Germany, 4 February 2012, <http://www.securityconference.de/Anders-Fogh-Rasmussen.829+M52087573ab0.0.html>.

on the process, Russian Foreign Minister Sergei Lavrov commented that “the devil is in the details”, but “[I] read the report and I think that it is a welcome sight that people discuss ways to move toward a common space.”²⁴

Conclusion

Since the release of the report, efforts to continue the Commission’s work and build a Euro-Atlantic security community have gone beyond rhetoric. The Russian International Affairs Council, for example, led by EASI Co-Chair Igor Ivanov, held a conference on 23 March 2012 that was dedicated to the concept. On specific security matters, EASI has had an influence with government actors, as demonstrated by public comments made in Washington, Moscow, and Brussels, for example, on missile defence.²⁵

The Carnegie Endowment plans to actively continue the work of the EASI Commission by buttressing the efforts of other organizations and bringing interested parties – NGOs, businesses, multinational organizations, and others – together to work on both the specific goals identified in the EASI final report and working group papers, and also by identifying new opportunities for co-operation. Such activities will require a long-term, sustained effort that will involve engaging a multitude of actors. This effort will be underpinned by the development of a new intellectual framework – a new Atlanticism. In practical terms, this will require building up a network of ready partners, including the OSCE, to dedicate resources to a shared relationship based on co-ordinated research, activity, and outreach. These efforts were launched in April 2012, with conferences held in Brussels, Vienna, and Warsaw to reach out to the European and Russian think tank community. Plans are ongoing for continuing outreach efforts, next in Washington, DC

Policy-makers have welcomed EASI’s efforts, as many of those who are intimately involved in foreign policy recognize the significance of embracing the creation of an integral, undivided Euro-Atlantic security community. There have been challenges, however. Constructive efforts by these policy-makers have not necessarily been forthcoming. Arousing and maintaining the interest of the press has been difficult. Finding a broad public audience for this effort has proved a challenge. There are of course many topics – the Arab Spring, the euro crisis, and national domestic concerns, for example – which

24 Sergei V. Lavrov, *Speech at the 48th Munich Security Conference*, Munich, Germany, 4 February 2012, <http://www.securityconference.de/Sergey-V-Lavrov.832+M52087573ab0.0.html>.

25 For further public comments by officials on Euro-Atlantic security co-operation and missile defence, see: Dmitri Medvedev, *Speech at the Russian International Affairs Council Conference Euro-Atlantic Security Community: Myth or Reality?*, Moscow, 23 March 2012, at: <http://eng.kremlin.ru/news/3582>; Ellen Tauscher, Special Envoy for Missile Defense and Strategic Stability, *Press Conference on Missile Defense*, Moscow, 3 May 2012, at: http://photos.state.gov/libraries/russia/231771/PDFs/missile_defense_briefing_in_moscow-may-3-2012.pdf.

have steered attention away from this work over the past two years and will continue to do so in the future. Executing EASI's vision will therefore require sustained determination and a refocusing of attention by numerous engaged stakeholders in order to bring a Euro-Atlantic security community to fruition.

The OSCE Participating States:
Domestic Developments and Multilateral Commitment

Elections in Russia in 2011-2012: Will the Wind of Change Keep Blowing?

Introduction

Russians have long had the reputation of being passive about, uninterested in, and disengaged from politics, and Western observers, in particular, have been puzzled by this passivity. Protests that started in December 2011 as a response to election fraud during the Russian parliamentary elections, labelled in the mass media as the “new Decembrists” movement, “the Russian winter/spring”, the “mink-coat” or “white revolution” and described using other colourful epithets, too, took many observers abroad and in Russia by surprise. These were the biggest protests since the 1990s.

These events raised many questions: Who are these people who have started to protest? What are the reasons for these protests and why did they begin at that specific moment? How stable is Vladimir Putin’s system overall? Will some liberalization of the system as a result of these protests be possible? And many others. Even now, at the time of writing – August 2012 – it is difficult to give clear and definite answers to these questions, and some of them still have to be studied more closely by sociologists.¹

This contribution starts with an overview of the parliamentary and presidential elections (election campaigns, their results and aftermath) that took place in Russia on 4 December 2011 and 4 March 2012, respectively. It then focuses on the protest movement and tries to give some answers to the aforementioned questions. Finally, it presents a survey of developments in Russian domestic policy after the elections in order to find indicators as to whether this wind of change will keep blowing. A great deal of attention is paid throughout the article to opinions from Russia on these developments.

The Parliamentary Elections of 4 December 2011

This section describes the parliamentary election on 4 December 2011: the campaign process, the course of the election per se, and its results. In terms of the form they took and their extent, the violations that occurred in the parliamentary election campaign, the voting process, and the vote count did not differ much from those committed during previous elections, but their out-

¹ See Olga Kryshтанovskaya’s contribution to the Ekho Moskvyy radio broadcast *Ishchem vykhod....: Skol’ko prozhivet vlast’?* [Looking for a way out: How long will the authorities stay in power?], 25 July 2012, at: <http://www.echo.msk.ru/programs/exit/912297-echo>.

come – the mass protests that started in large cities – is an indicator that something was different during the electoral process this time.

As in previous years, the 2011 parliamentary election campaign was ridden with scandals. All of the parties committed violations, but the leader in committing such misdeeds was the ruling pro-presidential United Russia (*Yedinaya Rossiya*, EdRo) party.² Governors in many regions openly or indirectly campaigned for EdRo, promising modernization of infrastructure and an increase in social benefits in exchange for votes. Rallies for representatives of political parties, especially EdRo, took place at schools, during concerts, and at other public events that originally had nothing to do with elections.³

The leading parties that fielded candidates in this election, including the Communist Party of the Russian Federation (*Kommunisticheskaya Partiya Rossiiskoi Federatsii*, KPRF), the nationalist Liberal-Democratic Party of Russia (*Liberal'no-Demokraticheskaya Partiya Rossii*, LDPR), and A Just Russia (*Spravedlivaya Rossiya*, SR), all have their traditional electorates. From the beginning it was clear that the “non-system opposition” liberal Yabloko party would not be given a chance to receive a decisive number of votes. To be fair, it should be also said that its leader, Grigory Yavlinsky, had been politically invisible for various reasons for a long period, so it would have been naive to hope for much support from the liberal electorate. As a result, voters who could not identify strongly with any of the parties or candidates, or who were sceptical about their preferred party’s chances of attracting a significant number of votes, could only cast a negative “protest” vote – against EdRo – by voting for some other party, rather than supporting any party out of conviction.

In general, there were no significant differences between the slogans used by all the contesting parties. Neither the ruling EdRo party nor the opposition parties offered real alternative paths for development. All parties focused on cheap populism: For instance, the KPRF promised the nationalization of resources, the LDPR promised great-power politics, EdRo listed their achievements and focused on maintaining the status quo and stability (rather than modernization),⁴ and the SR promised to take care of pensioners.⁵ EdRo used many methods drawn from Soviet propaganda, including images of workers from factories and agriculture, producers of bread and the like, with Putin and Medvedev themselves shown bringing in the harvest. In short, it would have been difficult to discern differences between the parties from

2 See, for example, the *Nedelya s Mariannoi Maksimovskoi* television broadcast of 19 November 2011, at: http://www.nedelya.ren-tv.com/index.php?option=com_content&view=article&id=1291:-qq-191111-&catid=4:nedelya-s-mariannoy-maksimovskoy&Itemid=9.

3 For video reports and analysis of the election campaign see, in particular, *ibid*.

4 Modernization was the slogan, coined by Dmitry Medvedev, to accentuate the specific goals of his presidency (2008-2012).

5 For videos of election campaign propaganda, see the *Nedelya s Mariannoi Maksimovskoi* television broadcast of 17 November 2011, at: http://www.nedelya.ren-tv.com/index.php?Itemid=9&id=4&layout=blog&option=com_content&view=category&limitstart=20.

their election campaigns in terms of posters, promises made, and TV election broadcasts.

While there was no monitoring of the Russian parliamentary and presidential elections in 2007 and 2008 by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) because of disagreements between Russia and the OSCE/ODIHR about the role and number of monitors, this time OSCE/ODIHR election monitoring did take place. A total of some 325 observers from the OSCE/ODIHR, the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE) monitored the election.⁶ The OSCE/ODIHR characterized the election campaign, the voting, and the count as follows:

The preparations [...] were technically well-administered [...] but the elections were marked by the convergence of the state and the governing party [author's note: for instance, the posters of the Moscow State Election Committee were almost identical with the posters of EdRo]. [...] The contest was also slanted in favour of the ruling party. This was evidenced by the lack of independence of the election administration, the partiality of most media, and the undue interference of state authorities at different levels. [...] Despite the lack of a level playing field, voters took advantage of their right to express their choice. [...] The quality of the process deteriorated considerably during the count, which was characterized by frequent procedural violations and instances of apparent manipulation, including several serious indications of ballot box stuffing. Result protocols were not publicly displayed in more than one-third of polling stations observed.⁷

I allowed myself this long citation because it aptly summarizes the course of the elections and the vote-counting.

As a consequence, it is not surprising that the largest number of votes was received by EdRo with 49 per cent. EdRo was followed by the KPRF with 19 per cent, the SR with 13 per cent, and the LDPR with twelve per cent. These parties made it into the Duma. Liberal-democratic Yabloko received only around three per cent of the vote.⁸ However, estimates given by independent experts on the basis of exit polls differed significantly from the official results: For example, EdRo would have received just 24 to 30 per cent without manipulation, while Yabloko would probably have made it into

6 Cf. OSCE, Office for Democratic Institutions and Human Rights, *Russian Federation, Elections to the State Duma, 4 December 2011, OSCE/ODIHR Election Observation Mission Final Report*, Warsaw, 12 January 2012, p. 3.

7 Ibid., p.1.

8 For the election results, see the website of the Central Election Commission (CEC) at: <http://www.vybory.izbirkom.ru/region/izbirkom>.

the Duma with five to twelve per cent.⁹ Thus, even though EdRo would have still received the largest number of votes in a fair election, its real support is much lower than official numbers indicate.

While it was no surprise that manipulation would be used to help improve EdRo's standing and that – with or without manipulation – it would have received the largest number of votes and won the election, nonetheless, there was something special about this election. First of all, even before election day, several opinion polls were predicting that EdRo would receive a far lower share of votes than in previous years.¹⁰ Indeed, EdRo received 15 per cent fewer votes than it did in the 2007 Duma elections. As a result, EdRo lost its two-thirds constitutional majority in parliament: Out of 450 seats, EdRo received 238 and the other parties 212. These results were symptomatic. They showed the fatigue and dissatisfaction of the population with the results of government by a party of “thieves and crooks”, a slogan that was coined and popularized by Alexey Navalny, one of the opposition leaders, in his anti-corruption campaign. They also indicated that some sections of the population saw stagnation rather than stabilization in the politics of EdRo and wished for further development and modernization.

One further peculiarity of these elections was that many violations were ascertained by independent Russian observers or active members of local election commissions, who used their own phones and other devices to film and tape violations. As a result, videos and reports about these fraudulent acts stormed the social networks (including *vkontakte*, Facebook, Twitter, and LiveJournal) as well as YouTube and independent mass media (e.g. *Ekho Moskvy*, *Radio Svoboda*, *Golos*, and the TV channel *Dozhd*). This was one of the differences from previous elections that had also been marred by violations of this kind.¹¹ The number of internet users in Russia has been growing.¹² About 60 per cent of protesters learned about the opposition rallies from the internet, while some 35 per cent heard about them from their

9 Cf. Natalia Bubnova, in: *Duma Elections: Expert Analysis by Dmitri Trenin, Maria Lipman, Alexey Malashenko, Sergei Aleksashenko, Natalia Bubnova, Nikolay Petrov. Compilation of commentaries*, 13 December 2011, at: <http://carnegie.ru/publications/?fa=46205>.

10 See, for example, Natalya Raibman, Sotsiologi otdayut “Edinoi Rossii” nemnogim bolshe 50% golosov [Sociologists give United Russia a little more than 50% of the votes], in: *Vedomosti*, 28 November 2011, at: http://www.vedomosti.ru/politics/news/1434720/levadacentr_otdaet_edinoj_rossii_53_golosov_na_vyborah_v#ixzz1f19zk8Oj. See also a diagram that shows the drop in EdRo's estimated share of the vote: Comparison of estimates for EdRo during the parliamentary election campaigns in 2007 and 2011, Levada Center, *Vybory v Gosdumu* [Elections to the State Duma], 25 November 2011, at: <http://www.levada.ru/25-11-2011/vybory-v-gosdumu>.

11 For more information on how “elections Russian-style” developed, see: Stephen White, Elections Russian-Style, in: *Europe-Asia Studies* 4/2011, pp. 531-556; Edwin Bacon, Electoral manipulation and the development of Russia's political system, in: *East European Politics* 2/2012, pp. 105-118. See also Max Bader, Trends and patterns in electoral malpractice in post-Soviet Eurasia, in: *Journal of Eurasian Studies* 3/2012, pp. 49-57.

12 The number of Internet users in Russia to reach 90 mln in 2013, 5 *ITAR-TASS*, 5 January 2012, at: <http://www.itar-tass.com/en/c154/311154.html>.

friends.¹³ This is why there were attempts to prevent the further spread of this information, and many independent websites were temporarily blocked or experienced hacker attacks.¹⁴

The first protests against this electoral fraud, which were held in Moscow and St. Petersburg in the days after the elections, were harshly suppressed by the police, but as early as 12 December the crowds on the streets in many large cities in Russia had grown from dozens to thousands (although the largest protests were again in Moscow and St. Petersburg). It would have been difficult to disperse these demonstrations by violent means while carrying on with the imitation of democracy. The main slogans of the protesters were “We’ve had enough!” and “Our votes were stolen!” They demanded that the head of the Central Election Commission (CEC) should be fired and that new – honest and fair – elections should be held. The songs of legendary Russian rock musician Viktor Tsoi – e.g. “*Peremen – my zhdem peremen*” (“Changes – we are waiting for changes”) – were played. Even the organizers of these gatherings did not expect that they would achieve such momentum.

In summary, these elections were just like the preceding Duma elections in Russia in terms of fraud and falsifications. Even with these violations, however, EdRo only received 49 per cent of votes. Without them, the ruling party’s share would have been even lower. EdRo’s position has significantly weakened. Both the rapid spread of information about the falsifications on the internet and the protests that broke out as a result revealed that civil society has awoken. They also showed the vulnerability of the current political system and of the ruling regime: Both President Dmitry Medvedev and Prime Minister Vladimir Putin and members of their staff were initially at a loss, not knowing how to react to these unexpected developments.

The Presidential Election of 4 March 2012

As a consequence of the parliamentary elections, Vladimir Putin had to adjust his presidential election campaign: He no longer used EdRo, but rather tried to distance himself from the ruling party and used instead the newly created All-Russia People’s Front, his own project, as well as other initiatives, to unite his supporters. After the initial panicky reaction to the protests, the authorities started to respond actively by organizing even larger campaign rallies in support of Putin. Furthermore, even opposition protests were used in

13 Cf. Levada Center, *Chto-to pokhozhee na obshchestvo. V chem sotsial’noe znachenie mitingov i kto te lyudi, kotorye v nikh uchastvuyut – Interv’u s B. Dubinym* [Something similar to society. What is the social meaning of the protests and who are their participants – Interview with B. Dubin], 3 February 2012, at: <http://www.levada.ru/print/03-02-2012/chto-pokhozhee-na-obshchestvo-v-chem-sotsialnoe-znachenie-mitingov-i-kto-te-lyudi-kotorye>.

14 For more information, see Aleksandr Kynev, *Kontrollverlust, Manipulation, Protest. Die Dumawahlen 2011 in Russland* [Loss of Control, Manipulation, Protest. The 2011 Duma Elections in Russia], in: *Osteuropa* 1/2012, pp. 25-40.

the presidential campaign: The existence of protests and anti-government meetings were presented by Putin's public supporters as a sign of democracy and pluralism in Russia, as though this had actually been Putin's achievement.

The climax of the campaign was the simultaneous holding of pro- and anti-Putin rallies at *Poklonnaya gora* and *Bolotnaya ploshchad'*, respectively, on 4 February 2012. There was a kind of contest to see who would hold the biggest rally, with both sides overestimating the number of their own participants and underestimating the number of participants on the opposing side, but what is clear is that there were thousands of participants at both events. This was also a contest of slogans and demands, of which some of the most frequently used are shown below:

<i>Slogans/Demands at Poklonnaya</i>	<i>Slogans/Demands at Bolotnaya</i>
Against colour revolutions: "Fair elections – yes, orange – no!"	For fair and honest elections – dismissal of CEC Head Vladimir Churov
"Who else, if not Putin?" – for stability	Against Putin's regime: "The power of the Law, not of the Tsar"
Against foreign enemies of Russia	For modernization and devel- opment

At pro-Putin rallies and throughout his whole campaign, negative stereotypes of supposed enemies were propagated. For instance, the US State Department was accused of sponsoring Russian opposition protests and of interfering in Russian domestic matters, of organizing "colour revolutions" in the post-Soviet space, and the "abroad" in general was presently negatively (the pejorative Russian term for abroad "*bugor*" was used). The slogans used during pro-Putin rallies were in line with the propaganda of the last ten-to-twelve years, whose central idea has been the necessity to unite around the national leader (Putin) and to fight against this (foreign) threat.¹⁵ In general, the images of internal others (opposition) and external others (the West) were used widely during the election campaign by Vladimir Putin and his supporters.¹⁶

The participants in the opposition rallies tried to stress that they were also against foreign influence on their country and pro-Russia, but against the current regime. In the words of Boris Dubin, this was "non-violent, civic

15 Cf. Ekho Moskvy radio broadcast in 2012.

16 For a detailed analysis of the images used, see: Olga Malinova, *Simvolicheskoe edinstvo natsii? Representatsiya makropoliticheskogo soobshchestva v predvybornoy ritorike Vladimira Putina* [Symbolic unity of the nation? Representation of the macropolitical community in the pre-election rhetoric of Vladimir Putin], in: *Pro et Contra*, May-June 2012, pp. 76-93.

protest against the current social-political order, against the regime”.¹⁷ Olga Kryshstanovskaya also notes that the opposition will not be satisfied by the introduction of isolated liberal laws; they are fighting against the authoritarian state for the sake of liberal democracy.¹⁸ Konstantin von Eggert writes: “The slogan ‘Russia without Putin’ is not so much about Putin’s personality. It rather reflects the desire to see the country without ‘*Basman*’ judiciary, censorship, the omnipotence of siloviki and state corporations, and all-powerful ‘administrative resources’.”¹⁹

The two sides accused each other of having been paid either from state resources (the pro-Putin rally) or by the US State Department (opposition supporters). Although there were many reports and videos showing pro-Putin supporters being paid by organizers, or people complaining after being compelled to participate in pro-Putin rallies by their employers, to say that Putin had no genuine supporters among the participants at *Poklonnaya* would be an oversimplification. As Vladimir Pozner explains, aside from the propaganda and unfair conditions, “never before in their entire history have the Russian people enjoyed the standard of living they enjoy today: more money, more cars, more homes, more food, more goods”.²⁰ There are those who are afraid of changes in the status quo either because they could lose their own profitable position or because they have a general fear of chaos and the redistribution of benefits, money, and property among the elites if Putin were to depart. Besides, Lev Gudkov notes that the interests and beliefs of the “pre-modern” and “anti-modern” majority of the population are interlinked with the current political system and the system of power distribution, which acts to prevent change.²¹

In addition to large-scale campaigning via television and the internet, Vladimir Putin published seven articles in leading Russian newspapers which addressed different topics, from nationalities and economic policy to foreign relations. In his earlier election campaigns, print mass media was not used on such a scale. Most of his articles were quite contradictory, as he tried to address and win over different segments of the population – from nationalists to liberals – promising modernization and stabilization at the same time, send-

17 Levada Center, Interview with Boris Dubin, cited above (Note 13; this and all following quotes from foreign-language sources translated by the author).

18 Cf. Kryshstanovskaya, cited above (Note 1).

19 Konstantin Eggert, cited in: “Khochetsya ponyat’, pochemu iz vsekh ostal’nykh Prokhorov vyglyadit samym neaktivno boryushchimsya za vlast” [It would be good to understand why out of all others Prokhorov looks like the least actively fighting for power], in: *Kommersant’ FM*, 23 January 2012, at: www.kommersant.ru/doc/1856953. “Basman judiciary” is a reference to Basman district court, which has become notorious for its controversial decisions in conspicuous cases (e.g. rulings on the cases of Mikhail Khodorkovsky). It has become a common expression in Russian to denote unfair and corrupt judiciary controlled from above.

20 Vladimir Pozner, This Time, Putin May Get the Message, in: *The New York Times*, 13 March 2012, at: <http://www.nytimes.com/2012/03/14/opinion/this-time-putin-may-get-the-message.html>.

21 Cf. Lev Gudkov, Sotsialnyi kapital i ideologicheskie orientatsii [Social capital and ideological orientations], in: *Pro et Contra*, cited above (Note 16), pp. 6-31, here: p. 28.

ing signals to the poor and the rich. He also criticized the status quo on most of these issues, as if he himself had nothing to do with it. In the words of Andrei Kolesnikov, Putin's election programme is "a programme of father-the-Tsar, who gives everything to everybody"²² instead of developing reliable institutions and accepting responsibility for his own failures.

Vladimir Putin rejected the idea of taking part in public debates, in which all other candidates participated. Instead, he sent his representatives, including hundreds of famous public figures – artists, singers, film stars and producers, and others.²³ Some of them participated out of genuine support, but others were afraid that the state would reduce financial support for their films, theatres, and projects. Besides the official election campaign website, many unofficial videos in support of Vladimir Putin also circulated on the internet, on platforms such as YouTube. Among the most prominent were the song "VVP" [Vladimir Vladimirovich Putin] by a Tajik singer, praising Putin and presenting him as a kind Tsar and powerful Superman who "has saved the country" and "is helping" everyone, and a disaster movie called "2012" which showed a horrible scenario of what might happen if Putin were not re-elected – right up to the state collapsing and fascists taking over. There were also reports of alleged plans to assassinate Putin, according to which the plans were made but the act was prevented just in time – during the election campaign (in February).²⁴

Five candidates stood for election: Vladimir Putin, SR leader Sergei Mironov, Vladimir Zhirinovskiy (LDPR), Gennady Zyuganov (KPRF), and the new self-nominated (non-party) candidate, the oligarch Mikhail Prokhorov. The registration of Grigory Yavlinsky (Yabloko) as a candidate was rejected. There was some puzzlement about whether Prokhorov was a genuine candidate or the Kremlin's puppet, whose purpose was to attract liberal voters so that the liberal electorate would participate in the election, thus increasing the appearance of legitimacy. His relative success in elections compared with his general invisibility after them indicates the latter. Again, the liberal community faced a dilemma: Should it take part in the unfair elections or boycott them altogether? Those who did take part in the election voted not "for" somebody, but against Putin. Dmitry Oreshkin, for instance, gave the following advice: "Treat elections as a game with a trouble-maker, who keeps breaking the rules shamelessly [...] This is why voting has to be also in this sense like a game: one should not hope to win, but to present the

22 Andrei Kolesnikov, *Ruchnaya programma, ili "Ob lyudyakh nado dumat!"* [Manual Programme or "the need to think about people!"], in: *novaya gazeta*, 12 January 2012, at: <http://www.novayagazeta.ru/comments/50401.html?print=1>.

23 As explained below, the new urban "middle class" is also a creative class, a class of *intelligentsia*. So in order to counter this *intelligentsia*, Putin had to demonstrate that the *intelligentsia* that supports him is larger and more famous.

24 See commentary by Anton Orekh, *Putin. Spasibo, chto zhivoi* [Putin. Thanks that you are alive], on the *Ékho Moskvy* radio station, 27 February 2012, at: <http://www.echo.msk.ru/blog/oreh/863102-echo/>.

opponent as a fool and to make the cardsharp's life more difficult."²⁵ Neither the so-called "system opposition" nor the "non-system opposition" was able to offer independent alternative programmes. Their own campaigning was reactionary: concentrating on and criticizing what Putin did or what Putin said, but without offering alternative visions.²⁶

The results of the elections were as follows: Vladimir Putin received about 64 per cent of votes, Zyuganov 17 per cent, Prokhorov eight per cent, Zhirinovskiy six per cent, and Mironov four per cent. However, there were some peculiarities about Putin's victory this time: He attracted far fewer votes in large cities. In Moscow, for instance, he received less than 50 per cent of the vote, while Mikhail Prokhorov came second with 20 per cent.²⁷ This reflects the protest mood and the emergence of the dissatisfied middle class in the large cities.

The OSCE/ODIHR assessed the election campaign, voting and the count of votes as follows:

Although all contestants were able to campaign unhindered, the conditions for the campaign were found to be skewed in favour of one candidate. While all candidates had access to media, one candidate, the then Prime Minister, was given clear advantage in the coverage. State resources were also mobilized in his support. On election day, observers assessed voting positively, overall; however, the process deteriorated during the count due to procedural irregularities.²⁸

Many liberal Russian observers refused to refer to what had happened as "elections", preferring "so-called elections", because there was no real possibility to "choose" the leader of the country from among the various candidates.²⁹ Videos and other reports of blatant and shameless violations recorded by independent Russian observers – this time approximately 28,000 volunteers³⁰ – flooded the internet.

Independent observers ("*Golos*", "*Grazhdanin nablyudatel'*", "*Liga izbirateley*") admit that Putin received a majority in these elections and had already won in the first round. He would have won without the fraud, as most opinion polls before the elections showed, although this was also a conse-

25 Dmitry Oreshkin, Vybirať ne prikhoditsya [No chance to choose], in: *Esquire*, 1 December 2011, at: <http://esquire.ru/elections>.

26 Cf. Aleksandra Samarina, Bezotvetnye konkurenty Vladimira Putina [Vladimir Putin's competitors without answers], in: *Nezavisimaya gazeta*, 22 February 2012, at: http://www.ng.ru/politics/2012-02-22/1_putin.html.

27 Cf. Pozner, cited above (Note 20).

28 OSCE, Office for Democratic Institutions and Human Rights, *Russian Federation, Presidential Election, 4 March 2012, OSCE/ODIHR Election Observation Mission Final Report*, p. 1.

29 "[...] Putin has won, but not in elections ... It was a different event ...", Yuliya Latynina, in the "*Kod dostupa*" radio programme, Ekho Moskv, 10 March 2012, at: <http://www.echo.msk.ru/programs/code/866934-echo>.

30 Cf. *ibid.*

quence of unfair pre-election conditions and the propaganda campaign by state-controlled mass media. However, it was unclear whether Putin would be able to win in the first round, or whether a second round would be necessary.

Putin's victory rally on *Manezhnaya ploshad'* on 5 March attracted about 110,000 of his supporters, who gathered *nolens volens*, but it hardly reflected a joyful victory: With tears in his eyes, he spoke as though he had won a battle against foreign occupiers at the very least: "We have won in an open and fair struggle [...] But this was more than just a presidential election [...] We have demonstrated that nobody can impose anything on us [...]"³¹ On the previous day, it had indeed looked as if Moscow were occupied and not just an election but a *coup d'état* was taking place: Military forces, special forces (OMON), and armoured vehicles flooded the city to prevent any "colour revolutions".³² On inauguration day, the streets along which Putin travelled were cleared of any opposition protests and people in general. Hence, he went to the inauguration through completely empty streets, which is strikingly strange for Moscow.³³

In conclusion, both parliamentary and presidential elections demonstrate that Putin's support among the population has dropped in comparison to previous election years. In fact, both the parliamentary and presidential elections demonstrated that Putin's "Teflon coating has visibly cracked".³⁴ There were signs that the political elites behind Putin were no longer united and that certain groups no longer supported him. This is why it was so important for him to use all the means at his disposal to ensure his victory in the first round of elections. At the same time, he received the majority of votes and he would have won in any case, even without fraud. This indicates the artificially created absence of alternative candidates (no mass media access), but also reveals that those who protest against fraud and Putin's regime are still a minority. The majority of the population, while dissatisfied with EdRo's performance – "the boyars are bad" – are convinced, as Russian history teaches us, that "the Tsar is good" and that there is no one better. The lack of an alternative is one of the main motives for the majority of Russians in deciding to vote for him.³⁵ In both parliamentary and presidential elections,

31 Vladimir Putin on Russia Today, 4 March 2012, at: <http://www.youtube.com/watch?v=M42pAzm9iIc>.

32 Cf. Vladimir Varfolomeev, *Vybory ili perevorot?* [Elections or coup d'état?], Ekho Moskvy radio broadcast, 4 March 2012, at: <http://www.echo.msk.ru/blog/varfolomeev/865174-echo>.

33 See report on TV channel *Dozhd'*, 7 May 2012, at: http://www.youtube.com/watch?v=BUt6CZ_1044.

34 Dmitri Trenin, in: *Duma Elections: Expert Analysis*, cited above (Note 9).

35 There was a discussion about whether Putin and Medvedev could run for president as opposing candidates or maybe that even Dmitry Medvedev would run for his second term alone. However, at the EdRo party congress in September it became clear that Medvedev gave up his claim to power for the sake of Putin.

the outcome was known in advance, so this was “virtual politics”³⁶ or an imitation of elections rather than real elections with unpredictable results.

Who Are the Protesters?

This section explains who the protesters are, what the main features of the protests were, and why they emerged. To start with the first issue, sociologists have claimed that about 15-25 per cent of the population do not accept Putin’s system.³⁷ This includes a range of people – from liberals to nationalists, intelligentsia, and glamorous stars, of different ages and different professions. They do not have common symbols or common leaders.³⁸ Thus, there is no united opposition.

Nonetheless, the core protesters are well-educated (some 70 per cent), relatively young (around 40 per cent are 25-39 years old; around 20 per cent are aged 40-54), financially secure people (about 80 per cent, though not necessarily rich), who have achieved much thanks to their work and active lifestyle and are therefore not used to passive acceptance.³⁹ Their explanation of why they participate in protests sounds familiar: They have created safe and comfortable surroundings for themselves and their families in their apartments, houses, and apartment blocks, and now they want order on their streets, in their cities, and in the country as a whole. They have been isolated from the instruments of power, and their interests are not represented by state institutions. Thus, one speaks of the emergence of a “new urban” active middle class.

Vladimir Putin himself has contributed to the formation of this middle class. According to Victor Kremeniuk, Putin pursued the objective of developing the middle class during his presidency in order to use it as a source of power and legitimacy. Thanks partly to his own efforts and partly to high energy prices, he created conditions in which this group could thrive and prosper financially. There was one condition, however: The middle class was not to interfere in politics. However, it is these people who today want more opportunities to influence politics.⁴⁰ As well as having liberal aspirations, the middle class aspired to greater development opportunities. In Dmitry Danilov’s words, “the system started to eat itself up: While stabilization was reached by the mid-2000s and was important, it has not moved forward since then. We are marking time. Decision-making has reached an impasse, and the society seems to feel that there are not enough impulses for further develop-

36 Andrew Wilson, *Virtual Politics. Faking Democracy in the Post-Soviet World*, New Haven 2005.

37 Cf. Interview with Boris Dubin, cited above (Note 13).

38 Cf. *ibid.*

39 Cf. *ibid.*

40 Source: author’s interview with Victor Kremeniuk, Moscow, July 2012.

ment, in spite the authorities' attempts to convince it of the effectiveness of its modernization strategy and reforms."⁴¹

Most protests have taken place in the largest Russian cities. As Gudkov explains, the provinces differ from large cities in their way of life and mentality: There are fewer material and educational resources and fewer academic and professional opportunities. Under the dominance of state-controlled mass media, which reproduces collective myths and is, to a great extent, a legacy of the Soviet past, a more paternalistic view of the president is being created. Those who accept such views are the people who are afraid of change.⁴² In fact, the country is divided, into at least three or four "Russias", some of which are characterized by pre-modern, even anti-modern, ways of life.⁴³

As Gudkov further writes, Moscow in particular serves as an example of a zone or enclave of modernity, as, in its characteristics and level of Europeanization, it is more similar to European societies. Due to various factors (high level of education, highly-paid jobs, concentration of the population, and group diversity), new forms of social order are emerging there, which differ from those common in the rest of paternalistic Russia. Muscovites need more pluralism, more liberalization, and a market economy, and as a result, a more liberal – "modern" European – class of people emerges. This is why, in Moscow – in spite of the general framework of the authoritarian state – there are preconditions for the formation of liberalism.⁴⁴

One more feature of protest activity that needs to be mentioned is its creativity. Many public figures were among those who participated in and helped to organize the protests: critical journalists, writers, singers, and representatives of other arts. The main platform for their campaigning is the internet. Many artistic and creative interventions sought to draw the attention of the general public to the elections and to inform the population about the meaning and importance of the protests: songs on YouTube ("*Nash durdom gosluet za Putina*" [Our crazy house is voting for Putin]; "*VDV protiv Putina*" [Military-naval force is against Putin], the notorious Pussy Riot), poetry (project "*Grazhdanin poet*" [Poet Citizen]), and others, all of which added up to a major new phenomenon. This is why another term for the participants in the protest movement is "creative class".

Turning to the question of why the protests have ignited, unfair, falsified elections were their main trigger, rather than their underlying cause. Besides a general, growing dissatisfaction with the current regime and its characteristics, one more important factor which played the part of a trigger with

41 Author's interview with Dmitry Danilov in Moscow, July 2012.

42 Cf. Gudkov, cited above (Note 21), p. 12.

43 Cf. *ibid.*, p. 7; see also Richard Rose, Uses of Social Capital in Russia: Modern, Pre-Modern, and Anti-Modern, in: Post-Soviet Affairs 1/2000, pp. 33-57; Natalya Zubarevich, Perspektiva: Chetyre Rossii [Prospect: four Russias], in: *Vedomosti*, 30 December 2011, at: http://www.vedomosti.ru/newspaper/article/273777/cetyre_rossii.

44 Cf. Gudkov, cited above (Note 21), pp. 10-11.

delayed action for the protests was the Putin-Medvedev job swap. In September 2011, at the EdRo Party Congress, then prime minister Vladimir Putin and then president Dmitry Medvedev announced that they would simply exchange jobs. Thus, Medvedev, as a relatively young president who had not made any grave mistakes, simply decided not to seek re-election. Before that, the puzzle had been whether Medvedev would turn into an independent president, whether he had any real power in the country, or whether he would aspire to power and make his declared modernization and liberalization course a real one rather than pure rhetoric. Jadwiga Rogoza assumes that when Putin chose his successor for one term, he realized that there was a demand for more liberalization: By then the middle class had begun “to call for a new social contract with the government”.⁴⁵ This is why he chose Medvedev, who had an image of being more liberal than the other main candidate for the role of successor at that time, hardliner Sergei Ivanov. Many representatives of liberal opinion had hoped that liberalization of the country would happen during Medvedev’s presidency, that he represented a different elite group and interest groups from Vladimir Putin. His rhetoric about freedom being better than non-freedom helped to generate these aspirations. Thus, as a result, this liberal class was disillusioned. The lack of liberal reforms was in stark contrast to Medvedev’s rhetoric. In the words of Lilia Shevtsova, “there was a sharp difference between Medvedev’s empty rhetoric and the reality [...] He himself brought the December protest on”.⁴⁶ Furthermore, this job swap was generally taken very negatively by the politically active population and those who watched the political processes in the country – they were, in effect, shut off from politics. It also became clear that Putin would continue to have the final word on all decisions during the rest of Medvedev’s presidency. The websites dedicated to finding jobs abroad and acquiring foreign citizenship became the most popular in Russia following the job swap.⁴⁷

While protests continued in March after the presidential election, they then started to cool down. There is a great deal of disunity, mistrust, and competition among opposition leaders. Many of the protesters who go to these rallies do not have their own preferred choice of leader: They dislike those opposition leaders that are available, such as Boris Nemtsov, Mikhail Kasyanov, Ksenia Sobchak, and the radical Sergei Udaltsov. In private interviews, experts and participants in opposition rallies explained to me that they themselves did not see any alternatives to Putin among the current crop of opposition leaders, and were even afraid of any of them coming to power, because they also followed their selfish motives rather than thinking of the

45 Jadwiga Rogoza, *In Putin’s Shadow, Dmitry Medvedev’s presidency*, Punkt Widzenia, Centre for Eastern Studies, November 2011, p. 6; see also *ibid.*, pp. 9-12.

46 *Vremya gostey* radio broadcast, with Liliya Shevtsova, 29 December 2011, available at: <http://www.svobodanews.ru/content/transcript/24436982.html>.

47 Cf. *Itogi 2011 goda* [The results of 2011], in: *The New Times*, 26 December 2011, at: <http://newtimes.ru/articles/print/48149>.

country. In their view, a new regime with any of these leaders in power could become even more authoritarian.

The agenda of the opposition leaders remains negative: Their criticism is not so much about the substance of Putin's politics, but rather about how bad, corrupt, and authoritarian Putin himself is. They are not able to offer a positive agenda with substance, i.e. to say what they can or will do better. Furthermore, they have not found an idea that is capable of uniting more people and attracting a wider range of societal groups and support from a broader range of regions.

All in all, the opposition movement has had a number of faces, causes, and triggers. The "angry middle class" is still a minority. Nevertheless, this is a significant minority. These are independent thinkers who aspire to more political rights and participatory democracy out of conviction or because of how they work or live. While experts and politicians in the West often asked rhetorical questions about how to make Russians more engaged in politics and to encourage them to take responsibility and initiative, events around the 2011 and 2012 elections have demonstrated that Russians themselves have started to do this. Social and political engagement has increased.

The Post-Election Situation and Outlook

Following the elections, the government introduced a very small number of liberal legal initiatives as a response to the first protests in December, bringing back direct elections of governors, for instance, and making it easier to register political parties. As if to counterbalance these liberalization initiatives, however, a far greater number of suppressive and even repressive measures were introduced as well, including stricter regulation of the internet, an NGO law on "foreign agents", a "libel" law, and bigger fines for the organization of and participation in unauthorized rallies. As a result, the fines for election fraud are much lower than those for protesting against such fraud. The signal that is sent to subservient high officials and regional and local authorities is a policy of continuity: that it is all right to falsify election results, while steps are being taken to suppress protests. It should be stressed once again that these measures are directed against and are of concern to the "angry class" minority. The majority of the population, however, supports such restrictive measures.⁴⁸

As a consequence, the parliament is often called "a crazy printer", because initiatives are passed quickly without much discussion or deliberation. In spite of the hopes that EdRo would weaken after the elections in the Duma, it still remains the leading force in parliament. It is able to push

48 Cf. Levada Center, *Otnoshenie k zakonodatel'nym initsiativam poslednego vremeni* [Attitudes towards legal initiatives in recent times], 1 August 2012, at: <http://www.levada.ru/print/01-08-2012/otnoshenie-k-zakonodatelnyim-initsiativam-poslednego-vremeni>.

through any legislative initiative it needs, just as it did before the elections. The “system opposition” parties do not act as a real counterbalance. The most important Duma committees are controlled by EdRo. Thus, while many expected that the Duma would become a real forum for discussion,⁴⁹ this has not happened.

Besides repressive laws, the ruling authorities have undertaken other measures to intimidate opposition leaders and the general public and thereby prevent further protests. Examples include the conviction of the punk group “Pussy Riot” after their protest action in Moscow’s cathedral and their song “The Godmother, send Putin away”; the judicial persecution of Aleksei Navalny; and the closure of businesses of those who participated actively in protests (for instance, father and son Gudkov from the SR, who were actively involved in election monitoring and opposition). Some opposition rallies were dispersed by violent means, as occurred on 6 May, and numerous cases of legal prosecution and court investigations have commenced. Apartments and offices of opposition leaders have been searched, the main aim being to harass, embarrass, and intimidate them. Many personal details and conversations were leaked to the mass media after these searches in order to discredit the opposition. All in all, in the words of Gudkov, the government is trying to “freeze” the development of civil society and make social and political life more primitive, while relying on the support from groups that provide “passive tolerance”.⁵⁰

Nonetheless, the post-election situation remains “unfrozen” and unstable. The approval ratings of Putin and the government are falling in large cities.⁵¹ Putin’s government faces challenges on many fronts: socio-economic developments (a new hypothetical global or European financial crisis), the dependence of public finances on energy (oil price), new natural or man-made catastrophes, the situation in the North Caucasus, and social discontent (if the economic situation worsens). The elite behind Putin no longer supports him strongly: “A part of the elite has started to drift away to save its own status [...]”⁵² Because of all these factors, many analysts have declared that the Putin regime is already dead and that he is unlikely to survive through the whole term. On this point I tend to agree with Andrew Monaghan that “it is too early to assert the end of the Putin era”.⁵³ He remains the most popular political figure in the country and has capacity to mobilize support. In spite of decreasing trust in the president and state institutions, 49 per cent of Russians still think that the Russian president is trustworthy, and only 13 per cent think

49 Cf. Nikolay Petrov, in: *Duma Elections: Expert Analysis*, cited above (Note 9).

50 Gudkov, cited above (Note 21), p. 21.

51 Levada Center, *Vladimir Putin teryaet Moskvu* [Vladimir Putin is losing Moscow], 20 July 2012, at: <http://www.levada.ru/20-07-2012/vladimir-putin-teryayet-moskvu-svidetelstvuyut-dannye-sotsoprosa>.

52 Kryshanskaya, cited above (Note 1).

53 Andrew C. Monaghan, *The End of the Putin Era?* Carnegie Paper, July 2012, p. 3. See also the pro and contra arguments presented in Ekho Moskvy’s broadcast *Ishchem vyhod...: Skolko prozhivet vlast’*, cited above (Note 1).

that he is not trustworthy at all.⁵⁴ In addition, high oil prices have often helped Putin in the past.

In the foreign-policy field, the regime will continue to use enemy stereotypes as a political tactic, especially as there continue to be many areas of disagreement with the West, including US/NATO missile defence, Syria, and the “Arab spring” in general. Nonetheless, the Russian government, which has its bank accounts in the West, whose children study in the most prestigious Western universities, and whose members prefer Western countries for their investments and vacations, will not quarrel with the West. How should the West react to this? Dmitri Trenin writes in this context: “European leaders need to look beyond the usual stereotypes of Russia and realize that it is not neo-Soviet and neo-imperial [...] Europe would be wise to make use of its strongest soft power tool: liberalization and a gradual phasing out of the visa regime between the Schengen countries and Russia. Political change in Russia, however, will be domestically driven. While Europeans are free to offer value judgments and comment [...], they would be wise to stay away from Russian politics.”⁵⁵ In fact, efforts to promote democracy from abroad have not been successful in many countries.⁵⁶

The opposition will face important challenges: how to unite and find common slogans and an agenda that would also reflect the concerns of “pre-modern” Russia. There are still no strong leaders who would be capable of uniting various opposition groups, and it will be impossible to unite some of them, for example liberals and radical nationalists. The most important task for the opposition is to find a positive agenda.

There are multiple scenarios for Russia’s future development: from stabilization (and stagnation) and protests right down to “revolution” along Libyan lines.⁵⁷ Some sociologists and experts say that the situation in Russia is pre-revolutionary.⁵⁸ “We now live like on a volcano” and it is not yet clear whether there will be an eruption.⁵⁹ Most of those who predict a revolution

54 Cf. Levada Center, *Instituty vlasti teryayut doverie grazhdan* [Institutions of government are losing the trust of citizens], 26 June 2012, at: <http://www.levada.ru/26-06-2012/instituty-vlasti-teryayut-doverie-grazhdan>.

55 Dmitri Trenin, in: Dmitri Trenin/Maria Lipman/Alexey Malashenko/Nikolay Petrov, *Russia on the Move*, Policy Outlook, June 2012, p. 1, at: <http://carnegieendowment.org/2012/06/01/russia-on-move/b14p>.

56 Cf. Yuri V. Bosin, Supporting Democracy in the Former Soviet Union: Why the Impact of US Assistance has been below expectations, in: *International Studies Quarterly* 2/2012, pp. 405-412; see also Frank Schimmelfennig/Hanno Scholtz, EU Democracy Promotion in the European Neighbourhood. Political Conditionality, Economic Development and Transnational Exchange, in: *European Union Politics* 2/2008, pp. 187-215.

57 Cf. Chetyre stsenariya dlya Rossii [Four Scenarios for Russia], Vypusk 25 May 2012 rassylku “Komsomolskaya Pravda”, доклад ekspertov Tsentra strategicheskikh razrabotok o krizise v strane, at: <http://digest.subscribe.ru/business/school/n839193281.html>.

58 See, for example, Olga Kryshтанovskaya in an interview broadcast on Ekho Moskvy: “Polny Albats”, *Den’ inaguratsii: s raznykh storon barrikad* [The day of inauguration: from different sides of the barricade]; Vladimir Pastukhov, Gosudarstvo diktatury lyumpen-proletariata [The state of dictatorship of lumpen-proletariat], in: *novaya gazeta*, 13 August 2012, at: <http://www.novayagazeta.ru/politics/53942.html>.

59 Kryshтанovskaya, cited above (Note 1).

also point out that this would not be good for Russia. Others disagree and argue that the number of these “new” people is still small, a fact which makes a revolution impossible.⁶⁰ All in all, in the words of Konstantin Remchukov: “In 2011 politics returned to Russia. 2012 promises even more politics in Russia, at all levels and in all dimensions.”⁶¹ Lilia Shevtsova says that elections have finished the period of “Putin’s stability” and the “period of Putin’s turbulence” has begun.⁶² In an editorial, Evgeniya Albats wrote: “It will not be boring.”⁶³ Thus, in spite of seeming stability, there is potential for change.

Concluding Remarks

Even though the parliamentary and presidential elections of 2011 and 2012 were reminiscent of many previous elections in terms of unfair campaigns, violations, and manipulation, there were some features that made these elections different. In this article, I have tried to elucidate some of these features as well as to explain who the protesters were and why the protests emerged, though I did not have the ambition to present an exhaustive list of explanations. Sociologists and political analysts are still trying to understand what exactly has happened and why, and, especially, to predict whether an intensification of protests is possible in the future – whether, for instance, it is possible that political protest will be strengthened by joining with social protest.

The most important feature of these elections is the revelation that a large and significant part – although still a minority – of Russian society has awoken. While the ruling elite is taking the country down a more authoritarian path, a significant part of society aspires to democratization. As a result, Vladimir Putin’s third term as president will be different and more difficult for him.

While there were some hopes after the elections that the state would take the protests and opposition movement more seriously, and that some liberal steps to pacify “the angry class” would be made, developments demonstrate that, while the state did indeed take these events seriously, its response has been to take exactly the opposite path: to try to suppress the opposition movement via various repressive laws and formal and informal intimidation mechanisms. The authorities are not ready to take a step forward to meet the requests of the opposition and the liberal “modern” class; instead they are

60 Cf. Konstantin Remchukov, *Gospodstvuyushim klassnom v Rossii yavlyetsya silovaya burokratiya* [The ruling class in Russia is strongmen bureaucracy], in: *Nezavisimaya Gazeta*, 28 August 2012, at: <http://www.ng.ru/printed/272458>.

61 Konstantin Remchukov, Editorial “Results of the Year”, in: *Nezavisimaya Gazeta*, 30 December 2011.

62 Liliya Shvetsova, “Rossiiskie vlasti absolyutno ne chyvstbuyut draiva i dukha novoi epokhi” [“The Russian government absolutely does not feel the drive and the spirit of the new epoch”], in: *Den’*, 6 March 2012, at: <http://www.carnegie.ru/publications/?fa=47456>.

63 Evgeniya Al’bats, in: *Itogi 2011 goda*, cited above (Note 47).

trying to shut them out from political life. Taken together, the various repressive laws and measures that have been passed indicate that this is just the beginning of a more repressive course of action. This, however, is a sign of the weakness rather than strength of the current political regime. Potential for both positive and negative changes remains.

Domestic Developments in Kyrgyzstan

Introduction

After the “Tulip Revolution” of March 2005, the president of Kyrgyzstan, Askar Akaev, and his closest associates escaped the country and found refuge abroad.¹ Power was assumed by the People’s Movement of Kyrgyzstan, with Kurmanbek Bakiyev at the helm. The new ruling elite decided to maintain legal continuity of state power, so the state structure remained unreformed. President Akaev was forced to tender his resignation in Moscow; the newly elected President Bakiyev kept the political regime *de facto* unreformed, continuing with neo-patrimonial rule based on nepotism, corruption, and repression.

The events of 6 and 7 April 2010 fatally undermined Bakiyev’s political regime, which still seemed to be sufficiently stable and powerful on 5 April. People who were part of the regime were forced to leave the country. On 8 April, an interim government was established.

During 2011, under the leadership of the interim government, the state was re-established on the basis of a new constitution and power was transferred to newly established constitutional institutions: Parliamentary elections were held in October 2010, presidential elections in October 2011, and the formation of a new government ended the transitional period in December 2011. In this way, the transitional period reshaped state institutions and shifted the country from a presidential to a parliamentary-presidential form of government.

This paper will analyse the political process in Kyrgyzstan during the transitional period that began in October 2010 and ended in December 2011. The analysis is focused on the reshaping of state institutions during the transitional period after the collapse of the regime and the period of instability in 2010.

The analysis will go on to ask questions such as these: What are the factors that help prevent the collapse of the state? What is the current condition of the state (weaknesses, strengths, risks)? What are the future perspectives, especially with regard to stability and security?

1 Cf. Sally N. Cummings (ed.), Domestic and International Perspectives on Kyrgyzstan’s “Tulip Revolution”: Motives, Mobilization and Meanings, special issue of *Central Asian Survey* 3-4/2008, at: <http://www.informaworld.com/smpp/title~db=all~content=g906687638~tab=toc>.

On 7 April, almost 100 people were killed in clashes with police.² Three hundred people who started the protest on the morning of 7 April were joined by several thousand more after police started to shoot civilians. By the evening of 7 April, Bakiev's regime had unexpectedly collapsed, plunging the country into a period of chaos and turmoil.

Taking experience of the previous regime change in 2005 into account, opposition leaders decided to break the legal continuity of power, dissolving parliament, the constitutional court, and the government and forming a new unconstitutional ruling entity – the interim government. Because the state lost its monopoly of violence (twice in five years), organized crime and various interest groups took advantage of the state's weakness and began to mobilize for not just economic but also political goals. The Bakiev brothers and their supporters threatened the newly established interim government with acts of revenge to destabilize the situation in the southern part of the country. Clashes also took place around Bishkek between internal migrants seizing land for housing, and local suburban inhabitants. Latent local conflicts in Chui oblast and the Ferghana Valley started to escalate and culminated in ethnic clashes in the southern cities of Osh and Jalalabad on 11-14 June, which caused 442 deaths.³ During this period of chaos there was no constitutional power, and the only ruling entity was the unconstitutional interim government. The state-building process that began in 1991 was both practically and legally aborted.

On 27 June 2010, the interim government organized a popular referendum on two questions: the first regarding a new constitution, the second on the presidency of Roza Otunbaeva during the interim period up until 31 December 2011. One of the conditions of her presidency during the transitional period was her commitment to fair elections without any intervention by administrative forces.⁴

2 According to official sources, 86 people were killed and several hundred injured. Cf. Parliament ustanovil 7 aprelya Dnem aprel'skoj narodnoj revolyutsii [Parliament designates 7 April day of people's April revolution], *K-News*, 17 November 2011, at: http://www.knews.kg/ru/parlament_chro/6263.

3 Cf. Cholpon Sulaimanova, *Nurlanbek Zheenaliev: V Kyrgyzstane vo vremya iyun'skikh sobytii 2010 goda postradalo 6 tysyach 352 cheloveka* [Nurlanbek Zheenaliev: 6,352 people suffered in the June 2010 events in Kyrgyzstan], *Kabar*, Bishkek, 28 February 2012, at: <http://pda.kabar.kg/rus/law-and-order/full/28508?all>.

4 Cf. Temir Sariev: Pravila igry b Kyrgyzstane uzhe ob'yavleny, i my dolzhny ychit'cya po nim igrat', esli khotim zhit' v tsivilizovannom gosudarstve [Temir Sariev: The Rules of the game in Kyrgyzstan are already announced and we have to learn to play according to them if we want to live in civilized state], in: *Ata Meken internet gazeta*, 10 August 2010, at: http://atamekenkg.com/index.php?option=com_content&view=article&id=6608:2010-08-10-06-24-35&catid=99:politic&Itemid=29.

More than 90 per cent of voters supported a new constitution and the interim presidency of Roza Otunbaeva.⁵ The new constitution came into force on 2 July 2010. In this way, Kyrgyzstan gained a new constitution and legally entered an interim period which lasted for one year and eight months until 31 December 2011.

The new constitution gave more power to parliament (*Jogorku Kenesh*), which is elected by means of a proportional party list system. The government is constituted by political parties which form a majority coalition in parliament. The government is accountable to the *Jogorku Kenesh* (Article 85). The president can dissolve parliament only in cases where political parties were unable to form a government three times in succession (Article 84). Experts therefore regard the new political system in Kyrgyzstan as a parliamentary-presidential system.

On 2 July, the constitutional law “On elections of the President of the Kyrgyz Republic and deputies of the *Jogorku Kenesh* of the Kyrgyz Republic” was adopted. On 9 August, the interim president abrogated the curfew in the Osh and Jalalabad oblasts (introduced during the June events), and on 10 August she signed a decree to schedule parliamentary elections for 10 October 2010. 29 political parties participated in the elections. All party lists complied with the gender and national-minority requirements: 33.5 per cent women and 15 per cent national minority candidates.⁶ The election result surprisingly gave *Ata-Jurt*, headed by former officials of ousted president Kurmanbek Bakiyev’s government, 266,923 votes or 8.89 per cent. Four other parties entered parliament: the Social Democratic Party of Kyrgyzstan (SDPK) with 8.04 per cent, *Ar-Namys* with 7.74 per cent, *Respublika* with 7.24 per cent, and *Ata-Meken* with 5.6 per cent.⁷ Although some political parties came very close to entering parliament (*Butun Kyrgyzstan*, for example), they failed to achieve all the requirements.⁸ Their low-level, passive protests did not last for long. Moreover, the elections were recognized as transparent

5 Cf. Central Election Commission of the Kyrgyz Republic, at: http://www.shailoo.gov.kg/index.php?module=content&page=Postanovlenie_Centralnoy_komissii_po_vyboram_i_provedeniyu_referendumov_Kyrgyzskoy_Respubliki_O_rezultatah_referenduma_vsenarodnogo_golosovaniya_Kyrgyzskoy_Respubliki_27_iyunya_2010_goda_Postanovlenie_Centralnoy_komissii_po_vyboram_i_provedeniyu_referendumov_Kyrgyzskoy_Respubliki_O_rezultatah_referenduma_vsenarodnogo_golosovaniya_Kyrgyzskoy_Respubliki_27_iyunya_2010_goda&pagelang=ru.

6 Cf. Constitutional Law of the Kyrgyz Republic “On elections of the President of the Kyrgyz Republic and deputies of the *Jogorku Kenesh* of the Kyrgyz Republic”, Chapter 11, Article 60.

7 Cf. Central Election Committee of the Kyrgyz Republic, at: http://www.shailoo.gov.kg/index.php?module=content&page=O_rezultatah_vyborov_deputatov_Jogorku_Kenesha_Kyrgyzskoy_Respubliki_10_oktyabrya_2010_goda_&pagelang=ru. The figures given here correspond to the number of positive votes as a proportion of registered voters, not as a proportion of votes cast.

8 According to the constitution, parties are required to pass the five per cent threshold and win 0.5 per cent of the vote in all nine oblasts, cf. Constitutional Law of the Kyrgyz Republic “On elections of the President of the Kyrgyz Republic and deputies of the *Jogorku Kenesh* of the Kyrgyz Republic”, Chapter 11, Article 64.

and fair by international and local observers.⁹ In this way, the first political institution was re-established after the collapse of Bakiev's regime. Now the question was about relations between parliamentary parties and their ability to compromise on the issue of coalitions.

The SDPK is one of the oldest and biggest political parties and has supporters in all oblasts of the country. *Ata-Meken* is a socialist party, which has international support from their ideological comrades. *Ar-Namys* is also one of the most experienced political actors; it defends the interests of ethnic minorities and its political orientation is towards the Russian Federation and Putin-style "managed democracy". The two youngest political parties are *Respublika* and *Ata-Jurt*. Both were founded shortly before the elections. *Respublika* is a liberal party which consists mainly of the new business elite. *Ata-Jurt* consists of strong southern leaders who did not welcome the events of 7 April and the post-revolutionary reforms. It has received strong support in southern oblasts because of dissatisfaction among the southern population with the interim government's policy, which they believe caused the events of June 2010. *Ata-Jurt* is regarded by some observers as a nationalist party.

These political parties can be differentiated by their ideological labels. This, however, does not explain much about their platforms and political positions. Some observers believe political parties in Kyrgyzstan can be categorized according to their regional affiliation; however, this is only partly true, because all political parties have some support in each oblast of the Kyrgyz Republic, which means that this aspect is not particularly helpful in understanding the logic of their political interplay. The most important factor during the interim period and also in the current political context is the attitude towards ongoing political reforms in Kyrgyzstan: While the SDPK, *Ata-Meken*, and *Respublika* are ardent defenders of the parliamentary form of government and engines of the current political reforms, *Ar-Namys* and *Ata-Jurt* are advocates of a presidential form of government who explicitly declare that they want to reverse the reforms. Thus, parliamentary political parties can be categorized into two camps: reformists and conservatives.

The new *Jogorku Kenesh* commenced its sessions on 10 November 2010. The first attempt to form a coalition was made by the SDPK, *Respublika*, and *Ata-Meken*. SDPK leader Almazbek Atambaev – who also served as deputy to Roza Otunbaeva in the interim government – was proposed as prime minister. *Respublika's* leader Omurbek Babanov was suggested for the position of deputy prime minister. *Ata-Meken* leader Omurbek Tekebaev was supposed to become the speaker of parliament. The first parliamentary coalition in the history of Kyrgyzstan would be formed on the basis of political loyalty to parliamentarism and reform. The two conservative parties would remain outside the coalition. The logic behind this lay in

9 Cf. Dil'begim Mavlonii, Vyborny v Kyrgyzstane okazalis' svobodnymi i nepredskazyemymi [Elections in Kyrgyzstan were free and unpredictable], *Radio Azattyk*, 13 October 2010, at: http://rus.azattyq.org/content/Kyrgyzstan_parliament_/2188322.html.

the plans of reformists to implement fast and efficient reforms. A coalition of reformists could promote reform initiatives, while the presence of conservatives was seen as an obstacle to reforms.

However, this attempt was not successful because a majority of MPs did not support the candidature of Tekebaev as speaker of the *Jogorku Kenesh*. A second attempt was made under the *Respublika* party's leadership with the support of the SDPK and *Ata-Jurt*. In contrast to the earlier attempt, the current coalition was formed by reformists but also included a conservative party. That can be explained by the risk of parliament being dissolved in the event of three unsuccessful attempts to form a coalition.¹⁰ A lengthy period without a functioning parliament, followed eventually by new elections in the context of instability, risked promoting further escalations. So the willingness of opposing parties to compromise could be explained first of all by their rational calculations regarding their self-preservation not only as MPs, but also as citizens of Kyrgyz Republic. This accommodating behaviour permitted MPs to share the governmental posts. According to the coalition agreement, the SDPK leader Almazbek Atambaev was elected prime minister; the *Ata-Jurt* MP Akhmatbek Keldibekov became parliamentary speaker; and *Respublika*'s leader Omurbek Babanov was allocated the post of deputy prime minister. Other government posts were shared between parties of the ruling coalition. Thus, at its second attempt, the parliamentary coalition and its government were constituted by parties that have not only different ideological backgrounds, but also contradictory immediate political goals. Nevertheless, Kyrgyzstan finally had a legitimate parliament and government, which, despite many forecasts of impending collapse, lasted for almost a year until the presidential elections in November 2011.

During this year, the coalition government headed by Atambaev made a start with economic and social reforms: Legislation on business was eased, leaders of organized crime groups were imprisoned, social workers' salaries were increased, and anti-corruption trials became regular. These steps generated positive public opinion about the new government and about ongoing changes in general. On the other hand, there were also important problems that still created an atmosphere of instability in the country. For example, the government did not have de facto power over the whole state territory.¹¹ Moreover, the political situation in the country was aggravated by consequences of the Osh clashes in 2010 such as the urgent need for housing and official buildings that had been destroyed to be rebuilt, legal proceedings against participants in violence, and recurring violations of human rights. Various political scandals also worsened the overall situation, the most acute

10 Cf. Constitution of the Kyrgyz Republic, Article 84, 1-4, at: <http://www.legislationline.org> (unofficial translation by EU-UNDP Project on Support to the Constitutional and Parliamentary Reforms and OSCE/ODIHR).

11 For example: Osh city mayor Melis Myrzakmatov officially recognized the authority of the new coalition but did not move quickly to implement those of its decisions that he believed might be against the city's interests.

being when leaders of the interim government were blamed for the events in Osh in 2010.

The presidential campaign started on 25 September 2011. According to the new constitution, the president appoints the heads of security forces and the prosecutor general, and dismisses parliament if there have been three unsuccessful attempts to form a coalition. Although the functions of the president have been considerably reduced, this post still remains attractive to those who seek political power. As a result, there were 86 applications, though only 16 of these candidates were admitted to the elections. The most prominent candidates were the incumbent prime minister, Almazbek Atambaev, *Ata-Jurt* MP Kamchybek Tashiev, and Adakhan Madumarov, the leader of the extra-parliamentary opposition party *Butun Kyrgyzstan*. Once again, the candidates in the election campaign were divided between two camps: reformists and conservatives. The first-named was reformist, and the last two were conservative.

On 12 November 2011, the Central Election Commission announced that Almazbek Atambaev was the winner of the elections with 62.52 per cent of the votes. His major opponents Adakhan Madumarov and Kamchybek Tashiev received 14.78 per cent and 14.32 percent, respectively.¹² They protested about the election results, making accusations of vote-rigging and the misuse of state resources. However, international and local observers recognized the elections as fair and transparent for the second time in the history of Kyrgyzstan. Consequently, the protests did not last long.

After being elected president, Atambaev resigned from his post of prime minister of the collapsing parliamentary coalition. The new coalition was formed by four parties: Atambaev's SDPK, *Respublika*, *Ata-Meken*, and *Ar-Namyz* (which joined the reformist camp after several internal conflicts). *Ata-Jurt*, now the only conservative party in the parliament, remained in opposition. Once again, government posts were shared between coalition parties, with the post of prime minister being retained by ex-deputy prime minister Omurbek Babanov. Atambaev was inaugurated as President of the Kyrgyz Republic on 1 December 2011, thus establishing the last missing constitutional institution and ending the interim period. Finally, Kyrgyzstan's state was de jure fully re-established after a period of political turmoil.

12 Cf. Central Election Commission of the Kyrgyz Republic, at: http://www.shailoo.gov.kg/index.php?module=content&page=Ob_opredelenii_rezultatov_vyborov_Prezidenta_Kyrgyzskoy_Respubliki_30_oktyabrya_2011_goda_2011jyldyn_30oktyabrynda_Kyrgyz_Respublikasynyn_Prezidentin_shayloonun_jyyntyktaryn_anyktoo_jonyndo&pagelang=ru.

Why did the state not collapse? How and why could the new Kyrgyz elite manage to restore state institutions? There are several factors that should be discussed in answering these questions.

First of all, the role played by patronage networks in the revolution of 2010 was insignificant compared to 2005. The participants in the events of 2010 were mainly an unstructured mass of people who mostly gathered spontaneously after the killing of civilians. In 2005, patronage networks mobilized their resources at local level during parliamentary elections in January 2005 and then united under the common goal to overthrow Akaev. During three months of protests, patronage networks associated with political parties while civil-society organizations occupied various state institutions and administrative territorial units, reducing the area controlled by Akaev's regime to Bishkek. For example, the Jalalabad oblast quickly came under the control of Bakiev's family. Other patronage networks that were mobilized in the southern part of Kyrgyzstan united around Bakiev himself, making him the most prominent political leader. Thus, Bakiev came to power not alone, but with his family and the patrons who helped him to attain power and who were now waiting for their stakeholding in the state. As a hostage of patronage networks, he had to share power with patrons who had already held posts in state institutions or were waiting for an appointment. Thus, right from the start, Bakiev became a hostage of a system that was preparing him for the same fate that had befallen the previous president.¹³

In contrast to 2005 when the uprising continued for three months, mobilizing patronage networks at local level through various formal and informal institutions, the events in 2010 endured for only two days, beginning in Talas city and ending the next day in Bishkek. Patronage networks were not so active. Mass mobilization was organized by opposition political parties, who were later spontaneously joined by masses of people mobilized via reports spread on the internet, text messages, and mobile phone of clashes with police and the killing of civilians.¹⁴ In this way, a new elite came to power not as a result of patronage networks but due mainly to the relatively spontaneous mobilization of masses of people. Most of these people did not try to capture state institutions and did not demand appointments. However, a special Ministry for Youth Affairs was created for those who were demanding posts, and they were allocated positions in this new institution. The new rulers were thus relatively free from the influence of local and regional-level patronage networks and their corrupt practices. In order to secure this position, they dissolved all existing governmental institutions and formed an interim government, which took on the responsibility of adopting a new consti-

13 Cf. Cummings, cited above (Note 1).

14 Cf. Azamat Temirkulov, Kyrgyz "revolutions" in 2005 and 2010: comparative analysis of mass mobilization, in: *Nationalities Papers* 5/2010, pp. 589-600.

tution and reshaping the state. The interim government suspended the legal framework and usurped all political power in the country for several months. That made it possible to implement constitutional reforms without taking the positions and interests of corrupt patrons into account. Hence, the new parliamentary-presidential constitution was virtually imposed by the interim government.

Secondly, after the collapse of the regime with 86 deaths, nights of looting in Bishkek, clashes between suburban dwellers and internal migrants over land seizure, another attempt to seize power, escalations of ethnic conflicts with 442 deaths, and other manifestations of chaos, the country's population was even more scared than it was fatigued. The people were not passive, however. Based on the previous experience of regime collapse in 2005 in cities and villages, volunteers were recruited into volunteer security brigades, which proved to be surprisingly well-organized and disciplined. They used a range of transport and technologies such as mobile phones, the internet, and radio communications effectively. People of all ages, ethnicities, and genders served in these units, which were later formalized and still exist today. They worked in very close co-operation with the police forces. Those who did not participate in the brigades were highly active in reporting various incidences of violence or looting. This situation continued for several months, making the people long for stability and order.

This mood was caught by the interim government which, a little more than two months after 7 April and not quite a month after the Osh events, announced a referendum on the new constitution and the interim presidency of Roza Otunbaeva. The turnout in the referendum was very high at 72.24 per cent, while 90.55 per cent supported the government's line in the referendum.¹⁵ After a period of chaos and violence, the population wanted stability and order and was relatively united in this goal. Moreover, statements by some politicians and experts from ex-Soviet territories about the disappearance of Kyrgyzstan as a state shocked the population and had a positive impact on the relative unity of its citizens. The population became somewhat less prone to various types of mass mobilization and often revealed inertia in joining mass protests.

The third factor that deserves to be mentioned is path dependency. In fact, what happened in Kyrgyzstan not only in April 2010, but also in 2005 was the collapse not of the state, but of the regime. Most of the state's bureaucratic institutions surprisingly continued or were at least trying to execute their usual everyday functions despite the absence of heads of ministries, the government and the president of the state. The only exceptions were police and security forces, which were demoralized after 7 April and did not perform their functions during the first few days after the uprising, at least in Bishkek, where they were replaced by volunteer security brigades. Two weeks later they started to carry out their functions in civilian clothes instead

15 Cf. Central Election Commission of the Kyrgyz Republic, cited above (Note 5).

of their possibly provocative uniforms. Other state institutions tried to function as usual.

The same trend of path dependency was observed not only in state institutions, but also in the economy. After several days of shock, small and medium-sized enterprises in Bishkek that had been destroyed and looted started to function again. If they had no goods to sell, their employees were busy with repair work. Big companies stubbornly continued to work even after lootings and during the attacks by looters.

This path dependency had a threefold effect: First, most of the state functioned, and the supply of private goods and services to citizens was interrupted but still continued; second, it stopped state and private employees from becoming demoralized; and third, it gave the citizens hope for order and stability.

An important factor that promoted stability was fair and transparent elections. The mission of the interim government and interim president Roza Otunbaeva comprised the organization of a constitutional referendum to be followed by fair and transparent parliamentary and presidential elections. This was condition sine qua non for further state-building. Rigged elections might have provoked a resumption of political turmoil. This mission was accomplished successfully. "The election process on the referendum was surprisingly smooth taking into account that two weeks ago the situation in the south of Kyrgyzstan was extremely tense" said Jens-Hagen Eschenbächer, spokesman of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).¹⁶ Parliamentary elections in October 2010 were estimated by observers to be the most competitive and transparent not only in Kyrgyzstan but in the region as a whole. The head of the OSCE's election observation mission, Morten Høglund, said: "I was impressed by the political pluralism, the civic responsibility and the spirit of this country. I have observed many elections in Central Asia over the years but this is the first election where I could not predict the outcome."¹⁷ The presidential elections were also recognized as free and fair by international and local observers.

Not least among the factors that prevented the state from collapsing was the willingness for compromise and co-operation on the part of the political elite. After the new constitution came into force on 2 July 2010 there was a need to reshape parliament, government, and the new presidency. These processes concealed important risks. Defeated political parties and presidential candidates could mobilize their supporters and try to destabilize the situation in the country, especially since the potential for this was very evi-

16 Cited in: Erica Marat, *Mezhdunarodnye nablyudateli o referendum v Kyrgyzstane* [International Observers of the Referendum in Kyrgyzstan], in: *Golos Ameriki* [Voice of America], Washington, 28 June 2010, at: <http://www.golos-ameriki.ru/content/kref-2010-06-28-97320829/186097.html> (author's translation).

17 Cited in: Luke Harding, *Kyrgyzstan wins praise for peaceful democratic elections*, in: *The Guardian*, 11 October 2010, at: <http://www.guardian.co.uk/world/2010/oct/11/kyrgyzstan-elections-central-asia-osce>.

dent on the part of revanchists who wanted Bakiev's return to the country and conservatives who advocated a return to the presidential form of government. Nevertheless, almost all the important political forces in the country were represented in parliament, and this fact kept political disputes within the boundaries of that institution. Within parliament, the political elite became fairly keen to engage in dialogue, negotiations, and compromises. In this way, ardent political rivals who seemed to be unlikely partners in dialogue could find common ground for negotiations and compromises, a fact that was particularly obvious during the formation of governing coalitions. On the other hand, the ruling elite, learning from the mistakes of the previous regimes, invited the opposition to negotiations rather than persecuting them, which is another positive sign.

State-Rebuilding and Its Future Prospects

Compared to 2010 and 2011, Kyrgyzstan's state institutions are now reasonably stable: The country has a new constitution, parliament, presidency, and a coalition government. The sequence of political shocks has passed and today rulers can engage in their daily duties. After two revolutions in the past five years, however, an obvious question arises: Might the events of 2005 and 2010 repeat themselves? What are the state's prospects for maintaining stability and order in the country? How will the next parliamentary and presidential elections impact stability?

The usurpation of power by presidents was a principal cause of two violent changes of power in Kyrgyzstan. The new constitution assumes that Kyrgyzstan is a parliamentary-presidential republic. In contrast to the previous system, today's president has no extensive powers, with the majority of power being given to parliament. The parliamentary form of government is new not only for Kyrgyzstan, but also for almost all post-Soviet countries. Dmitry Medvedev, the then president of the Russian Federation, has declared that "parliamentarism for Kyrgyzstan is a catastrophe". However, it seems that the parliamentary form of government suits Kyrgyzstani society better.

Under the presidential form of government, patronage networks found informal methods for influencing the president and his circles in order to achieve their personal goals, thereby generating corruption and nepotism. Moreover, the head of state gave key positions to his relatives and those faithful to him without taking their professional competencies into account. It is no secret that during Akaev and Bakiev's era a major principle of personnel selection was personal loyalty to the president. In return, the president's protégés could then employ their own relatives and friends according to this principle, which constituted the usurpation of power by one elite group. This practice strengthens the authority of the president even more, giving him informal mechanisms of control over state institutions and thus creating the

phenomenon called “state capture”.¹⁸ This situation led to mass protests and a violent change of government on two occasions. Juan Linz states: “The danger that zero-sum presidential elections pose is compounded by the rigidity of the president's fixed term in office. Winners and losers are sharply defined for the entire period of the presidential mandate – losers need to wait four or five years without any access to executive power or patronage. The zero-sum game in presidential regimes raises the stakes of presidential elections and inevitably exacerbates their attendant tension and polarisation.”¹⁹

Parliament is a place where political forces in Kyrgyzstan had an opportunity not only to compete openly, but also to carry on negotiations and bargain for positions of executive power. That promotes political dialogue and compromise. Today all major political forces are represented in the country's parliament. Patronage networks embodied in the form of political parties are compelled to compete in institutionally established frameworks, thereby constraining and balancing each other in open and legal rivalry. In this way, violent regime change is no longer in the interests of the political forces in question.

Another important factor for a high likelihood of stability is the tendency of the country's basic political forces to compromise. Since the parliamentary elections in October 2010, for example, some political parties that lost the elections have publicly acknowledged their defeat and recognized the results of the elections. The same thing occurred after the results of the presidential elections in November 2011 were announced.²⁰ In the first half of 2012, moreover, a period of protests and ultimatums under the guidance of opposition politicians Adakhan Madumarov, Kamchybek Tashiev, and Akhmatbek Keldibekov suddenly ended after the authorities offered them open negotiations. The opposition failed to attend the meeting that was scheduled for open negotiations, but surprisingly refrained from protest. Another phenomenon that suggests there is a tendency to compromise is the creation of parliamentary coalitions. Despite all their disagreements, political parties have twice formed coalitions successfully.

There are also other arguments that favour a high future probability of stability in state institutions. Usurpation of power and neo-patrimonialism have twice become a tragedy not only for presidents of the Kyrgyz Republic, but also for their families and relatives. Hardly any politician will voluntarily risk a repeat of their predecessors' fate by trying to usurp power and thereby destabilise the situation. The current opposition regard revolutionary members of the interim government as being responsible for deaths of people on 7

18 Cf. World Bank, *Combating corruption in a transition period. Contribution to a discussion of strategy*, Washington, DC, 2000.

19 Juan J. Linz, The Perils of Presidentialism, in: *Journal of Democracy*, winter 1990, p. 56. See also Juan J. Linz/Arturo Valenzuela (eds), *The Failure of Presidential Democracy: Comparative Perspectives*, Baltimore, MD, 1994.

20 Cf. *Zayavlenie politicheskoi partii "Akshumkar"* [Announcement of the political party Akshumkar], 2 November 2011, at: http://akshumkar.kg/index.php?option=com_content&view=article&id=287%3A-lr&catid=25%3A2010-09-16-05-38-21&Itemid=2&lang=ru.

April and in June 2010, a view shared by some legal experts. Appeals to call them to account could be heard on the streets, in parliament and in the mass media. Members of the interim government declared their recognition of moral and political responsibility for the events on several occasions. The revolutionaries who are currently in power understand perfectly that they bear personal responsibility for the success of all the reforms that have been initiated. Not only the future of Kyrgyzstan but also the personal futures of those who presently wield power depend on the success of these reforms, the efficiency of governance, and the ability of those in power to compromise.

However, stability in the country depends not only on the authorities, the success of their reforms, and the ability to compromise. There are also the events of June 2010. Today, law enforcement bodies and security services are in better shape than in 2010 and are capable of reacting to possible escalations more effectively. In the context of regional security problems, however, it is difficult to speak about stability and safety in Kyrgyzstan in view of not only the authoritarian character of Central Asian regimes, but also the inability of regional security organizations to respond effectively to current challenges.

Conclusion

Kyrgyzstan passed through an interim period which continued from 7 April 2010 until December 2011, when the new coalition government was formed. The role of the interim government was to change the constitution from a presidential to a parliamentary one, and to reshape state institutions in new, fair, and transparent elections based on a new parliamentary constitution.

Despite many problems, the interim government has succeeded in reshaping state institutions according to its timetable while preventing the collapse of the state. Several factors can explain the success of this reshaping: the breach in the legal continuation of power, which helped to neutralize patronage networks to some extent; fatigue and fear of further destabilization, which helped to unite the population; path dependency of both state-run and private institutions, which continued to carry out their usual functions, thus preventing collapse; fair and transparent elections, which permitted all major political forces to be represented in parliament; and a trend towards political dialogue and compromise.

Today, the state has a legitimate constitution, parliament, president, and coalition government. These institutions carry out their proper functions despite struggling to adapt to the new rules of the game. Radical reforms are proceeding at a very fast pace in the country. After a period of chaos and turmoil, Kyrgyzstan has finally achieved its stability. Several factors indicate that this stability of the political regime and state institutions will continue for the near future. These are the parliamentary form of government, which cre-

ates opportunities for different political forces to enter into dialogue and compromise within institutional frameworks; the political trend towards compromises, which allows contradictions to be reconciled without violence; and the personal responsibility of political leaders, which, fortified by the experience of two previous presidents, will prevent leaders from usurping power.

However, Kyrgyzstan's stability is not only a matter of state institutions and the political regime. There are many destabilization factors in the country: ethnic conflict in the south, growing religious extremism, and trans-boundary problems in the Ferghana Valley. These internal problems are aggravated by regional factors such as instability in Afghanistan, drug trafficking, and terrorism. This means that the future stability of Kyrgyzstan still faces serious challenges.

Mustaqillik Ideology Tested: Nation-State Building in Uzbekistan and Related Security Challenges

Introduction

This contribution focuses on the consequences for Uzbekistan of NATO's impending withdrawal from Afghanistan, which is slated for completion by the end of 2014 and creates new challenges for Uzbekistan, its security, and its sovereignty. The author believes that Uzbekistan should seek solutions above all by not joining an arms race, but rather by advancing a domestic nation-state-building agenda (one which is far from being complete). This agenda should be implemented in accordance with lessons drawn from the history of modern nation states, which have built strong foundations by transcending ties of locality and kinship to create a universalism based on the political and civic association of free citizens, who are ready to stand and defend not only their local communities but the polity they identify with. From this position, the paper assesses Uzbekistan's current ability to withstand external challenges posed by the uncertainty of its relationship with Afghanistan in the post-2014 era. It compares the military capabilities of the two nations, and concludes that the loyalty of Uzbekistan's citizens, which can only be ensured by democratic means, is no less important than its military capacity.

Post-Soviet Nation-State-Building Projects

Present-day Uzbekistan is a sovereign state; however, it is not yet a modern nation state in the full sense of the word. Although political independence was achieved in 1991, this was not due to Uzbekistan's own struggle for national liberation. It was taken for granted when the Soviet colossus was already lying in ruins, destroyed by national and pro-democracy movements that existed largely in the western part of the Soviet empire. The president of the Uzbek SSR, Islam Karimov, and his circle only raised the banner of independence when the power of Moscow over the national republics was rapidly fading and the putsch against Gorbachev in August 1991 had been quelled.¹ Real political independence was achieved following the Belavezha Accords, which were signed by the leaders of the three Slavic Soviet Republics in De-

¹ The putsch was undertaken by a number of high ranking Soviet officials and generals while Mikhail Gorbachev, the General Secretary of the Central Committee of the CPSU and President of the Soviet Union, was on vacation in Foros, Crimea. It was put down by forces loyal to Boris Yeltsin and Mikhail Gorbachev.

ember 1991. In fact, Uzbekistan's political elite and civil society had something of a free ride on the currents of perestroika that resulted in the dismantling of the communist system. A domestic movement for national independence did exist in Uzbekistan, emerging in 1990-1991, and was represented mainly by a small opposition party, *Erk*. But that movement was not strong enough to push the republic's leadership to take decisive action, nor to create a critical mass for regime change. The nationalist demands of the political opposition focused mainly on the recognition of Uzbek as the state language. These demands were easily accepted by Karimov, who blessed, without jeopardizing his own power, the adoption of a law to that effect in October 1989. As a result, the nationalist aspirations of the domestic opposition were largely satisfied, and the nationalist-minded section of the population was won over by the ruling regime. Political independence was thus acquired, but the political regime remained almost unchanged.

Karimov was quick to accommodate independence not only as Uzbekistan's new political status but also as a new state ideology, the philosophy of *mustaqillik*. It is notable that the word *mustaqillik* (sovereignty, independence) was preferred to *ozodlik* (freedom), as this indicates the orientation of Uzbekistan's development, the alternatives being the sovereignty of the ruling regime and the freedom of the citizens. Uzbekistan quickly created and adopted new symbols of sovereignty, such as a flag, emblem, and anthem; streets and some state institutions were renamed to reflect national history and to celebrate national heroes of the past. Uzbekistan's history was rewritten to eliminate vestiges of the communist past, celebrate a glorious historical legacy, and embrace a new sense of national identity that could be traced to the distant past. Interestingly, the concept of Uzbek ethnogenesis and national history outlined by the Soviet historian Alexander Yakubovsky in 1941,² which was used to justify the creation of the Uzbek SSR as part of the Soviet Union, was largely unaffected.³ The officially endorsed historical doctrine negatively reinterpreted the period of rule by the Russian Empire and the Soviet era exclusively as a colonial era, with no recognition of the efforts by the Soviets to modernize the economy and society.

However, in spite of a critical attitude towards the Soviet legacy, the Karimov regime has done nothing to challenge the very ethnocentric construction of the Soviet national republics, which formed statehood around a single, and often constructed, titular nationality. The role of ethnocentrism as a key principle of nation-state building remained untouched in most post-Soviet states, continuing largely unchanged the framework of nationalities policy adopted in early Soviet times. The reason for this continuity of certain Soviet policies is that they perfectly serve the legitimization of post-Soviet

2 Cf. Aleksandr Yakubovsky, *K voprosu ob etnogeneze uzbekskogo naroda* [On the Question of the Ethnogenesis of the Uzbek People], Tashkent 1941.

3 Cf. Alisher Ilkhamov, Iakubovskii and Others: Canonizing Uzbek National History, in: Florian Mühlfried/Sergey Sokolovskiy (eds), *Exploring the Edge of Empire: Soviet Era Anthropology in the Caucasus and Central Asia*, Münster 2012, pp. 237-258.

authoritarian regimes. The courting of nationalist-minded populations of titular nationalities has helped these regimes cling to power and win the time to consolidate their rule under new circumstances. Previously the First Secretary of the CPSU's local branch, Islam Karimov did not hesitate to abandon his communist background and acquire a new title as the president of a sovereign state. In his new position, he concentrated unprecedented power and privileges in his hands, much more than he (or any other local party boss) used to enjoy as First Secretary during the Soviet period, when their powers were limited by Moscow. Other state institutions, including the parliament, which became the bicameral *Oliy Majlis*, and the judiciary, remained, like their Soviet predecessors, largely decorative institutions totally controlled by the executive government and with little leverage to influence government policy at both macro and micro levels of the state hierarchy.

Unlike the national republics in the western part of the Soviet Union, where real regime change occurred, the Communist Party elite in Uzbekistan, with Karimov at the helm, has almost totally reasserted its full political and administrative control over the country. Almost nothing has changed in Uzbekistan in terms of political culture and methods of governance: One despotic regime was replaced by another, and most reforms undertaken in the country in the post-Soviet period have been merely decorative, masking ongoing political and institutional stagnation.

What has changed, however, is the nature of Uzbek nationalism. Having been restrained, during the Soviet period, by the ideology of internationalism and Moscow's control of key aspects of internal politics, nationalism has now morphed into the cornerstone of the new statehood. Now that these checks and balances have been shed, ethnocentric nationalism has become a key principle of the nation-state-building project adopted by post-Soviet authoritarian regimes like the one in Uzbekistan. This project is nurtured significantly by various historical mythologies – teleological in nature – as the means of legitimizing new nation states.⁴ This prompts us to evoke the contrast made by Jürgen Habermas of two different poles of nationalism, one civic, based on the supremacy of a demos of free citizens, the other ethnic, appealing to the common ethno-cultural roots of a given nation. “The nation is Janus-faced”, he writes. “Whereas the voluntary nation of citizens is the source of democratic legitimation, the inherited or ascribed nation based on ethnic membership (*die geborene Nation der Volksgenossen*) secures social integration. *Staatsbürger*, citizens, constitute themselves as a political association of free and equal persons by their own initiative; *Volksgenossen*, nationals, already find themselves in a community shaped by a shared language and history. The tension between the universalism of an egalitarian legal

4 See on this subject Alisher Ilkhamov, Post-Soviet Central Asia: from nationhood mythologies to regional cold wars? In: Irina Morozova (ed.), *Towards Social Stability and Democratic Governance in Central Eurasia: Challenges to Regional Security*, Amsterdam 2005, p. 82-102.

community and the particularism of a community united by historical destiny is built into the very concept of the national state.”⁵

In the case of Uzbekistan, we find mostly the second, ethno-culturally determined kind of nation-state, and the unity provided by a free citizenry is largely missing, leaving Uzbekistan’s society lacking social cohesion and the sense of a single community. This one-sided national development at least partly explains why this country faces challenges in becoming a modern nation state: It is far from being a civic nation. As a result, Uzbekistan remains affected by an authoritarian nationalism that persists by supporting, and sometimes manipulating, ethno-cultural sentiments, a sense of common history, by reproducing and creating national symbols, and fostering patriotic education, but which castrates all kinds of civic freedoms. The authoritarian type of nationalism also fails to guarantee the rule of law, without which the citizens cannot feel themselves equal before the law and means that ethnic minorities are discriminated against in the exercise of their individual and communal rights.

Nation-State Building and Security Challenges

The question of whether the nation-state-building project of a particular country is complete relates directly to security and the ability to endure external challenges, to the ability to compete with other nations for political and economic influence, and to a country’s position in the global hierarchy of nations. These abilities rely on two important aspects of a nation state: (1) the way it secures legitimacy and the loyalty of its citizens and (2) the creation of a political centre. Here again we find a stark distinction between modern states and “coercive-intensive” nations, such as Uzbekistan. While authoritarian regimes claim their legitimacy mainly by manipulating ethno-cultural sentiments and securing the loyalty of the population by means of coercion and fear of repression, in modern nations, the “loyalty of citizens became something that had to be won” by the state by representing their interests.⁶ Authoritarian regimes cannot rely on the loyalty of their populations in crises. On the contrary, such societies are prone to uprisings and upheavals, as the “Arab Spring” has recently demonstrated.

The advantage of modern states is also that regular elections result in the emergence of a political centre that each mainstream political party fights to control. The existence of such a political centre, which is a result of a stochastic process (and the struggle to control which determines the machin-

5 Jürgen Habermas, The European Nation-State: On the Past and Future of Sovereignty and Citizenship, in: Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory*, Ciaran Cronin and Pablo De Greiff (eds), Cambridge, MA, 2000, p. 115.

6 David Held, the Development of the Modern State, in: Stuart Hall/David Held/Don Hubert/Kenneth Thompson (eds), *Modernity: an Introduction to Modern Societies*, Cambridge 1995, p. 71.

ations of almost every democratic election in the contemporary world) and cannot be determined from above, serves as a guarantor of the regime's stability and its resilience in the face of internal and external pressures.

Thus, social cohesion, the stochastically created political centre, and democratically secured political legitimacy are not only important for the social and political stability of a given nation, but also contribute to its external security. Drawing lessons from the history of wars in early modern Europe, David Held made an interesting observation: "It is a paradoxical result of the waging of war that it stimulated the formation of representative and democratic institutions", he writes. He also notes the existence of "a direct connection between, for example, the extension of the universal franchise and the emergence of modern infantry armies". If war "gave democracy an impetus within particular nation-states, the rights and principles of democracy were often explicitly denied to those who were conquered, colonized, and exploited by powerful nation-states", Held concludes.⁷

Uzbekistan has had little chance to demonstrate that it is capable of defending itself from serious external threats to its sovereignty. The country has never been involved in significant conflicts with foreign states or international terrorist groups. The key exceptions were two, ultimately unsuccessful, armed incursions by the Islamic Movement of Uzbekistan (IMU) in 1999 and 2000.⁸ In 1996, Uzbekistan also found itself facing a security threat on its southern border when the Taliban took control in Kabul. The threat had two aspects: First, the Taliban regime offered a safe haven for the IMU; and second, the Taliban and their imposition of a strict regime based on Sharia law across Afghanistan could have affected the spread of Islamic fundamentalism at least among some categories of Uzbek Muslims.

The US-led military operation in Afghanistan that began in 2001 prompted the IMU to join the Taliban-led military campaign against the US and NATO. This turn of events, and the losses the IMU suffered in US bombing raids on its positions in late 2001, were a relief for President Karimov. But the remaining IMU forces retreated to the Pashtun tribal belt along the Pakistani-Afghan border, which also became a stronghold for Taliban forces. Thereafter, the IMU seems to have gradually restored its military capability, at least in part, enjoying the support of both Al-Qaeda and the Taliban. However, in 2011, due to its deteriorating relationships with tribal leaders in North and South Waziristan, the IMU was forced into partial retreat within Afghanistan.⁹ This almost coincided with the Obama administration's decision to withdraw the bulk of US troops from Afghanistan by the end of 2014, followed by a similar decision by other NATO countries. This means that the Karzai regime in Kabul, which is affected by widespread cor-

7 Ibid, p. 79.

8 Cf. Marika Vicziany/David P. Wright-Neville/Peter Lentini, *Regional Security in the Asia Pacific: 9/11 And After*, Cheltenham 2004, pp. 116-117.

9 Cf. Militant Islamic Force Signals Return to Central Asia, IWPR Central Asia, 13 October 2010, at: <http://iwpr.net/report-news/militant-islamic-force-signals-return-central-asia>.

ruption and a lack of democratic credentials, and has failed to build sustainable state institutions, will have to deal with the Taliban without the assistance of the Western military forces that have so far assumed responsibility for most military operations carried out in the name of the current regime. Most likely, all parties involved, including the Karzai and Karimov regimes, will have learned the lessons of the Soviets' experience in Afghanistan, and will be perfectly aware of the likely fate of any regime installed there by occupying forces. As for Karimov, he faces the departure from Afghanistan of the US and NATO as a prelude to a new set of troubles in the south that may threaten Uzbekistan's stability and security.

One does not need a crystal ball to predict that, after the withdrawal, the Taliban will remount their attack on Kabul and, after a while, may regain control of the country, as they did several years after the withdrawal of Soviet troops in 1989. If this happens, would Uzbekistan then face a challenge from the Taliban regime? According to prominent Pakistani analyst Ahmed Rashid, the Taliban regime will most likely be preoccupied with Afghanistan's internal affairs¹⁰ and the consolidation of its power. To do this, the Taliban will need to deal with numerous socio-economic problems, issues of national-territorial integrity, and political stability, rather than resorting to any kind of expansionist policy towards their northern neighbours. Nor does Rashid believe that the Taliban will be willing to use the IMU as leverage against Uzbekistan.

However, anything is possible, including an increase in tension between the two countries. An escalation of this kind could, for instance, be triggered by the Uzbek regime's support of the Dostum regime in the north of Afghanistan, which would be seen by the Taliban and many Pashtuns as interference in the country's internal affairs. Indeed, in the past, the Karimov regime has given ample ground for such accusations by supplying Rashid Dostum and his regime with cash, weapons, and supplies. Karimov considered the Afghan territories adjoining to the Afghan-Uzbek border as a buffer zone, preventing the penetration of Islamic radicalism into Uzbekistan. He probably intended to contain the Taliban and prevent hardcore Islamists from approaching the Afghan-Uzbek border.

But should the Taliban reconquer Kabul, they will most certainly turn north against Dostum, whom they most likely regard as one of their worst enemies. He is accused of orchestrating the massacre of around 2,000 Taliban prisoners during their transfer, under the supervision of his people, from Kunduz to the Sheberghan prison in 2001,¹¹ an accusation he has denied.

10 Cf. *Insight with Ahmed Rashid – Pakistan on the Brink: The Future of America, Pakistan, and Afghanistan*, 18 April 2012, Frontline Club, London, at: <http://www.frontlineclub.com/events/2012/04/insight-with-ahmed-rashid---pakistan-on-the-brink-the-future-of-america-pakistan-and-afghanistan.html>.

11 Cf. Heidi Vogt, UN confirms Afghan mass grave site disturbed, in: *USA Today*, 12 December 2008, at: http://www.usatoday.com/news/world/asia/2008-12-12-2525047668_x.htm; see also Carlotta Gall, Study Hints at Mass Killing of the Taliban, in: *The New York*

After his most recent return from exile in 2009, Dostum reportedly made a statement in which he claimed he could “destroy the Taliban and al Qaeda” if supported by the US.¹² At the time of writing, the former warlord held the – largely ceremonial – post of Afghanistan’s Army Chief of Staff in recognition of his influence and the role of the north in providing stability in the country. Dostum is the leader of *Junbish-i Milli*, an organization dominated by Afghan Uzbeks, and one of the leaders of the National Front party, a re-configuration of the former Northern Alliance, which fought the Taliban in the past. Like the Northern Alliance, the National Front represents a coalition of Uzbek, Tajik, and Hazara minorities, with Dostum retaining control of an armed force comprised of ethnic Uzbeks.

In light of the US and NATO withdrawals, one would expect all the parties in Afghanistan that oppose the Taliban to come together. In reality, something different is happening. The latest developments indicate growing tensions between Dostum and the regime in Kabul. He and his loyalists are accused by the government in Kabul of disrupting oil exploration by China National Petroleum Corporation (CNPC)¹³ in the Amu Darya basin, in territories controlled by Dostum. His people are allegedly extorting part of the oil revenues from the Chinese, prompting the Afghan Attorney General to launch a probe. There are also allegations that Uzbekistan is behind Dostum’s efforts to prevent oil extraction near its borders.¹⁴ These developments highlight growing tensions between Kabul and Tashkent. It is likely that they would escalate further with the return of the Taliban.

The Taliban may find a number of other points of friction with the Karimov regime, including Uzbekistan’s claims to the water resources of the Amu Darya basin¹⁵ and the fact that Uzbekistan hosts NATO bases. It is evident that the main function of these bases is to prevent the Taliban from returning to power, and the Taliban are likely to get angry at the role played by Tashkent. If, in spite of efforts by the US and NATO, the Taliban manage to reassert their authority in Afghanistan, their leaders may resort to their own kind of containment politics, aimed at discouraging Uzbekistan from acting against the interests of Afghanistan (as they are understood by the Taliban). The Taliban’s most effective strategy would be to challenge Uzbekistan’s

Times, 1 May 2002, at: <http://www.nytimes.com/2002/05/01/world/study-hints-at-mass-killing-of-the-taliban.html>.

12 Afghan warlords will fight if U.S. gives weapons, in: *The Washington Times*, 22 September 2009, at: http://www.washingtontimes.com/news/2009/sep/22/afghan-warlords-will-fight-if-us-gives-aid/?feat=home_headline.

13 Cf. Hamid Shalizi, *Afghans say former warlord meddling in China oil deal*, Reuters, 11 June 2012, at: <http://uk.reuters.com/article/2012/06/11/uk-afghanistan-dostum-idUKBRE85A15X20120611>

14 Cf. Uzbekistan attempt to stop oil project in Amu River, in: *Khaama Press*, 25 June 2012, at: <http://www.khaama.com/uzbekistan-attempt-to-stop-oil-project-in-amu-river-944>.

15 According to water-management experts Walter Klemm and Sayed Shobair, Afghanistan contributes 22,000 million cubic metres of water to the Amu Darya basin, but consumes only 5,000 million. Uzbekistan contributes 5,000 million but consumes 33,000 million cubic metres, see: http://www.cawater-info.net/afghanistan/pdf/fao_report_2010_r.pdf.

relationship with Dostum by supporting Uzbekistan's own Islamic opposition, principally the IMU.

Challenges to Uzbekistan's Sovereignty

While the outlined scenario is not imminent, it cannot be ruled out. Uzbekistan should therefore try its best to live in peace with its southern neighbour, regardless of what party is in power there. It should also be prepared to face any turn of events, including the escalation of a conflict between the two nations.

In the worst case scenario, it is not obvious who and what would guarantee Uzbekistan its security and national sovereignty. Would the Karimov regime continue to rely chiefly upon global and regional powers, such as Russia and the US?¹⁶ Given President Vladimir Putin's aspiration to create a Eurasian Union of ex-Soviet republics,¹⁷ if it were to rely upon Russia, Tashkent would be expected to concede at least part of its sovereignty. That would downgrade the country's status, recalling the way the Bukhara and Khiva Khanates ceded their prerogative to set their own foreign policy to the Russian Empire in the 19th century.¹⁸ Seeking to avoid just such a fate, Karimov suspended Uzbekistan's membership of the Moscow-controlled Collective Security Treaty Organization (CSTO) in June 2012,¹⁹ and has once again embraced a strategic partnership with the West and NATO. It is likely that Karimov received assurances that the US would not support a colour revolution in Uzbekistan, as well as remuneration in the form of lucrative procurement and rental contracts.

This rapprochement with the West opens a Pandora's box of risks. Western military bases on Uzbekistan's territory will likely infuriate the Taliban, and will subject the country to terrorism or hostilities from them and their proxies. For the West, the militarization of Uzbekistan may become an embarrassment, akin to what happened in Egypt, where the US heavily invested in the non-democratic Mubarak regime for similar pragmatic reasons, which was toppled by its people in 2011.

16 As for China, it is unlikely to take sides in any conflict, as it has interests in both countries.

17 Cf. Putin calls for "Eurasian Union" of ex-Soviet republics, *BBC News Europe*, 4 October 2011, at: <http://www.bbc.co.uk/news/world-europe-15172519>.

18 Both khanates were forced to accept the status of protectorates of the Russian Empire and to give up their right to define their own foreign policy.

19 Cf. Uzbekistan suspends its membership in Russia-dominated security grouping of ex-Soviet nations, Associated Press, published in *The Washington Post*, 28 June 2012.

An alternative to Uzbekistan's submission to patron states, one that would allow it to retain full sovereignty, would be to build its own capacities to withstand serious external threats and challenges. Here, it is once again important to stress that military and civil capacities are equally important for Uzbekistan's security.

First, let us consider how Uzbekistan's military capabilities compare to those of Afghanistan. Upon first glance, the situation does not look too bad for the former. In 2010, Uzbekistan's military forces had total manpower of 48,000.²⁰ The Uzbek army is relatively well equipped, armed mainly with weapons left in Uzbekistan after the collapse of the Soviet Union. According to the London-based International Institute for Strategic Studies, in 2010 there were 340 tanks (and a further 2,000 units in storage), 399 tracked (BMPs) and 309 wheeled (BTRs) mobile armoured vehicles, as well as 523 artillery and mortar units of various types.²¹

Uzbekistan's air force has 49 tactical bombers: 26 SU-17s and 23 SU-24s, and two fighter regiments, the first consisting of 20 SU-25 attack planes and the second of 30 MiG-29 fighters and 25 multipurpose SU-27 fighters. The Uzbek air force possesses 41 transport aircraft and 110 helicopters.²² For the training of officers from all branches of its military forces, Uzbekistan has four military colleges and an academy.²³ According to the CIA World Factbook, Uzbekistan had a military budget of 3.291 billion US dollars in 2010, calculated in terms of purchasing power parity (PPP – 1.422 billion, calculated in terms of the foreign exchange rate).²⁴

Afghanistan's National Security Forces (ANSF) had a strength of 164,000 in 2011²⁵ (more than three times that of Uzbekistan), and this is expected to increase to 240,000 by 2014, with reserve capacity to be increased in addition.²⁶ The army suffers from a lack of basic skills, as roughly 86 per

20 Cf. Natsionalnaya Oborona, "*Nejtralizovat' i dat' dostoinyi otpor*" ["Neutralize and Deservedly Repulse"], March 2012, at: <http://www.oborona.ru/includes/periodics/geopolitics/2011/0516/21276148/detail.shtml>.

21 Cf. The International Institute For Strategic Studies (ed.), *The Military Balance 2010*, London 2010, p. 373.

22 Ibid.

23 Cf. Voennyi Informator, *Vooruzhennyye sily Uzbekistana* [Armed Forces of Uzbekistan], at: <http://www.military-informant.com/index.php/force/382-uzbekistan.html>.

24 Cf. Central Intelligence Agency, *The World Factbook*, Central Asia, Uzbekistan, at: <https://www.cia.gov/library/publications/the-world-factbook/geos/uz.html>.

25 Cf. Cheryl Pellerin, *Afghan Security Forces Grow in Numbers, Quality*, U.S. Department of Defense, American Forces Press Service, 23 May 2011, at: <http://www.defense.gov/news/newsarticle.aspx?id=64044>. According to other sources, however, the Afghan military has a total strength of 300,000. See CJ Radin, *Funding the Afghan National Security Forces*, in: *Threat Matrix, A Blog of The Long War Journal*, 16 September 2011, at: http://www.longwarjournal.org/threat-matrix/archives/2011/09/funding_the_afghan_national_se.php.

26 Cf. BBC News, *Obama 'mulls Afghan army boost'*, 19 March 2009, at: <http://news.bbc.co.uk/1/hi/7952085.stm>.

cent of recruits are illiterate.²⁷ However, intensive literacy and numeracy courses provided by the NATO Training Mission – Afghanistan (NTM-A) are taking place. Apart from that, an elite corps of nine hundred commandos armed with the latest NATO equipment is being intensively trained by American instructors.²⁸ No less important is that both the Afghan military forces and the Taliban have extensive war experience.

Until recently, Afghanistan's large manpower capacity stood in sharp contrast to its less impressive armaments, technical, and professional capacities. However, the situation is rapidly changing due to extensive US and NATO investment in rebuilding Afghan military forces. The military budget is not transparent, and it is not clear how much the US and NATO are contributing. According to the CIA World Factbook, Afghanistan's military budget in 2009 constituted 1.9 per cent of GDP, which would be 570 million US dollars in 2011 (the last year for which GDP data is available). In all likelihood, this sum represents only internally generated funds and does not include the foreign aid that is being used to build the Afghanistan military forces through the Combined Security Transition Command – Afghanistan (CSTC-A). The latter does not report to the Afghan government, but to the International Security Assistance Force (ISAF),²⁹ and, in particular, to its commander, COMISAF. CSTC-A is an opaque structure, whose website has recently been taken offline. Other sources suggest that with foreign aid, the military budget of Afghanistan reached 11.6 billion US dollars in 2011 (roughly 3.5 times larger than Uzbekistan's current military budget in terms of PPP), an increase from 2.75 billion dollars in 2008.³⁰ The US has reportedly delivered at least, 2,500 Humvees (high-mobility multipurpose wheeled vehicles) to Afghanistan and tens of thousands of M-16 assault rifles and body armoured-jackets.³¹ However, Washington is said to be seeking to reduce its contribution to between two and three billion dollars annually.³²

The Afghan Air Force, which shrank as a result of the long period of civil war, is currently being rebuilt and modernized by the US-led multinational Combined Air Power Transition Force (part of the US-led CSTC-A). As of 2011, the Afghan Air Force had 65 aircraft (in comparison to Uzbekistan's 181), most of which had been refurbished, including 17 US-made C-27A

27 Cf. The Asia Foundation, *The Canadian Press: 86% of Afghan Army Recruits are Illiterate*, 7 June 2011, at: <http://asiafoundation.org/news/2011/06/the-canadian-press-86-of-afghan-army-recruits-are-illiterate>.

28 Cf. Afghanistan online, *Afghan Army Grows by More Than 900 Commandos*, 18 August 2010, at: <http://www.afghan-web.com/military/afghancommandos.html>

29 For details of ISAF's organizational structure, see: <http://www.isaf.nato.int/isaf-command-structure.html>.

30 Cf. CJ Radin, Afghan National Security Forces Order of Battle, in: *The Long War Journal*, 25 April 2011, at: <http://www.longwarjournal.org/oob/afghanistan/index.php>.

31 This data is taken from the Wikipedia article "Military of Afghanistan", which, in turn, cites www.afghannews.net, a now defunct website. See: http://en.wikipedia.org/wiki/Military_of_Afghanistan#cite_note-36.

32 Cf. CJ Radin, *Funding the Afghan National Security Forces*, cited above (Note 25).

Spartan transport aircraft³³ and a number of Ukrainian Antonov AN-32 transporters, as well as several Mi-17 and Mi-24 helicopters. Plans exist to increase the overall number of aircraft to 100, and the US intends to spend around five billion dollars to raise the strength of the Afghan Air Force to around 120 aircraft by 2016. Most Afghan pilots were trained by the Soviets, while aircrew are now being trained by Americans. It was also announced that the Afghan military would be provided with 145 multi-purpose aircraft and 23,000 vehicles. In October 2010, the helicopter fleet reached 31 (compared to 110 in Uzbekistan), and the Afghan Ministry of Defence plans to receive deliveries of another 21 by 2013, bringing the total Mi-17 fleet to 56.³⁴

Table 1. Statistical Comparison of Afghanistan and Uzbekistan

	Uzbekistan	Afghanistan
Population (Uzb. 2011; Afg. 2102, est.)	28,394,180	30,419,928
GDP, PPP US \$bln (2011)	94.04	29.74
Military Budget US \$bln (2011), PPP	3.291	11.6
Military Budget US \$bln (2011), foreign exchange rate	1.422	11.6
Literacy (%)	91	36

Sources: CIA World Factbook; Marvin G. Weinbaum, *Afghanistan and Its Neighbors. An Ever Dangerous Neighborhood*, US Institute of Peace Special Report, No 162, June 2006.

Also noteworthy is the fact that, in July 2012, the international donors, led by the US and Japan, agreed to provide Afghanistan with at least 16 billion US dollars in development aid by the end of 2015. This was in addition to the 4.1 billion the same donors had pledged, two months earlier, in May 2012, would be transferred to Afghanistan annually for the Afghan army and police after 2014.³⁵ Thus, military and security aid is going to match the aid Afghanistan receives for economic development, proportions probably never seen by any country in the world.

Taking into account the Afghanistan military's manpower, budget, equipment, and long war experience, it is not difficult to imagine that by the end of 2014, the Afghan military may emerge as one of the strongest in the Central Asian region, including all the post-Soviet states. The spectre of a

33 Cf. Gary Parsons, More Spartans for Afghanistan, in: *key.aero*, 27 September 2010, at: http://www.key.aero/view_news.asp?ID=2545&thisSection=military.

34 Cf. Elizabeth Burke, Afghan Air Force Helicopter Fleet Grows To 31, in: *Afghanistan Online*, 5 October 2010, at: http://www.afghan-web.com/military/aaf_helicopters.html.

35 Cf. Chester Dawson, Donors Pledge \$16 Billion Afghan Aid, With New Strings, in: *The Wall Street Journal*, 8 July 2012, at: <http://online.wsj.com/article/SB10001424052702303567704577514103467478784.html>.

highly formidable ANSF will make Uzbekistan, both its leadership and population, feel insecure.

The reasons for concern are abundant. The growth of Afghanistan's military force against the background of its weak state institutions, poor economy (compare its GDP and military budget), poverty, and weak secular civil society, may itself become a source of instability. The disparity between military and civic institutions, in terms of their financial capacities and influence, may tempt army generals to play their own politics, as happened in neighbouring Pakistan or in Egypt where the military became a state within a state, totally unaccountable to society. It is as yet unclear whether the unpopular Karzai regime or the politically and socially backward, but highly organized Taliban will ultimately exert real political control over the army, or whether the generals themselves will form an untouchable elite caste. The future of Afghanistan, as well as its impact upon the whole region, will depend on the outcome of relationships within this triangle of major actors. The situation is also complicated, as we note above, by tensions within the current ruling regime, between factions representing Pashtuns and ethnic minorities, between Kabul and the provinces.

What should Uzbekistan's response be to this looming uncertainty? It is clear that in its current political and economic condition, Uzbekistan is unlikely to be capable of withstanding – by itself – a possible military conflict with Afghanistan or any of Afghanistan's major armed factions. Not only because of the lack of cash, modern weapons, and supplies, but also due to the lack of the loyalty of its own population to the ruling regime. Frequent cadre reshuffles in the army suggest that Karimov mistrusts the military, too. During the post-Soviet period, Karimov has replaced the Minister of Defence six times,³⁶ and army officers have faced criminal charges for alleged corruption on several occasions. One wonders what Islam Karimov would fear more: defeat by Afghanistan in the battlefield or an uprising by a discontented population on the home front? Karimov has been always unable to conceal his nervousness with regard to a possible scenario of "colour" revolutions or an "Arab Spring" style upheaval in Uzbekistan. That is why he has always overreacted to domestic dissent, seeing it as a threat to his regime. His crackdowns have been harsher than those of any other post-Soviet regime save Turkmenistan. In a country where thousands of Muslims are languishing in prison for their religious views, where all imaginable civil freedoms are suppressed, where corruption is omnipresent, and export revenues are used to subsidize the luxurious lifestyles of the president's daughters, any ruler would quickly realize that he is sitting on a powder keg. In such a situation, even a minor external shock may cause destabilization and upheaval within the country. Therefore, Afghanistan represents a challenge not so much in

36 Cf. Uzmtronom.com, *General'y peschanoi kar'ery* [Sandpit Generals], 13 January 2009, at: http://www.uzmtronom.com/2009/01/13/general'y_peschanojj_karery.html.

terms of the threat of invasion (which is unlikely) than as a factor that may trigger an uprising or a coup within Uzbekistan.

That is why Karimov is so desperately seeking alliances with greater powers to protect not only the country from external threats, but also his own regime from home-grown revolutions. However, dependence on patron states bears risks of its own. Uzbekistan risks sacrificing its sovereignty and cherished stability. While it is indeed difficult to avoid dependence on major powers, this dependence could be reduced to an acceptable level if the government enjoyed the support of its own population. But popularity can hardly be achieved exclusively by means of propaganda and brainwashing, as the Karimov regime tries to do. What is needed to raise the spirit of the nation is to let the civil society grow, unleashing grass-root initiatives of which Karimov has been always suspicious. NATO's withdrawal from Afghanistan will be a moment of truth for the current regime in Uzbekistan and will yield some answers to the question of whether its ideology of *mustaqillik* was a hollow declaration or a value that Uzbek society is ready to stand and fight for.

Hungary's Authoritarian Rule and European Values

It is seldom good news for a state to make it onto the front pages of the leading dailies of the world. Hungary has been making headlines for various reasons since the April 2010 elections and the formation of its new (moderately) conservative government. There are exceptions, however. Nearly quarter of a century ago, in the late 1980s, Hungary had a high profile in the world at large and played a positive role, often also “punching above its weight”. The situation is different nowadays. Its high profile is often not accompanied by positive associations.

This contribution cannot venture to offer a full picture of the first two years of the government of Viktor Orbán that was formed in 2010. It has a more limited objective: to assess whether Hungary continues to share “European values” or whether the challenge it represents has gone beyond what common sense and the European consensus would accept from a European democracy, a member state of the European Union and the Council of Europe, and an OSCE participating State. The rules are broadly defined on the surface but require further elaboration. Democracy, respect for human rights, and the rule of law are certainly among them. These are the foundations upon which the political systems in most European states – and not only those that are members of the European Union – are built. The issues dealt with by OSCE, Council of Europe, and EU documents significantly overlap and also complement each other.

The case of Hungary matters not only for its own sake, but also because it is the first fully integrated state that has presented a comprehensive challenge and tested the limits of what is acceptable or at least tolerable in Europe as far as democracy is concerned. As elements of similar tendencies (domination of the media, challenging the independence of the judiciary, installing an election system that would perpetuate the government in office) are permanently or temporarily present in other European (and not only East-Central European) countries, it is important to see the nature of the challenge presented by the Orbán government in the last two years. Can cases such as Hungary's new constitutional set-up or Romania's constitutional “coup d'état” in the summer of 2012 set examples that erode democratic requirements and provide arguments for states to follow?

Hungary: The Unabated Decline of a Small State

There is hardly any doubt that Hungary was among the leading reform countries at the time of the system change at the end of the 1980s and the begin-

ning of the 1990s. The transition to democracy took place in a negotiated process with the active, hesitant rather than reluctant co-operation of the reform-orientated communists. There are three legacies of the 1970s and 1980s that must be emphasized: 1. The regime of János Kádár (1956-1988), after the dark years of retaliation for the 1956 revolution (1956-63), was making steady efforts to gain the support of the population through gradual economic improvement (the terms “frigidaire socialism” and “goulash communism” spring to mind). That made Hungary “the happiest barracks” in Eastern Europe, as it was called at the time. However, Hungary was not competitive enough to finance the level of welfare it offered to the population to placate it. The result of this was that Hungary became the most indebted country in East-Central Europe, particularly in per capita terms, and carried this baggage beyond the system change. The impression gained by the population, however, was that a state can permanently live beyond its means. 2. Although the Kádár regime was a one-party dictatorship, it operated in its last two decades on the basis of not creating “martyrs”. While Václav Havel was imprisoned in Prague and Lech Wałęsa interned in Poland, the Kádár regime used softer and more differentiated methods. The small group of dissidents lost their jobs, could not travel (except when co-operating with the internal counter-intelligence service) and faced intensive monitoring. Some, like the philosophers who belonged to the György Lukács circle and some sociologists, got passports to leave the country and settle in the West. It was nothing brutal, just highly unpleasant for those affected. 3. Thanks to Kádár’s personality, among other things, Hungary was the least corrupt country in Eastern Europe. No communist leader (in contrast to neighbouring Romania) enriched himself, which meant that they could not be challenged on that basis after the system change.

The democratic system installed in 1990 gave priority to political stability. One result of this was that there has never been any need for early elections, with the parliament completing its four-year term every time. The most important “ground rules”, including the constitution of the country and what are known in Hungary as “cardinal laws” (and as “organic laws” in other legal systems), which regulate certain state institutions (courts, prosecutor’s office) and human rights, could be changed only by a qualified (two-thirds) majority. It was foreseen that no political force would have such a majority on its own. Hence, the system has required constant compromise-seeking and compromise-making from the main political forces. During the last 22 years there were only two governments that enjoyed a majority bigger than two-thirds. These were the government of Gyula Horn between 1994 and 1998 and the government of Viktor Orbán since 2010. However, there were two major differences between the two: 1. Gyula Horn’s government was a real coalition consisting of the Socialist Party and the Alliance of Free Democrats, two parties with very different historical backgrounds, profiles, and priorities. Viktor Orbán’s current government is a virtual coalition be-

tween the Alliance of Young Democrats – Hungarian Civic Union (Fidesz-MPSZ) and the Christian Democratic People's Party. Very few people vote for the latter, which is effectively an appendix of the former. 2. Gyula Horn's government decided not to (ab)use the entitlement inherent in its overwhelming majority and decided to draft a new constitution only if it had been approved by a four-fifths majority, i.e. supported at least by a part of the opposition. Therefore, Hungary ended up as a country which, although with a constitution that had been fundamentally revised in 1989 and with the third Hungarian republic, replacing the Hungarian People's Republic, having been declared on 23 October 1989, had in some superficial and purely formal sense continued to operate with a constitution that dated back to the late 1940s. As Viktor Orbán put it during the election campaign of 2010: "Small majority, little change – big majority, major change". His implication here was that if he cleared the two-thirds hurdle, he would exploit every opportunity inherent in the entitlement thus gained.

There is no space here to present, let alone analyse, the development of Hungarian democracy over the past 23 years. Yet there are two factors from recent history that must be emphasized because they are important for understanding the present. The previous Socialist-Liberal coalition held governmental responsibility between 2002 and 2008 and then gave way to a Socialist minority government, which in turn was replaced by the technocratic government of Gordon Bajnai a year later. It is an undeniable historical achievement that for the first time in Hungarian post-system-change history, a sitting prime minister could lead his party to victory and gain a second consecutive term in office. The Socialist-Liberal coalition that came to power in 2002 built social consensus by excessive spending and only stopped when the budget deficit reached an unmanageable level. In some ways it was reminiscent of the Kádár era, the illusion that the country could permanently live beyond its means. Ferenc Gyurcsány, a charismatic politician who governed the country between 2004 and 2009, tried to address some of Hungary's pertinent problems ranging from the excessively expensive major distributional systems (healthcare, social services, higher education) to greater transparency in party financing. However, five factors did not help him: 1. Following the leaking of his speech to the Socialist parliamentary group in which he admitted to having systematically lied about the state of the country's economy before the 2006 elections, he largely lost legitimacy. This was aggravated by the excessive use of police force against the demonstrators who went onto the streets in the autumn of 2006 to protest against the prime minister's admitted lies. The situation was aggravated by the not totally unfounded impression that the government was not immune to corruption, either being actively involved in it or tolerating it.¹ 2. The ensuing global financial, and subsequently

¹ Hungary's ranking on the corruption perception index of Transparency International moved from 40 (on a scale of 133 states and territories) to 54 (on the scale of 183 states and territories) between 2003 (the first year based on information collected when the So-

economic, crisis had an unfavourable effect on the already vulnerable country. The country was exposed to financial speculation. Hungary had to rely on the assistance of the EU and the IMF. This was understandably accompanied by austerity measures. Even though the Gyurcsány and Bajnai governments managed the situation fairly well, the economic hardship further weakened what little popularity the Socialist Party was left with. 3. The governing coalition faced an entirely non-constructive opposition that used every populist trick known from the history of parliamentary democracy to undermine the government. They did not support any government initiative, even though they have now introduced many of them themselves since taking over the reins of government in 2010. They did not participate in the sessions of parliament, leaving only one party mouthpiece in the chamber to undermine everything the government represented. 4. The Socialist-Liberal coalition, irrespective of the Socialist parliamentary group's far greater size, implemented the agenda of the Liberals, presenting it as though there were no alternatives, far too frequently and more often than not arrogantly. The intellectual arrogance of the Alliance of Free Democrats often skated on thin ice as far as its intellectual foundations were concerned. Its inattentiveness in communicating messages to the less educated social strata also helped to weaken the coalition. 5. Last but not least, the Socialist Party was internally so diverse that the prime minister had to spend an excessive amount of time on finding compromises on the smallest and largest issues alike, which he could start "selling" to the coalition partner and, if any of his initiatives cleared both hurdles, then to society at large. Due to objective and subjective factors, a large part of the population simply grew tired of the faces it had seen for eight years.

Several major changes occurred in the elections of 2010: 1. The Alliance of Young Democrats – Hungarian Civic Union and the Christian Democratic People's Party achieved a landslide victory and has held 263 seats in the unicameral parliament of 386 MPs since then. 2. The Socialist Party, although still the second-largest group, had only 59 seats in the legislature. 3. Two new political forces appeared: a) the radical nationalist (as they call themselves) or extreme right (as many regard them) Jobbik (The Movement for a Better Hungary), which flirts with irredentist ideas, has connections with fascist paramilitary groups and anti-Roma and anti-Semitic forces and has formed the third largest fraction group with 47 seats; b) a new liberal party called "Politics Can Be Different" (*Lehet Más a Politika*, LMP) took many liberal votes and formed a 16-member group. 4. The two parties which had formed the largest group in parliament between 1990 and 1994 and were

cialist-Liberal government was in office) and 2011 (the last year that was partly based on information before Fidesz [*Fiatal Demokraták Szövetsége*/Alliance of Young Democrats] took office). See at: http://www.transparency.org/policy_research/surveys_indices/cpi/2003 and <http://www.transparency.org/cpi2011/results>.

in the vanguard of the system change, the Hungarian Democratic Forum and the Alliance of Free Democrats, lost their parliamentary representation.

The political landscape has changed, and not only because of the two-thirds majority of the Alliance of Young Democrats – Hungarian Civic Union and the Christian Democratic People's Party that has existed since 2010. Another major development is that the structure of parliamentary politics has changed. Between 1990 and 2010, the political spectrum in parliament was divided into two large groups: the left and the liberals on one side and the conservatives on the other. Three governments were formed by the former, two by the latter. The extreme right entered parliament only once (1998–2002) when the Hungarian Justice and Life Party led by István Csurka had 14 seats. In 2002 the extreme right was not re-elected to the legislature and since then has in fact disappeared from the political map. Since 2010, the political spectrum has been divided into three distinct groups that would be most unlikely to be able to form a coalition government. The left (the Socialist Party and the new party established by former Prime Minister Ferenc Gyurcsány, the Democratic Coalition), the “moderate” conservatives of Viktor Orbán's Young Democrats, and the extreme right Jobbik party will probably constitute three distinct parts of the political spectrum in the long term, also in the legislature.² Consequently, there is every reason to assume that no political force will have a two-thirds majority any time soon. Consequently, the Orbán government that took office in 2010 has a quite unique opportunity to change the constitutional system in a manner that cannot be revised constitutionally in the foreseeable future. This was reflected in the early pronouncements of the prime minister in which he spoke of a power centre overcoming party divisions, with his party apparently constituting it for the next ten to 20 years. Although there have been no further comments of this kind lately, it is certain that the agenda has not changed.

The Alliance of Young Democrats – Hungarian Civic Union and the Christian Democratic People's Party returned to power after eight long years in opposition. They have successfully hidden most of the concrete elements of their election programme, likewise their future government programme. They could safely count on a population that was disillusioned with the politics of the left (and the liberals). At the same time, however, people were also tired of politics in general. Many just wanted to have a better life. Some of the promises and earlier actions of the conservatives gave an indication of this. Lower, flat-rate income tax, healthcare on a social basis, and no tuition fees in higher education were parts of this vague promise. There was no delivery on some of the promises, while those elements that have been realized, such as the flat-rate income tax, turned out to be detrimental to economic consolidation and the prosperity of the country. The prime minister's post-

2 Politics Can Be Different (*Lehet más a politika*/LMP) – which entered the legislature in 2010 for the first time (and politics not much earlier) – does not seem to be in a position to form a fourth political platform, in spite of a liberal agenda.

election promise to create one million jobs during the next ten years seems totally unrealistic today, more than two years after the elections.

The Orbán government formed in 2010 had a unique opportunity to gain and retain popularity by delivering on the development of the economy and depoliticizing a society that was sick and tired of constant political haggling. The new government could also have made a difference if it had shown itself to be far less corrupt than its predecessor(s), including the first Orbán government of 1998-2002. The deal that was looming on the horizon was not realized. Economic prosperity has not been achieved (the country is actually the only country in the “Visegrád group” to be in recession), unemployment has soared if those who have to work in order to acquire minimum social benefits are not counted, low incomes are taxed more highly than before the introduction of the flat-rate income tax, and the number of state-sponsored places in higher education has been massively reduced. Quality health care is available to those who use connections, corruption, or pay extra to jump the queue for non-urgent treatment. The general impression is that corruption, although difficult to measure, has not declined, and may even have increased.³ There is an increasing gap between promises and delivery. Consequently, the desired social consensus has not been achieved. It is clear that the Orbán government missed an opportunity.

The limitless possibility of codifying anything in law by a two-thirds majority, including the passing of a new constitution, has been extremely tempting from the very first days of the Orbán government. The realistic assumption that no government will have a similar majority for many years to come increases the temptation further. There is a fair chance that the current government will be able to determine the constitutional order of the country far into the future. Last but not least, the vanishing (or at least significantly declining) support for the government means that they are more likely to make full use of the current opportunity.

The left-liberal opposition is not only divided but also paralysed. This is due to the following factors: 1. It has still not recovered from the shock of its defeat in 2010 (repeated at the local elections in the autumn of 2010). 2. The only visible charismatic politician on the left, former Prime Minister Ferenc Gyurcsány, is one of the most widely rejected politicians in the country. 3. The unimpressive leader of the Socialist Party believes he may become prime minister. 4. The changes introduced by the current government certainly present a dilemma for those considering their chances. Namely, what to do if the left comes to power with a simple majority and does not have any chance of changing the fundamentals established by the current regime on the basis of a qualified (two-thirds) majority. One may easily get the impression that this is

3 In 2012, drawing on interviews conducted in 2011, Transparency International ranked Hungary 46th of 176 countries on the Corruption Perception Index, a significant improvement, at: <http://transparency.org/cpi2012/results>.

why there is a lot of hesitancy in presenting a more assertive challenge at the next elections in 2014.

It is not entirely clear what the opposition hopes for. Does it believe that due to the increasingly desperate economic situation (and certainly not because of the systematic curtailment of democracy), the population will remove the regime in an extra-constitutional process? Or does the opposition hope that the situation will become so desperate that the elections will bring another political force to power on the basis of protest votes? As time elapses the likelihood of a change of government at the next elections is becoming increasingly slim. However, it is necessary to take into account the declining popularity of the government due to a series of incompetent decisions.

The Hungarian Model and European Values

Since Orbán's election victory in the spring of 2010, observers have been speculating about the nature of the regime. Comparisons ranged from populist (Berlusconi) to authoritarian nationalist (Putin),⁴ to populist dictatorial (Chávez),⁵ to outright left-wing dictatorial (Lukashenko)⁶ systems. As is often the case, none of them describe the evolving regime accurately. It is a genuine system, even though the term *sui generis* apparently says little about what it is rather than what it isn't. What are the main characteristic features of the political system built by the Orbán government?

Its most important characteristic feature is that it attempts to maximize sovereignty and reduce external influence on Hungary in both an economic and a political sense. External interference should be limited, and if possible eliminated. The question of whether this could be successful in a country which is deeply integrated both in terms of international institutions and, as far as the economy is concerned, at grassroots level, and which is small, largely free of natural resources and short of capital⁷ does not require too

4 Cf. The Putinization of Hungary, in: *The Washington Post*, 26 December 2010.

5 Cf. Ungarns Premier Viktor Orbán nimmt Kampf mit Europa auf [Hungary's PM Viktor Orbán Takes the Fight to Europe], in: *Welt Online*, 20 January 2011, at: http://www.welt.de/print/die_welt/politik/article12254871/Ungarns-Premier-Viktor-Orban-nimmt-Kampf-mit-Europa-auf.html. The head of the Green group in the European Parliament, Daniel Cohn-Bendit, said in the European Parliament when Prime Minister Orbán appeared there as the President of the European Council: "You are on the way to becoming a European Chávez." European Parliament, Debates, Strasbourg, 19 January 2011, at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20110119+ITEM-005+DOC+XML+V0//EN&query=INTERV&detail=3-053-000>.

6 As mentioned by Nick Cohen, Who will confront the hatred in Hungary? In: *the guardian/The Observer*, 2 January 2011, at: <http://www.guardian.co.uk/commentisfree/2011/jan/02/hungary-repression-wikileaks-assange>.

7 Hungary is far from the only country of East-Central Europe that has been historically short of capital, making it dependent upon the transfer of external financial resources. There were times when this was overshadowed by Hungary's integration into larger entities, as in the Habsburg empire and the Austro-Hungarian Monarchy until 1918, then in the second half of the 1930s in the *Grossraumwirtschaft* of Germany, then again in the

much consideration. In the political sense such ideas are doomed, as Hungary has been part of a value community rather than an island of sovereignty. In the domestic context, the most important issue for the current government is to stop and reverse the erosion of state power. Whether this is due to the genuine disillusionment with liberalism and the reduced role of the state or whether it is just camouflage to retain state power is secondary. Irrespective of the ideology, it is the single most important characteristic feature of the current government of Hungary that it represents a statist approach to the management of public affairs. It is reducing the autonomy of society and interfering massively with economic relations, very often without pursuing a rational line.

The prime minister now speaks openly about the reasons why the government felt obliged to sever relations with the IMF in order to avoid intrusive oversight over its “unorthodox” economic measures: “If the IMF had stayed in the country, the cost of financing state debt could have been reduced by 100 billion forints per year. However, we could not have used 200 billion forints per year – 600 billion over in three years – for crisis management in the banking sector, we would not have been able to raise an extra 160 billion forints – 480 billion over three years – through the crisis tax, and it would have been impossible to re-organize the pension system so that 30 billion forints would not leave the pension reserves every month, but instead would be added to them.”⁸ Space does not permit a thorough analysis of the prime minister’s statement here. Suffice it to say that he referred only to the direct costs of not taking further credit from the IMF and financing the economy at much higher market interest rates. He failed to mention that due to the special tax levied on the banking sector, profitability has declined, resulting in reduced recapitalization of the commercial banks and thus the drying up of credit, which resulted in a low investment rate that has in turn contributed to recession, and that the legality of extraordinary taxes levied on some sectors, such as telecommunications, will be questioned before the European Court of Justice. Last but not least, the prime minister stopped short of saying that the confiscation of resources from private pension funds has certainly undermined respect for private property and resulted in capital flight. The money

“community” of socialist countries (both through the Council for Mutual Economic Assistance/CMEA and bilaterally) between the late 1940s and the late 1980s and nowadays in the EU. These helped to overshadow the dependency on foreign capital for some time. However, the circumstances are fundamentally different nowadays because of the global competition for capital that is weakening the relative position of the European periphery. Historically, the deepest analysis of these phenomena has been carried out by the Hungarian UCLA professor Iván T. Berend. For the political implications, see his What is Central and Eastern Europe? In: *European Journal of Social Theory* 4/2005, pp. 401-416, particularly pp. 410-411, available at: <http://www.uk.sagepub.com/suder/Chapter%203%20-%20Berend.pdf>.

8 Orbán: “vashideg logka, csigavér, higgadtság” [Orbán: “Ice-cold logic, keeping cool, soberness”], in: *Népszava*, 26 July 2012, at: <http://www.nepszava.hu/articles/article.php?id=572195> (author’s translation). One euro equals approximately 280-300 forints, i.e. 100 bn forints equals 333 to 357 million euros.

arriving in the state budget from private pension funds was spent and the individuals who trusted the notion that a complementary social pension from private funds was a good idea lost their savings.⁹ Taking all this into account, it is only economic illiterates who believe that some of these unorthodox methods of state financing resulted in a net positive effect. Hungary has the lowest rate of investment in the Visegrád group, and is the only country from among the four states that is in recession.

When challenged, the government often argues in favour of its hasty changes to many elements of the political and economic system through feverish law-making by asserting that it has received the mandate from the people. This is a traditional argument of many who come to power in democratic elections and then make decisions that curtail democracy. Basically, it carries this message: Don't subject the executive power to democratic control between two elections. The hasty legislation and unpredictability are not only inherent in the two-thirds majority of Fidesz in the parliament; they also result from the elimination of checks and balances and the concentration of power in very few hands in Hungarian politics. If there is anything that alienates foreign investors, it is unpredictability. No new foreign direct investment is coming in, some investors are relocating to other countries and the largest investors are, at best, increasing the capacity they established previously.

It is certain that arguments concerning the de facto subordination of the legislature to the executive, rather than the other way round, are inherent in a structure where one political force wins the elections with an overwhelming majority. It is more a question of how a political force should use such a comfortable majority. It is about whether the overwhelming majority in parliament should be used to curtail human rights and limit the power of other branches of government, such as the judiciary. Does it benefit democracy if a large proportion of new laws is initiated by individual MPs so that, under the parliamentary rules of procedure, they would not be subjected to detailed discussion in the parliamentary committees and hence significantly curtail the democratic control function of the legislature? It is all the more interesting whether the two-thirds majority could be used to prevent successive governments from replacing certain high-ranking state officials such as the Prosecutor General, the President of the State Audit Office, the Head of the National Office for the Judiciary or the Head of the National Media and Communications Authority. Their term of office lasts for nine or, in the case of the President of the State Audit Office, twelve years, and those who hold these functions can be replaced only by a two-thirds majority. Each of the four persons has privileged links with Fidesz party politics and now the government: Two of them are former Fidesz MPs, candidates for parliament on

9 It is seldom asked whether this clear violation of the rule of law had an impact on the flight of private earnings to bank accounts in neighbouring countries, first and foremost to Austria and Slovakia. The fact that banks in both countries advertised to welcome Hungarians to open accounts indicate that there was some interest in it. It is certain, however, that the loss was disproportionate compared to the amount confiscated by the state.

the Fidesz party list or the spouse of an influential Fidesz MEP. If we say that their main role will be to make the life of any successor government extremely difficult if not downright impossible, then we are not far from the truth. They will all have their respective functions: The President of the State Audit Office will guarantee that the appropriation accounts of a government with a different political orientation would not be approved, and if it disapproves of them a constitutional crisis could break out. The Prosecutor General can guarantee, in certain cases, that the judiciary cannot investigate a crime without initiating a formal prosecution. The very same person was already Prosecutor General between 2000 and 2006, when he effectively blocked certain politically sensitive cases from coming to court after the Socialist-Liberal government was formed in 2002. Hence, there is established practice which demonstrates the politicization of this function. The Head of the National Office of the Judiciary is entitled, among other things, to assign cases to different courts in order to guarantee an even workload. It has already taken the initiative in a high-profile political case.¹⁰ Similar changes will occur when the term of office of the President of the Hungarian National Bank expires in the spring of 2013. Thereafter, a Fidesz politician will be appointed to the post, and the Monetary Council will also be dominated by government appointees.¹¹ The introduction of the latter measure had to be postponed after protests by the European Central Bank. This measure would result in significant changes, as the Monetary Council makes decisions concerning the reserves of the National Bank by simple majority. For a government interested only in its own survival, this may provide a convenient playground as the 2014 elections draw closer.

All in all, a situation has developed where the most important objective of the current Hungarian government is to guarantee that practically all executive power becomes concentrated in its hands, and that the election of a new government will result in the new administration coming up against “independent” institutions. Those “independent” institutions, which regularly give a helping hand to the present government or at least thoroughly tone down their criticism, will, to their credit, certainly start acting very “independently” when faced with a government of a different political orientation.

The activity of the government can be considered an all-round attack rather than an all-round defence: interference in a whole array of politico-

10 In a narrowly-defined normative sense, there are certain constraints on taking such a decision (initiative of the court for reassigning the case, right of appeal against the decision). However, due to the extremely strong position of the head of the National Office of the Judiciary, there is reason to be concerned about her power, among other things, as far as the personnel decisions for the judiciary are concerned. There is also cause for concern that through her activity (now also augmented by the attempt to force judges above the age of 62 into retirement) the leading positions at courts and tribunals will gradually be assumed by judges of a certain political leaning.

11 To keep the matter in perspective, a rather similar attempt was made by the Gyurcsány government. Apparently, central bank independence is an irritant for governments, be they of the left or the right, although there is economic evidence that the independence of central banks generally tends to reduce/limit inflation.

economic areas. However, it had two clear focal points as one might have expected long before the elections: 1. the judiciary, including various elements of the system, ranging from the prosecutor's office through the judicial administration, to the Constitutional Court and the Supreme Court (now *Curia* – in accordance with its historical name); 2. In the area of human rights the focus was on media regulation. It is important to notice a certain pattern in law-making.

The Hungarian government faced certain challenges presented by the opposition but nothing compared to what the Socialist-Liberal coalition had faced after 2006 from Fidesz. From the very outset, international criticism complemented domestic unease. Various institutions and bodies have studied the products of the Hungarian legislature and have often drawn critical conclusions. It is important to notice a certain pattern here. When domestic forces were criticizing the government, the government attempted to ignore them or attribute their criticisms to the bitterness they felt about their loss of power. When it was external forces, be they foreign politicians, the foreign press, or NGOs, the regular response has been that they are ill-informed, misled by leftist-liberal circles in Hungary or that they want to punish Hungary for something that the current government did, such as the introduction of a special tax, etc. Last but not least, the government argues that anybody critical of the government or the prime minister is attacking Hungary. And if Hungary is attacked, the country should stick together. For the government, it is essential to achieve the following: 1. Create a smokescreen around the underlying facts and carry a message that does not address them. 2. Attribute the criticism to the opponents of the government or their accomplices. If these methods are not applicable, 3. Argue about details rather than the spirit of the system and the contribution of a given element (legislation, political decisions, interference in economic processes, etc.) to the system as a whole as far as backtracking on democracy is concerned. 4. Prove that similar rules exist in other states which are widely regarded as democracies.¹² 5. Play some “cheap tricks” by providing international institutions with partial or inaccurate translations of the new laws. As these strategies were repeatedly exposed, the Hungarian government seems to have given up on that method. 6. In a similar vein, make promises to foreign politicians, international institutions, and the media and do not include them in the press communiqué issued

12 For example, the prime minister told foreign journalists that on grounds of non-discrimination, a basic value of the European Union, it would be impossible to change the Hungarian media law as there was not a single rule in it that could not be found in similar legislation in other EU member states. Imre Bednárk/Ildikó Csuha, Orbán becsúszó szerelést mutatott be Barroso kivédésére? [Did Orbán make a sliding tackle to impede Barroso?], in: *Népszabadság*, 7 January 2011. It is memorable that the Swedish ambassador to Budapest had to deny in a letter sent by the Ministry of State Administration and Justice to foreign journalists in Hungary that the Hungarian media regulation copies the Swedish one as far as registration of media and the strong dependency of the media authority upon the government are concerned. Cf. A kormány nem a svéd médiaszabályozást másolta [The government did not copy the Swedish media regulation], in: *index.hu*, 14 January 2011, at: http://index.hu/belfold/2011/01/14/a_kormany_nem_a_sved_mediaszabalyozast_masolta.

from the meeting. If none of the above works, change certain parts of the law but keep those rules which are essential for retaining the original democracy-curtailling spirit of the legislative act.

The first act to be widely challenged was the Hungarian legislation on media and telecommunications. This was a logical choice by the government (although the draft legislation was introduced by individual MPs in order to avoid extensive debates in parliamentary committees), as much of the uncritical reception given to its future reforms was dependent upon the limitation of press freedom. It established a highly powerful media authority whose head was appointed by the prime minister, although all its members were elected by the legislature. The OSCE's Representative on Freedom of the Media was of the opinion that "such concentration of power in regulatory authorities is unprecedented in European democracies, and it harms media freedom".¹³ The legislation required the registration of all media providers at the National Media and Info-communications Authority, including internet providers. Penalties in the event of violations involving the provision of "unbalanced" information or material offensive to "human dignity" were set so high that financially less well-endowed media could easily go bankrupt after just a few cases. Although the application of the media law did not enforce the rights of the National Media and Info-communications Authority to the fullest extent possible, perhaps due in part to the massive international attention it attracted, there were cases that demonstrated its readiness to focus on those few cases, even contrary to court decisions, where it wanted to carry the message that it had effective ways of punishing those media providers that act contrary to its expectation.¹⁴ The objective is clear: to achieve self-censorship through soft punishments. It goes without saying that the publicly-funded media are strongly biased, and that when covering the opposition they lace their information with sophisticated, detrimental comments. The Media Authority talks about press freedom in a self-congratulatory manner and most often refers to the print media in this context. However, a study confirms that only four per cent of the population receives information from the printed press. The overwhelming majority of the population uses television, radio, and the internet as primary information sources.

To sum up, it is a multi-channel system that applies an array of means to gain control over the media: direct control of radio and television, including sustained efforts to silence certain programmes, withholding government-dependent resources (advertisements) from non-cooperative media, strength-

13 OSCE, The Representative on Freedom of the Media, *Hungarian media law further endangers media freedom, says OSCE media freedom representative*, press release, Vienna, 22 December 2010, at: <http://www.osce.org/fom/74687>.

14 The best-known case is what has happened to *Klubrádió*, which was deprived of its radio frequency in Budapest and its surroundings, where approximately one-third of the country's population lives and works, and even when the radio station regained its frequency thanks to a court appeal, the Media Authority was only ready to make a temporary contract to grant it. Under such conditions the radio station is understandably fighting for its survival.

ening “editorial responsibility” in the control of content and colleagues, and last but not least subjecting the “printed press and the Internet [...] to a content regulation regime almost without precedent in democratic countries”.¹⁵

It is not only the power of the law that is at the disposal of the government. It is also economic power. State-owned enterprises and those close to the government do not advertise in newspapers closer to the opposition. As most newspapers close to the opposition are owned by large foreign media holdings, the consequences are quite predictable. Such semi-soft measures guarantee that even those media sources which are not pro-government become more “thoughtful” in the articulation of their views.

Although some technical revisions of the media law took place as a result of its apparent, although largely technical, incompatibility with EU legislation and also due to the decision of the Constitutional Court, the most important and politically most objectionable elements have remained largely unchanged. The OSCE Representative on Freedom of the Media recognized that the revised provisions “provide broader protection of sources, annul the ban of certain content from print and online media, and abolish the right of the Media and Communications Commissioner to interfere with editorial decisions in case of complaints [...] Unfortunately, other elements [...] have not improved. [...] These include the ways in which the President and members of the Media Authority and Media Council are nominated and appointed, and their power over content in the broadcast media, as well as the prospect of very high fines that can lead to self-censorship among journalists.”¹⁶

Later, the government redirected its attention and focused on laying the foundations of the new state system in a new constitution. In fact, it was long overdue. However, if we are under the assumption that a constitution is an important founding document of lasting relevance, it is also important to devote adequate time to its drafting and discussion with civil society, in the media, and with different political forces. The Council of Europe’s Venice Commission objected to the process, but during its visit to Budapest was reassured that there would be co-operation “between the majority coalition and the opposition in the preparation of the implementing legislation”.¹⁷ As mentioned earlier, in Hungary it is not only the constitution that has to be adopted by a qualified (two-thirds) majority; this applies to the cardinal laws as well. It is understandable that the Hungarian constitutional system relied

15 OSCE, Office of the Representative on Freedom of the Media, *Analysis and Assessment of a Package of Hungarian Legislation and Draft Legislation on Media and Telecommunications*, Prepared by Dr Karol Jakubowicz. Commissioned by the Office of the OSCE Representative on Freedom of the Media, Warsaw, September 2010, p. 6.

16 OSCE, The Representative on Freedom of the Media, *Revised Hungarian media legislation continues to severely limit media pluralism, says OSCE media freedom representative*, press release, 25 May 2012, at: <http://www.osce.org/fom/90823>.

17 European Commission for Democracy Through Law (Venice Commission), *Opinion on the New Constitution of Hungary*. Adopted by the Venice Commission at its 87th Plenary Session (Venice, 17-18 June 2011), Opinion no. 621/2011, CDL-AD(2011)016, Strasbourg, 20 June 2011, para. 13. Actually, such debates did not take place.

heavily on such cardinal laws when it was reformed around the time of the system change in 1989. The intention was to mandate the main political forces to seek compromise in order to generate the necessary majority on the most important matters of state organization and human rights. However, how broad those subjects should remain today is more open to question – particularly since the new (rightly cardinal) law on elections makes it far more difficult for any political force to achieve a two-thirds majority. Hence, the current government may well achieve a situation where the cardinal laws adopted during its term of office will be largely impossible to revise with due respect to the foundations of the legal system. It is probable that under these conditions the advice of the Venice Commission on “restricting the fields and scope of cardinal laws in the Constitution to areas where there are strong justifications for the requirements of a two-thirds majority”¹⁸ will be also ignored in the future. Due to such “delegation” of power to cardinal laws, the Venice Commission had far less of a problem with the constitution proper than with the restructuring of the entire legal system.

The constitution certainly does not reflect any wide-ranging collective wisdom of society and the different political forces. There is actually a widespread rumour that it was drafted on an iPad by a Hungarian MEP. Some of the most interesting and “innovative” rules include the *ex tunc* (retroactive) nullity of the communist constitution of 1949 “since it was the basis for tyrannical rule; therefore we proclaim it to be invalid”.¹⁹ If somebody had thought about the implications, all the laws adopted under that constitution could be rendered null and void, which would certainly fully undermine legal certainty. The government later reassured the Venice Commission that “the declaration of the invalidity of the 1949 Constitution should only be understood as a political statement”.²⁰

In addition to the legal absurdity, it is a reflection of the determination of the Orbán government to delegitimize the four decades of the communist period. This happens in a country where, at least between 1963 and 1989, the communist regime was certainly more tolerable than in most other East-Central European and Eastern European countries. But it is far more important for Orbán and his entourage to delegitimize the Socialist Party as a “successor” to the communists more than two decades after the start of multi-party democracy. For the current government, demonstrating that the Hungarian political spectrum is divided in two: “us” (the democrats) and “them” (the post-communists) is a source of strength. With the disappearance of the Alliance of Free Democrats from parliament, this could be easier than ever. However, other factors such as the strong showing of the extreme right-wing Jobbik party interfere with this goal. It is important to see that for the Fidesz government, history deprives the Socialist Party of any legitimacy it may

18 Ibid., para. 27.

19 Cited in: *ibid.*, para. 35.

20 Ibid., para. 37.

claim as a result of winning five free elections in succession. This contrasts to Fidesz, whose legitimacy stems from its performance at the polls, irrespective of how it acts between elections and regardless of how its popularity declines in the meantime. A slight incongruence is easy to discern.

The constitution contains a number of other innovative ideas that do not necessarily point in the direction of mainstream European development. Some of them stem directly from the participation of the ideologically convinced but politically insignificant Christian Democrats in the government. They have pushed strongly for significant constraints in the termination of pregnancy, and have insisted that marriage is between a man and a woman. In the area of human rights, the Venice Commission finds it “problematic that freedom of the press is not formulated as an individual’s right, but as an obligation of the state”.²¹

Some cardinal laws have presented far more of a problem, as it is they, rather than the constitution, that contain certain detailed provisions. Laws on the Constitutional Court, the organization and administration of courts, and the prosecutor service in Hungary were scrutinized by the Venice Commission in a manner which elicited a written reaction from the Hungarian government. Each exchange followed the same pattern. The Venice Commission expressed its satisfaction with some provisions in the new laws and dissatisfaction with some others. Following the publication of the Venice Commission’s opinion, the government initially declared that the commission was satisfied with the new legislation and kept silent about the often fundamental reservations of the latter. This was usually followed by an exchange between the two, in the light of which the Hungarian government amended some of the regulations, often recognizing “technical shortcomings”. The Venice Commission faced Hungarian politicians who were well aware of the laws they had drafted and did not hesitate to fight their corner aggressively precisely on the points where the government did not want to relinquish power. The most important provisions guaranteeing the systematic abolition of checks and balances have been retained. In the meantime, the situation on the ground has changed in a way that has gradually created a government-friendly majority in independent institutions (Constitutional Court), centralized the administration of others (judiciary), or created procedural rules that guarantee governmental dominance for the most important decisions (prosecutor service).

In the case of the Constitutional Court, which was not favoured by the government as it passed two or three decisions that the government found objectionable, it reduced its powers and in one case the prime minister openly said that irrespective of what the Constitutional Court decided the legislature’s decision would remain in force.²² The Venice Commission found it ob-

21 Ibid., para. 74.

22 This refers to the case concerning the lowering of the age of retirement for judges in accordance with the general retirement age. This resulted in the forced resignation of hun-

jectionable that the judges of the Constitutional Court are proposed by a parliamentary committee “composed in proportion to the members of the parties represented in Parliament and they are elected by Parliament with a qualified majority of two-thirds”.²³ Here it is clear that the constitutional system of Hungary is in trouble if one political force has more than two-thirds of the parliamentary seats. The fact the President of the Constitutional Court is elected with a two-thirds parliamentary majority is a step backwards compared to the previous regulation, according to which the judges of the Constitutional Court elected their own President. It can be taken for granted that the next President of the Constitutional Court will be a person “sympathetic” to the current government.

The government does not hesitate to use its far-reaching powers. It has already used them to appoint four new judges on the Constitutional Court. One of them was a long-time Fidesz MP. Another, who was head of the prime minister’s cabinet office during the first government of Viktor Orbán, has a diploma in law but has never practised during a thirty-year career. With hindsight, Caligula’s horse might as well have been appointed. The President of the Constitutional Court stated clearly that the chance of unanimous rulings being passed by the Court could be ruled out for the future.

With regard to the judicial system, the Venice Commission criticized the far-reaching administrative powers of the Head of the National Judicial Office. Although some detailed rules were changed, the pivotal rules remained. The powers are concentrated in a single person rather than a collective body and are broader than is usual in other states.²⁴ The not entirely pliable (although certainly not rebellious) President of the Supreme Court was removed simply by changing the name of the Supreme Court to *Curia* and thus opening the gates for such an appointment.

In the case of the prosecution service, the Venice Commission criticized the fact that the Prosecutor General is elected by a two-thirds parliamentary majority for nine years and can be replaced only by an equal majority. This makes it possible for the current Prosecutor General to stay in office for decades. In addition to that, the law is based far too heavily on “cardinal elem-

dreds of judges. The Constitutional Court declared the law to be unconstitutional. Since the decision was made, judges have to present their claims individually. In some cases they cannot get their posts back because they have now been filled by others. The President of the Constitutional Court publicly called the attention of the prime minister to the fact that every Hungarian citizen is obliged to abide by the decisions of the Constitutional Court. When his term expires, he will no longer be able to be so vocal from a position of high authority.

23 European Commission for Democracy Through Law (Venice Commission), *Opinion on Act CLI of 2011 on the Constitutional Court of Hungary*. Adopted by the Venice Commission at its 91st Plenary Session (Venice, 15-16 June 2012), Opinion no. 665/2012, CDL-AD(2012)009, Strasbourg, 19 June 2012, para. 8.

24 Cf. European Commission for Democracy Through Law (Venice Commission), *Opinion on Act CLXII of 2011 on the Legal Status and Remuneration of Judges and Act CLXI of 2011 on the Organization and Administration of Courts of Hungary*. Adopted by the Venice Commission at its 90th Plenary Session (Venice, 16-17 March 2012), Opinion no. 663/2012, CDL-AD(2012)001, Strasbourg, 19 March 2012, paras 35-36.

ents” that cannot be revised without a two-thirds majority. The position of prosecutors, including the Prosecutor General, is further strengthened by extensive immunity. This, in combination with the right of prosecutors to remove cases from subordinate prosecutors, means that the Prosecutor General may concentrate every politically sensitive case in his hands and prevent cases from coming before courts and tribunals as he sees fit. The Venice Commission takes the following view: “There should be criteria for taking away cases from subordinate prosecutors.”²⁵ This is a request that will not be realized. In view of the fact that the same Prosecutor General already held the same function in the first six years of the century and stopped cases from reaching the judicial phase following the change of government in 2002, there can be no doubt that his staying in office if a new government were to come to power would severely interfere with criminal justice.

The process of new-born constitutionalism would not have been complete without the passing of a new law on elections. It – as well as other legislation – was long overdue, as Hungary had a disproportionately large unicameral legislature of 386 MPs and the significant reduction of its size to 199 MPs was necessary. In addition to that, the reduction in the size of parliament has been a highly popular initiative, which is not entirely unrelated to the disillusionment of the Hungarian electorate with democratic politics.

The new law introduces several innovations, including a one-round system of elections (replacing the former two-round system) and the extension of the electoral franchise to, *inter alia*, Hungarian citizens living abroad.²⁶ The one-round system awards 106 of 199 parliamentary seats to the winners of a simple majority in the various constituencies. This means that the formation of coalitions between different political forces between the two rounds, which had characterized the Hungarian electoral system since 1990, is no longer possible. Extending the franchise to expatriate Hungarians has always been controversial, particularly since their voting behaviour may well be largely predictable. Just a few days before the elections in 2006, a leading Fidesz politician made the memorable comment that: “If we could win for four years [...] and then let’s say we would give citizenship to five million [ethnic – P.D.] Hungarians and they could vote, everything would be re-

25 European Commission for Democracy Through Law (Venice Commission), *Opinion on Act CLXIII of 2011 on the Prosecution Service and Act CLXIV of 2011 on the Status of the Prosecutor General, Prosecutors and Other Prosecution Employees and the Prosecution Career of Hungary*. Adopted by the Venice Commission at its 91st Plenary Session (Venice, 15-16 June 2012), Opinion no. 668/2012, CDL-AD(2012)008, Strasbourg, 19 June 2012, para. 32; cf. also *ibid.*, paras 14 and 19.

26 European Commission for Democracy Through Law (Venice Commission) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), *Joint Opinion on the Act on the Elections of Members of Parliament of Hungary*. Adopted by the Council for Democratic Elections at its 41st meeting (Venice, 14 June 2012) and the Venice Commission at its 91st Plenary Session (Venice, 15-16 June 2012), Strasbourg, 18 June 2012, Opinion no. 662/2012, para 10.

solved for the next 20 years.”²⁷ The government also changed the constituency boundaries in a way that clearly favours the current government. However, the problem is caused more by their delimitation in cardinal law. This stipulates that no government short of a two-thirds majority can change the constituencies, irrespective of how absurd they may have become over time. Since then the governmental forces have agreed on a further modification of electoral law. Namely that the Fidesz parliamentary group agrees to introduce the preliminary registration of voters for the next elections due in the spring of 2014. This is being debated intensively in Hungarian political circles. In contrast to many analysts who speak of a measure guaranteeing the perpetuation of the government until far beyond the next elections, I take the view that the effect of such a measure is difficult to predict. It would certainly exclude from the ballot box those who tend to decide at the last minute whether to participate in the elections. Successful preparation and mobilization of supporters will be decisive. In this respect, the political forces of the current government are certainly in the lead at present. It would, however, be difficult to predict whether there will be major changes in this area. As of now, there is one clear effect of the new election law: It is going to be almost impossible to win the elections without broad coalitions.²⁸ The assessment according to which “the revision of the election law in Hungary clearly serves the purpose of guaranteeing the power of FIDESZ for the future” is well-founded.²⁹

The Orbán government that has ruled since 2010 has changed the basic elements of the Hungarian legal system and significantly curtailed its rule-of-law-based foundations which existed since the system change. It has created a system that would be largely impossible to change if a new government of a different political orientation were to take office without a two-thirds majority. Furthermore, the conditions have been created for limiting the power of future governments through the domination of institutions including the Media Authority, the State Audit Office, and the Prosecutor Service.

27 This remark, made by István Mikola at the congress of Fidesz-MPSZ on 19 March 2006, is cited in: *Fidesz kongresszus: Orbán a kormányfő-jelölt*. [Fidesz Congress: Orbán is the Candidate for Prime Minister], in: *Népszabadság*, 19 March 2006, at: <http://nol.hu/archivum/archiv-397730>. (author's translation). What Mikola meant was that with the support of the Hungarian voters abroad it could be guaranteed for 20 years that the conservative forces would govern the country. It is a separate matter that with the ethnic Hungarian community shrinking fast, particularly in Romania, Serbia, and Ukraine, it would be more accurate to speak of slightly more than two million Hungarians abroad.

28 Cf. Viktor Szigetvári/Balázs Vető, It is impossible to win without a modified voter base and new electoral strategies. Executive Summary of the study of the new electoral system in Hungary, *free Hungary*, 16 August 2012, at: <http://www.freehungary.hu/component/content/article/1-friss-hirek/1291-executive-summary-of-the-study-of-the-new-electoral-system-in-hungary.html>.

29 Alan Renwick, Im Interesse der Macht: Ungarns neues Wahlsystem [In the Interest of Power: Hungary's New Electoral System], in: *Osteuropa* 5/2012, p. 16 (author's translation).

The Hungarian government formed in 2010 was anticipated without any particular negative feelings from the world at large, first and foremost by its European and North American partners. One could even conclude that the reception was warm. Viktor Orbán had already been prime minister for four years. More importantly, Hungary's partners had nearly four years to get used to the coming of the next Orbán government, as it had been clear since the autumn of 2006 that the Socialist-Liberal coalition would not be in a position to form the next government. It was also important for Hungary's partners to have a partner with a strong mandate from the electorate.

In this situation, not even some of the early steps taken by the government were found to be strongly objectionable. The granting of citizenship to Hungarians beyond the border created a degree of tension with some neighbours, particularly Slovakia, but not with others who have introduced similar laws, such as Romania with regard to Moldova. In other cases, some of the prime minister's initiatives were rejected, like the idea raised with the President of the European Commission as to whether the EU would give the government exceptional permission to increase the budget deficit to seven per cent. Other warnings, like the one from Chancellor Angela Merkel to stop blaming the country's economic malaise on his immediate predecessor Gordon Bajnai, whose government actually started bravely and effectively to address the economic crisis, also worked, at least in the international context.

When Viktor Orbán severed relations with the IMF, took the decision to finance the country from the international markets and began to introduce "unorthodox" economic measures, the positive attitude gave way to concerns and even suspicion. Although in Hungary the financing of the country's financial needs by issuing state bonds is not mentioned among the unorthodox measures, it is actually the most unorthodox one. This is simply because it massively increases the costs of financing Hungarian state debt as a result of interest rates which are 3-5 per cent higher than those available from the IMF. This measure will also complicate the life of successor governments. The objectives of all the government's measures have one thing in common: to prevent any kind of external control over Hungarian sovereignty. Other measures, such as the extra tax on the banking and telecommunications sectors, also harm foreign interests due to the dominant foreign ownership in these sectors. The concerns expressed by foreign leaders and institutions only strengthened the resolve of the government and the prime minister.

In Hungary's sharply divided political spectrum, it is very difficult to remain balanced. On the conservative side, one can hear only praise for the prime minister, while on the left it would be a sin to recognize any achievement of the government. This despite the fact that some of the measures introduced by the government – even if enacted too radically, hastily, and without paying much attention to detail – may serve the long-term interests of

the country. The radical reduction in social benefits and unemployment benefits, and the adjustment of healthcare and higher education to the needs and the load-bearing capacity of Hungary may make the country more competitive in the long run. It can be summarized as reforming the oversized welfare state that Hungary inherited and carried forward for decades beyond the system change.

The prime minister has regularly spoken about the decline of the West and about the easterly wind that was blowing. Although he moves as an alien in the area of political philosophy, the idea of according greater importance to the emerging East after decades of benignly neglecting partners such as China cannot be rejected as unfounded. A greater problem is the fact that the high hopes entertained by Viktor Orbán for attracting capital and investments from the Far East and the Middle East have not been realized, practically for the same reason why Western investors have become extremely cautious in Hungary.

On the surface, disagreements between Hungary and its Western partners reached their peak when the new media law was adopted. Hungarian democrats and the Western media expressed their concerns. Demonstrations were held. However, the prime minister was able to count on his mass following, a fact which indicated that the government is far from exhausting its reserves. That was probably the moment when the Western media campaign came to an end and gave way to different methods. The dissatisfaction of the West was expressed by NGOs worried about the state of democracy in Hungary, by foreign investors who decided to choose other countries as their destination, and in the isolation of the prime minister.

The isolation of Viktor Orbán, demonstrated by the absence of Western invitations (most visibly, and for him painfully, to Washington³⁰ and Berlin)³¹ could not be absolute. Hungary is a member of the EU and NATO and may be a helpful partner in some cases. Furthermore, as the Hungarian electorate and political opposition have shown no sign of changing the government in 2014, the Western partners are increasingly having to reckon with Viktor Orbán in the long run. Further alienating the Hungarian government is certainly not a judicious idea under such conditions, although it would carry a message. The continuing strong antipathy and reservations are showing signs of change. During 2012 there were two moments when it was my personal impression that the West would live with the current Hungarian regime, even if only reluctantly. During the visit of the leader of the Democratic Minority

30 When the Hungarian prime minister attended the NATO Summit in Chicago in May 2012, he was granted no bilateral meeting during his stay there.

31 The prime minister travelled to Germany twice during the first half of 2012, visiting Munich, and then Frankfurt and Wiesbaden. Finally, in October 2012, he was received by Chancellor Angela Merkel. It was a Canossa moment for the former, as he had to face many delicate questions from the German chancellor. See Viktor Orbán meets Angela Merkel: What Really happened? In: *Hungarian Spectrum*, 11 October 2012, at: <http://hungarianspectrum.wordpress.com/2012/10/11/viktor-orban-meets-angela-merkel-what-really-happened>.

of the House of Representatives, Nancy Pelosi, to Budapest upon the 90th anniversary of the establishment of US-Hungarian diplomatic relations, she spoke about promising answers to the points she raised with the prime minister and the speaker of parliament³² concerning a whole range of issues. In March, at a meeting with a high-ranking German diplomat and former colleague, I asked why the Hungarian prime minister is *persona non grata* in Berlin, and was given the Chancellor's personal view on the subject: "This cannot continue forever, Hungary is a NATO and EU member and an important partner."³³

To sum up, Hungary might be able to navigate with the current government without being rejected totally by its natural Western partners. It is extremely difficult to measure accurately how much Hungary has lost due to its vanishing prestige. It has certainly won very little.

Viktor Orbán: A Great(ly Disappointing) Hungarian Politician

When we assess the regime established following the elections of 2010, it is impossible not to address its central figure and orchestrator of the regime, Prime Minister Viktor Orbán. Orbán entered politics after completing his studies and has been a member of parliament since 1990. He was prime minister between 1998 and 2002, and his current term of office began in 2010. In recognition of the fact that voters in Hungary predominantly vote conservative whenever free elections are held, Orbán has successfully turned his Alliance of Free Democrats from a liberal party into a conservative one. However, it would be difficult to regard him a conservative. It is easier to identify him as a plebeian, nationalist, populist politician. He is certainly a charismatic person who has significant political appeal. However, his competence in the complex matters of governance, his populist tendencies, and his flirting with authoritarianism do not make him a natural choice to govern the young Hungarian democracy. Hungary during his rule has been backtracking on democracy and political culture. This has contributed to the tendency that the country has continued to lose the relative advantage it enjoyed in the late 1980s and at the beginning of the 1990s.

Hungarian political scientists often speculate about a continuation of Fidesz rule without Viktor Orbán. Bearing in mind his huge influence on the prevailing system, a system without him would certainly be a different system. Deliberations about such a scenario are therefore mere speculation and not worth pursuing.

32 Cf. US House Minority Leader Pelosi raises Hungary concerns in talks with PM Orban, *MTI*, 15 May 2012, at: <http://www.politics.hu/20120515/us-house-minority-leader-pelosi-raises-hungary-concerns-in-talks-with-pm-orban>.

33 Exchange with a German diplomat in Berlin on 20 March 2012.

The question emerges as to whether Orbán himself is a democrat. He certainly was on 16 June 1989, when he held his radical speech at Heroes' Square in Budapest at the funeral of Prime Minister Imre Nagy, who had been executed in 1958. He continued to act as a democrat throughout the 1990s. According to many, it is often power that weakens the democratic credentials of politicians. For me, Viktor Orbán stopped being a democrat when, between the two rounds of parliamentary elections in 2002, he held a speech at the University of Physical Education in which he already hinted at taking politics to the streets if the election results did not meet his platform's expectations. Later, in the so-called "Christmas interview", in 2011, the prime minister acknowledged that his political ideals had changed at about that time: "I no longer accept the situation that I accepted between 1998 and 2002 before the second round of the elections, namely that politics has traditional intermediary means, the media and state administration, through which it delivers its decisions, explanations, and intentions to the people. I entered last year's elections with the intention of remaining in direct contact with the people not only during the election campaign, but also when in government. I have sent millions of letters to them, I have involved them in several consultations and there will be at least two further opportunities during the next year when I invite the people for consultations. It is particularly important for me personally to have several million people who know that I am on their side, I work for them."³⁴ Prime Minister Orbán's direct democracy, which consists of direct surveys of the people on issues that have already been decided and to which five per cent of the addressees respond, and his "national consultations" where he delivers some messages and some pre-selected members of the audience may ask a few questions, do not constitute democracy. And Prime Minister Orbán steadfastly avoided other forms of direct democracy, such as subjecting the new constitution (or Basic Law, as it is officially called) to a referendum. He did not want to face a referendum that could have become a vote on his (and his regime's) waning popularity. Again in 2012, the prime minister vaguely expressed his hope that no system different from democracy would have to be invented for Hungary.

For Prime Minister Orbán, his performance legitimizes every step he takes, irrespective of whether or not it might endanger the foundations of "traditional" democracy. If a 15-year-old adolescent contemplates such vague ideas, that may well be a part of his/her political maturation. When the almost 50-year-old prime minister of a country, who has been in that position for more than six years in total, plays with such ideas it is either absurd or dangerous.

34 Orbán: Nekem ez adja az erőt – a teljes interjú [Orbán: It gives me strength – the full interview], *Magyar Nemzet*, 24 December 2011, at: mno.hu/belfold/orban-nekem-ez-adja-az-erot-a-teljes-interju-1039535?oldal=2 (author's translation).

Conclusions

The new system established after the elections of 2010 has significantly interfered with the foundations of democracy that existed in Hungary between 1990 and 2010. It does not mean that democracy has been abolished. The democratic institutions are there and have the potential to function properly. The changes that have been introduced modified the country's political system. The Orbán government stretched the entitlement inherent in its two-thirds majority to the limit and concentrated power in the hands of the executive branch. The system of checks and balances has suffered a severe blow. It requires reanimation because of the effects on the constitution of the so-called "cardinal laws", which cannot be challenged at the Constitutional Court. Laws adopted by the parliament guarantee that the leaders of certain institutions could not be replaced by a new government with less than a qualified (two-thirds) majority. Although in some cases this could be the guarantee of institutional autonomy, in many others it will severely complicate the work of restoring democracy while recreating a system of uninhibited power – particularly because loyal and trusted party confidants occupy these posts from the Head of State and the Prosecutor General, to the head of the State Audit Office, and soon the President of the National Bank.

The regime systematically argues that similar rules and regulations also exist in other democratic states. Indeed they do. What is unique in Hungary, however, is the large number of such rules and their integration in a system that amounts to a qualitative difference. The system established by Viktor Orbán cannot be replaced by another one with full respect for the rule of law. If a system cannot be changed constitutionally, and once political power has already undergone a fundamental shift, the change will have to come in an extralegal framework or will at least require extra-judicial elements. Various scenarios are being contemplated, although none of them can serve as a panacea. Re-establishing democracy using its best traditions presents a challenge. That will pose a problem both domestically and internationally. Will a new political system be tolerated supportively in the West if there is historical calamity at its inception?

Nearly a quarter of a century after the revolution of 1989, Hungary has arrived at a dead end. It has furnished evidence that democratization is not a one-way street. It is possible to make a U-turn there and arrive at a stalemate. It is important to emphasize, however, that Hungary is only backtracking on democracy and, compared to some other regimes ranging from Belarus to Venezuela, is a state whose current deviation from the path of democracy requires a measured reaction. It does deserve close attention, however, as it is changing rapidly at every moment while the observers blink. It presents a particular challenge as a state that is fully integrated into Western institutions. It should be prevented from serving as an example for other states and leaders with murky agendas.

Bosnia and Herzegovina – *Plus Ça Change*

Introduction

In 2012, Bosnia and Herzegovina celebrated the 20th anniversary of its independence from Yugoslavia and commemorated the outbreak of war in the spring of 1992. Twenty years ago, the country was recognized by the EU member states, becoming an OSCE participating State in April 1992 and a member of the United Nations in May. International recognition and UN membership, however, could not prevent the war, and the failure and disunity of the international community in the face of ethnic cleansing and genocide continue to influence the situation of the country to this day.

The three nations and two entities – the (Bosniak-Croat) Federation of Bosnia and Herzegovina and the (Serb) Republika Srpska – commemorated the wars that devastated the country between 1992 and 1995 in different ways.¹ These differences reflect the basic dividing lines of the conflicts of the 1990s.

In the Federation, the focus was on the siege of Sarajevo, the start of ethnic cleansing, and the defence of the country's territorial integrity. In the Republika Srpska (RS), there were numerous celebrations of the 20-year anniversary of the founding of the RS and its institutions. These events were characterized by defensive rhetoric that focused on celebrating the achievement represented by the existence of the Republika Srpska in the presence of senior representatives of the Republic of Serbia.

The citizens and political actors of Bosnia and Herzegovina are not alone in facing these contradictions. Foreign observers and actors who have been following or helping to shape the development of the country – some of

¹ Two wars took place between 1992 and 1995. The first began in early 1992, when the Republika Srpska (supported by the Federal Republic of Yugoslavia, which consisted of Serbia and Montenegro) attacked the Republic of Bosnia and Herzegovina. It ended with the Dayton Peace Agreement of 1995. The second began in mid 1993; it was waged by the Croatian Republic of Herzeg-Bosnia against the Republic and led to a collapse in relations between Bosnian Croats and Bosniaks, who had previously fought together against Serbian aggression. This war was ended by the Washington Agreement of 1994, which also established the Federation of Bosnia and Herzegovina. The aim of the aggressor in each war was to break up the Republic and combine part of the country with the neighbouring state of Serbia or Croatia, respectively, either in association or full union. The strategy of both wars was directed primarily at the civilian population, who were to be driven out in so-called ethnic-cleansing operations in order to create largely ethnically homogenous territories. This military strategy seriously damaged social cohesion and created lasting mistrust between the various population groups and their political representatives. Cf., e.g., Marko Attila Hoare, *The History of Bosnia: From the Middle Ages to the Present Day*, London 2007; Gerard Toal/Carl T. Dahlmann, *Bosnia Remade: Ethnic Cleansing and its Reversal*, New York 2011.

them for many years – were also moved by the anniversary of the start of the siege of Sarajevo on 6th April 1992. During the “Sarajevo Red Line” memorial event, directed by the artist Haris Pašović, which commemorated the 11,541 Sarajevo citizens killed in the war, an argument erupted spontaneously between, on the one side, the Swedish foreign minister, Carl Bildt, and his wife, the MEP Anna-Maria Corazza Bildt, who had worked for the UN during the war, and, on the other, the journalist Florence Hartmann, a former spokesperson for the International Criminal Tribunal for the Former Yugoslavia (ICTY), and Ed Vulliamy, a journalist who reported on the camps set up near the town of Prijedor by the Republika Srpska in 1992. Hartmann was filmed by television reporters accusing Bildt of having no right to be in Sarajevo on this day: “He should have come when he could do something. When he could do something he was saying that Milošević was a nice guy.”²

These events encapsulated numerous disappointments and misunderstandings of the last 20 years: the passivity of the international community in the face of the war in Bosnia and Herzegovina; the ambivalent policies of the European Union, which has supported both the unity of the state of Bosnia and Herzegovina and the Republika Srpska; and the attempt to prosecute war criminals, which is seen by many people in the country as having stalled, as exemplified by the extradition of Ratko Mladić, which was only accomplished in 2011.

However, the twentieth anniversary commemorations also made clear how far the country has come in the last two decades, and that there can be no return to the pre-war society. Recent years have seen signs of change in the international community’s policies towards Bosnia and Herzegovina as well as in domestic politics within the country itself. In few other European countries are these two levels of politics so intertwined. Nonetheless, since the 1990s, international actors have all too often been “intent on outcomes, not processes: they ignore the [...] history of state formation [...] and can tell us only what it should be, not what it is or how it is evolving.”³

In the 2000s, to accompany the “state-building” undertaken by the Office of the High Representative (OHR), EU conditionality was deployed in order to achieve “outcomes” such as the imposition of lifetime bans from political office on certain politicians and civil servants, the creation of new government agencies, and a new constitution. Since then, however, this phase of international intervention began visibly to unravel, and today the international community no longer has the strength or the will to overcome the consequences of the war by regulatory means.

Since early 2011, the EU appears to be willing to abandon this approach completely. It has put forward a road map for the membership application

2 A video of the exchange can be viewed online at: <http://www.youtube.com/watch?v=iTQATrhPzBQ>.

3 Mahmood Mamdani, *The Invention of the Indigène*, in: *London Review of Books* 2/2011, pp. 31-33, here: p. 33.

process that is based on existing conditions in the country. In Brussels, in June 2012, the EU Commissioner for Enlargement, Štefan Füle, presented the political leaders of Bosnia and Herzegovina with an ambitious road map for an EU membership application by the end of 2012.

The fundamental question that now needs to be faced concerns whether the political elites of Bosnia and Herzegovina wish to head towards Europe and whether they can and are willing to extricate themselves from the rhetoric of conflict and partition that they have pursued for decades.

A Permanent State of Crisis

Bosnia and Herzegovina does not appear to be able to lift itself out of the crisis of state, economy, and society that has been manifest since at least 1987. The intensification of the crisis was closely linked to Slobodan Milošević's de facto assumption of power in Serbia the same year. The general structural crisis of the Yugoslav system saw an intensification of aggressive Serbian nationalism. In Bosnia and Herzegovina, the influence of the once-dominant Communist Serbian elites waned. This was also reflected in the full recognition of the Bosnian Muslims (now known as Bosniaks) as the constituent people in Bosnia and Herzegovina in the 1970s. The strengthening of the republics and the provinces by the 1974 Federal Constitution underscored the statehood of the Republic of Bosnia and Herzegovina, not least because it explicitly established a right to leave the Federation.

The decline of the Yugoslav economy, manifest since 1979, and the conflict over the Yugoslav constitution that had been smouldering since the death of Josip Broz Tito in 1980 led to a dead end in the late 1980s. In Bosnia and Herzegovina, the power and legitimacy of the League of Communists collapsed in the aftermath of the Agrokomerc Affair in 1987;⁴ the communist leadership stepped down almost as one body. While hope grew in urban centres that Bosnia and Herzegovina could undergo a transformation *à la* Central Europe, and a flowering of youth and alternative culture took place, a new kind of nationalism established itself in the power vacuum in the early post-communist era, above all in rural areas.⁵

The first multi-party elections, held in 1990, dramatically reflected the communists' loss of legitimacy. The election was won by the three nationalist

4 The Agrokomerc Affair is symbolic of the failure of Yugoslavian socialist self-management and its corrupt practices in the face of the deferred bankruptcy of the state. For contemporary portraits, cf. Harold Lydall, *Yugoslavia in Crisis*, Oxford 1989, pp. 168-171; Jugoslawien: Höheres Recht [Yugoslavia: Higher Legitimation], in: *Der Spiegel* 37/1987, pp. 179-180, at: <http://www.spiegel.de/spiegel/print/d-13523801.html>; Jugoslawien: Bus ohne Fahrer [Yugoslavia: A Bus without a Driver], in: *Der Spiegel* 42/1987, pp. 169-172, at: <http://www.spiegel.de/spiegel/print/d-13524876.html>; Jugoslawien: Im Denver-Stil [Yugoslavia: A Dynasty like Television's Carringtons], in: *Der Spiegel* 52/1987, pp. 98-99, at: <http://www.spiegel.de/spiegel/print/d-13526547.html>.

5 Cf. Neven Andjelić, *The End of Legacy*, London 2003.

parties of Bosniaks (Party of Democratic Action, SDA), Serbs (Serbian Democratic Party, SDS), and Croats (Croatian Democratic Union of Bosnia and Herzegovina, HDZ BiH), who were to dominate the political scene for the next two decades. With Milošević's support, Radovan Karadžić and the SDS worked systematically to build up the Republika Srpska. The goal was to achieve complete control over large parts of Bosnia and Herzegovina and ultimately annex this territory to Serbia. The unity of Bosnia and Herzegovina was something a majority of the Serbian elite were willing to dispense with, if they were unable to control the country as a whole. They did not believe that the Republic of Bosnia and Herzegovina should have a right to independence, but rather the Serbian nation, which should thus also be entitled to secede from Bosnia and Herzegovina. The key elements of this policy have never changed and continue to determine the positions of the Republika Srpska (and Serbia).

These issues lay behind the outbreak of war in 1992. The Dayton Peace Agreement of November 1995 cemented the partition of the country on the basis of ethnicity and nationality, which had been brought about by violence and at a high cost in human suffering. The structures and areas of competency established within Bosnia and Herzegovina then have been consolidated over the following 17 years. The international community's efforts to establish state-level institutions can only be considered a partial success. There is too much resistance, particularly in the Republika Srpska, to sharing, let alone giving up, powers guaranteed at Dayton. Domestic politics has thus tended to focus on questions relating to constitutional conditions within the country and to the nature of Bosnian-Herzegovinan statehood. The debate has been determined by political elites that demonstrate a high degree of continuity in terms of personnel. The political system is therefore characterized at every level by clientelism and a dearth of economic and social competition. Vested interests that seek to preserve the status quo – above all their control of the country's limited resources – are thus not exclusive to the Republika Srpska. As the political elites of all three sides consolidated their positions, there was little momentum to reverse the results of the war and the division of the country.

Nonetheless, the October 2006 general elections marked a turning point.⁶ In a major rhetorical clash between the then prime minister of the Republika Srpska, Milorad Dodik, and the Bosniak candidate for the collective tripartite state Presidency, Haris Silajdžić, the various concepts of Bosnian statehood collided with a new degree of clarity. Dodik demanded full autonomy for the Republika Srpska, even including the right to unilaterally

6 General elections combine elections to the state-level presidency and house of representatives, the entity presidencies and parliaments, and the ten cantonal assemblies in the Federation.

decide on its own independence.⁷ His case was strengthened by Montenegrin independence and the start of negotiations on the status of Kosovo. At that time, the EU was weak in foreign-policy terms as a result of the failure of its proposed Constitutional Treaty. Silajdžić, however, insisted on “100 per cent Bosnia and Herzegovina”, in other words, the abolition of the entities. He supported his demand with reference to the judgment of the International Court of Justice, which had ruled in February 2007 that the crimes in Srebrenica in July 1995 fulfilled the criteria for genocide.⁸ In his view, this justified calling the legitimacy of the Republika Srpska into question and demanding a return to the Republic of Bosnia and Herzegovina.

Behind this dispute lies a fundamental question: Does the Republic of Bosnia and Herzegovina (1992-1995), which was accepted into the United Nations in May 1992, continue to exist in the form of Bosnia and Herzegovina (since 1995), or is the Dayton Peace Agreement a constitutive act that created the state of Bosnia and Herzegovina out of the two entities? This dispute is also the background to the stalemate in the country's efforts to join NATO. It creates legal obstacles that mean that the agreed apportionment of state and military property between the entities cannot be carried out. The Republika Srpska insists on direct transfer to the entities, while Federation politicians call for property to be registered with the state and then distributed to the entities. The resolution of the issue of military property is, however, a precondition for NATO to activate the Membership Action Plan.

These questions of the nature of the state and hence the nature of the war have dominated the domestic political scene in recent years, thereby blocking “Euro-Atlantic integration”. Progress towards EU integration only proved possible once the EU had substantially watered down its previous preconditions. Police reform was accepted as a formulaic compromise, since a new distribution of competencies in police-related questions proved impossible to push through. As a result, the Stabilisation and Association Agreement (SAA) was signed in 2008, and ratified by all member states in February 2011. The only area in which the EU was able to enforce technical conditions for concrete improvements in police and cross-border co-operation was the visa dialogue led by the European Commission from 2008 to 2010. The lifting of the visa requirement for Schengen countries in December 2010 is the most notable step “on the path to Europe” for the citizens of Bosnia and Herzegovina thus far. Once the visa-free regime had been achieved, the Republika Srpska withdrew once more from police co-operation activities at state level.

7 An example of the attitude of the authorities and institutions of the Republika Srpska to Bosnian statehood is their avoidance of the Bosnian internet domain (.ba). The website of the government of the Republika Srpska, for example, is found at www.vladars.net.

8 *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, 26 February 2007.

The general elections in October 2010 consolidated Milorad Dodik's power in the Republika Srpska. Haris Silajdžić, on the other hand, was punished by the electorate. He lost his office as the Bosnian member of the Presidency to Bakir Izetbegović, who was only just able to defeat the media entrepreneur Fahrudin Radončić. While the state-level governing coalition from 2006-2010 still enjoyed a majority large enough to enable rapid formation of a government, this did not come to pass, as the election's winner, the Social Democratic Party (SDP), undertook instead to transform the Federation's domestic political landscape.

Domestic Policy in Upheaval?

In retrospect, Bosnia and Herzegovina's noisy stalemate appears to have drowned out the creeping upheaval that has transformed domestic politics in recent years. Although Milorad Dodik uses robust rhetoric in defence of the autonomy of the Republika Srpska, his Alliance of Independent Social Democrats (SNSD) cannot be compared with the likes of Radovan Karadžić's SDS. Since taking office in 2005, Dodik has reformed the Republika Srpska. He has largely cut the entity's connections to war criminals and their support networks. Initial steps to modernize the economy have also been taken, though these have been slowed down by clientelistic interests. The administration of the Republika Srpska has been professionalized and structures created to facilitate European integration. While the Republika Srpska can hardly be described as a democracy, it is no longer the criminal and violent polity it was in the 1990s. The SNSD under Dodik's leadership can be characterized as a populist, leader-driven movement that understands well how to marginalize the opposition in the Republika Srpska.

Yet its successes in modernization do not mean that the Republika Srpska should be spared critical analysis of its origins and history. In late January 2012, for instance, Čedomir Jovanović, leader of the Liberal Democratic Party of Serbia (LDP), declared that the Republika Srpska was founded on genocide and ethnic cleansing. (*"RS je nastala na genocidu i etničkom čišćenju nezabilježenim u Evropi"* – "The Republika Srpska was founded on genocide and ethnic cleansing unprecedented in Europe"). Shortly thereafter, Jovanović and Dodik publicly debated this question. Dodik challenged Jovanović's claim on the basis that the Republika Srpska had already been proclaimed in January 1992, i.e. before the campaign of expulsion and conquest that began in the spring of that year. Dodik thereby negated the judicially determined and well-documented fact that the founding of the Republika Srpska was necessary precisely to enable complete control over the territories it claimed and to enforce the programme of expulsions.⁹ This episode

9 Cf. Emir Suljagić: *Ethnic Cleansing: Politics, Policy, Violence. Serb Ethnic Cleansing Campaign in former Yugoslavia*, Baden-Baden 2010, p. 267.

showed that the elites of the Republika Srpska were still unwilling to take an objective look at their recent history.

In the Croatian camp, there have also been shifts in recent years. The start came in the early 2000s, when the then president of Croatia, Stjepan “Stipe” Mesić, announced that the HDZ Croatia would no longer interfere in the internal affairs of its sister party in Bosnia and Herzegovina. The split of the HDZ BiH into two factions – the HDZ BiH and the HDZ 1990 – prior to the 2006 elections signalled the end of the monolithic front that the HDZ had presented under Dragan Čović. The HDZ 1990 conceived of itself as a party focused on the development of Bosnia and Herzegovina. However, it failed to produce convincing leaders. The split in the Croatian camp in the 2006 and 2010 elections resulted in the election of a candidate for the office of the Croatian member of the Presidency who was not nominated by the HDZ: Željko Komšić, a representative of the SDP, which describes itself as a multi-ethnic party. His re-election in 2010 angered the leadership of the HDZ, who accused Komšić of not being a genuine representative of the Croatian people. When SDP leader Zlatko Lagumdžija then began to form a coalition without the participation of either HDZ party, Čović proclaimed this a crisis of Croatian representation in Bosnia and Herzegovina. It thus proved impossible to form a state-level government in late 2010.

The formation of a government in the Federation by the SDP and the SDA astonished many observers. Under the leadership of these two parties, a coalition was formed that sought to introduce reforms by way of a “European platform”. The path to the formation of this coalition was strewn with legal problems and controversial decisions regarding the implementation of the results of the election by the High Representative, Valentin Inzko.¹⁰ By passing these decisions, Inzko removed the obstacles that had been set up by the HDZ parties, to their further annoyance. Thus, 2011 was characterized by numerous domestic conflicts and disagreements, which also revealed the role being played by parts of the international community in the domestic politics of Bosnia and Herzegovina. Not least due to pressure from the EU, but also as a result of the need to adopt a state budget, a state-level government was formed at the end of 2011. Once more, it was a coalition consisting of six parties. From the Serbian camp, these were Dodik’s SNSD and the SDS; the Croatian parties included were the HDZ BiH and the HDZ 1990, while the

10 Inzko initially relieved the pressure on the parties in the Federation to form a government rapidly by imposing a budget in January 2011 and ordering that decisions of the Electoral Commission standing in the way of the formation of a government by the SDP and the SDA should be suspended. Cf. Office of the High Representative, *Decision Enacting the Decision on Temporary Financing of the Federation of Bosnia and Herzegovina for the Period January-March 2011*, 26 January 2011, at: http://www.ohr.int/decisions/econdec/default.asp?content_id=45733; Office of the High Representative, *Order Temporarily Suspending Certain Decisions of the Central Election Commission of Bosnia and Herzegovina Adopted at its 21st Session Held on 24 March 2011 and any Proceedings Concerning Said Decisions*, 28 March 2011, at: http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=45890.

Bosniak camp was represented by the SDA and the multiethnic SDP, which replaced Haris Silajdžić's Party for Bosnia and Herzegovina (SBiH) in the state government.

After adopting the 2011 budget, the new government and the parliamentary majority landed in a new crisis regarding the state finances for 2012. This was triggered by planned budget cuts, which, among other measures, affected the two ministries controlled by the SDA: security and defence. The SDA voted against the budget, triggering another crisis of government. However, an alternative was available in the form of media entrepreneur Fahrudin Radončić's Union for a Better Future (SBB), and this was grasped by SDP leader Zlatko Lagumdžija. Radončić is the owner of Bosnia and Herzegovina's largest newspaper, *Dnevni Avaz*, and has sought to monumentalize himself in Sarajevo in recent years by undertaking several major construction projects. His entry into politics was seen by many commentators as an attempt to escape allegations of corruption while opening up new sources of income. Despite these accusations, and from a standing start, he received 142,359 votes in the election for the state Presidency, equivalent to 30 per cent of voters in the Bosniak list. The SBB, which he founded, succeeded in attracting experienced individuals whose parliamentary work has given them a high political profile. Although no detailed analyses of the election are available, his party appears to have appealed particularly to members of the Bosniak electorate with fewer links to the pre-war system, who are self-employed or owners of small businesses. After initially flirting with religious conservative circles, the SBB now appears to want to position itself as a right-wing populist party.

The sealing of an alliance between the SDP and the SBB in the spring of 2012 sent shockwaves through Bosnian politics. Now, after a year-and-a-half in which the SDP had strained the patience of the HDZ parties and kept them away from key roles in the government of the Federation, now the SDA, which had been in power for 22 years, was also threatened with a spell in opposition. For many party members, opposition is synonymous with the loss of positions, contracts, and income. This is not limited to government offices, but also jobs, right down to the caretaker, in large public corporations such as BH Telekom or in the energy sector, which is largely still under state ownership in the Federation.

Tensions between the SDA and the SDP had already increased during 2011. Shortly after taking office, the interior ministers of the Federation, Predrag Kurteš, and of the Canton of Sarajevo, Muhamed Budimlić, (both SDP) presented amendments to the laws on internal affairs in their respective areas of authority. Both in the Federation and in Sarajevo, the SDA and the SDP governed in coalition. The European Union Police Mission (EUPM), in particular, had long called for these laws to be amended, and the SDA had supported such a course of action prior to the elections. For the EU, the goal was to enhance civilian control of the police while simultaneously increasing

operational independence. The laws then in force originated in the immediate post-war period and had been imposed by the OHR. After the election, however, the SDA vehemently rejected the option of reform, claiming that the SDP wanted merely to place the police under political control. What the SDA omitted to mention, however, is that it had been the SDA itself that had taken control of part of the security apparatus in 1990 and had controlled it ever since. After the 1990 elections, the SDA, HDZ, and SDS had shared out the strategic divisions of the state security apparatus among themselves.¹¹ Efforts by the United Nations International Police Task Force (IPTF), the United Nations Mission in Bosnia and Herzegovina (UNMIBH), and the OHR to depoliticize the police in the late 1990s had limited success. While the police in the Republika Srpska had always been under the direct political control of, first, the SDS and then, from the middle of the 2000s, the SNSD, depoliticization of the police in the Federation and the cantons was successfully carried out, at least on paper. However, in practice, the HDZ and the SDA retained a decisive level of control in those areas where they possessed a majority. It was thus no wonder that the SDA's response to the reform initiative was rejection and suspicion. Not even the Venice Commission's supportive opinion¹² was able to dissuade the SDA from its fundamental opposition to further police reform. However, the SDA's argumentation does not appear to be founded on facts. This is because, ultimately, the proposed reforms were only partly concerned with improving the effectiveness of the law enforcement agencies. Given the widespread corruption in political parties, the SDA elite feared that the reforms called for by the EU and the consequences of the efforts to combat corruption could eventually lead to investigation of more than 20 years of government activity. This has already been seen in Croatia in recent years, where the long-term leadership of the HDZ was prosecuted as a criminal organization. Croatia's EU accession process has also seen reforms and improvements in the fight against criminality and, in particular, corruption come to the fore. The intensity of the dispute over the improvement of police laws in Bosnia and Herzegovina also demonstrated the necessity of these reforms. For the SDA, it thus appeared risky to give up control over this process without a struggle.

In summer 2012, when the state-level government that had been formed in late 2011 lost its ability to function, the two SDA ministers, Sadik Ahmetović (security) and Muhamed Ibrahimović (defence) refused to give up their offices, and their dismissal became a matter for the courts. As in the case of police reform, this demonstrates how much the political process is exploited by parties for their particular interests.

11 Cf. Hoare, cited above (Note 1), p. 347.

12 Cf. European Commission for Democracy through Law (Venice Commission), *Opinion on the draft law on internal affairs of the Federation of Bosnia and Herzegovina and on the draft law on internal affairs of the Canton of Sarajevo*, adopted by the Venice Commission at its 89th plenary session, Venice 16-17 December 2011, at: <http://www.venice.coe.int/docs/2011/CDL-AD%282011%29048-e.pdf>.

With the diminishing role of the international community, and following a number of failed attempts at fundamental reform of the political system, Bosniak and Bosnia-oriented politics appear now to be dominated by actors that have given up hope of a “grand solution” to the Bosnian question for the time being. This is typified by the reporting of Radončić’s newspaper *Dnevni Avaz*. During 2012, it has increasingly emphasized the need for effective political action at the domestic level and has not refrained from criticism of the OHR.

The populist clientelism of the SDP (supported by the SBB) is thus following a pattern of behaviour reminiscent of Dodik’s SNSD. While the historical traumas of the war and the displacement still have their rhetorical role to play, the constraints on action associated with EU accession appear to have created space for an attempt at a more businesslike dealing with the issues relevant to EU accession. At the same time, however, 2012 has seen a further consolidation of the de facto division of the country, which was also influenced by the EU’s conditionality.

The New Role of the European Union

To this day, the EU’s reputation as a political actor in Bosnia and Herzegovina suffers as a result of its failure to prevent the outbreak of wars in Slovenia, Croatia, and Bosnia and Herzegovina in 1991 and 1992. Thanks to its hesitant attempts at mediation, the belated recognition of the country as a result of the call for a referendum, and the plan for the division of the country along ethnic lines drawn up by EU special envoy José Cutileiro, the EU has no little co-responsibility for the situation and the problematic constitutional situation.¹³ The fact that it took US leadership to end the war has weakened belief in the EU’s resoluteness to this day.

By raising the prospect of EU accession at the European Council meeting in Thessaloniki in 2003, the EU hoped to improve its profile. By dispatching its first European Security and Defence Policy (ESDP) mission, the 2003 deployment of the EUPM, launching EUFOR Althea as the successor to the NATO-led IFOR/SFOR in 2004, and making High Representative Paddy Ashdown simultaneously EU Special Representative (EUSR) in 2002, the EU demonstrated a renewed commitment to Bosnia and Herzegovina. Although the EU deployed all its foreign policy and enlargements instruments in the 2000s, in 2012, Bosnia and Herzegovina is still not a credible candidate country.

Despite the unanimously declared and regularly reconfirmed prospect of accession for the countries of the Western Balkans, the EU member states remain disunited in their analyses of the dissolution of Yugoslavia and its

13 Cf. Josip Glaurdić, *The Hour of Europe. Western Powers and the Breakup of Yugoslavia*, New Haven 2011, pp. 249-302.

consequences. The prospect of the break-up of the state union between Serbia and Montenegro in 2006 was supported only hesitantly by some member states and tested the EU's coherence. On the recognition of the Republic of Kosovo (2008), unanimity had already impossible been to find. Croatia's accession process, while relatively uncontroversial, slowed down as a result of the "creeping nationalization" of the enlargement process that the member states introduced following the 2004 and 2007 enlargement rounds.¹⁴ This was evident in Greece's blocking of the process for the accession of the former Yugoslav Republic of Macedonia, and in Slovenia's policy of blocking negotiations with Croatia in order to strengthen its position in the dispute over territorial waters. There is also widespread scepticism regarding the extent to which the countries of the region – including Bosnia and Herzegovina – would be in a position to make long-term progress on questions of justice and rule of law. The European Commission reacted to this in 2011 by adopting a new negotiating strategy. It is now the intention to deal with this sensitive chapter of the shared European *acquis* as early as possible in the accession process.¹⁵

The ten years since the European Council met in Thessaloniki have also shown that EU enlargement should not be considered exclusively as a foreign policy instrument, but rather as a cause of change to the EU itself.¹⁶ Recent developments in EU member states in South-eastern Europe (Hungary, Greece, Romania) have again fed doubts in a number of capitals about the ability of the region to implement reforms while also contributing to the shift in the character of the EU.

The requirements for EU membership have thus not only increased objectively during the last ten years as a consequence of the expansion of the *acquis*. Subjective political factors, including public opinion and national narratives in the member states, have also increasingly played a role. For the EU heads of state or government, these domestic political debates play a crucial role. The strengthening and institutionalization of the European Council in the Treaty of Lisbon mirrors the influence of the heads of state or government. Furthermore, Germany, among others, is opposed to including additional unresolved national conflicts on the model of Cyprus within the EU. Consequently, Bosnia and Herzegovina's fragile political system faces the challenge of demonstrating sufficient credibility, ability to adhere to treaty commitments, and coherence before it can launch an application for membership.

14 Cf. Christophe Hillion, *The Creeping Nationalisation of the EU Enlargement Policy*, Stockholm 2010, at: <http://www.sieps.se/en/publikationer/the-creeping-nationalisation-of-the-eu-enlargement-policy-20106>.

15 Cf. European Commission, *Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2011-2012*, p. 5, at: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/strategy_paper_2011_en.pdf.

16 Cf. Jean-Claude Piris, *The Future of Europe. Towards a Two-Speed EU?* Cambridge 2012, p. 55.

On the other hand, the Treaty of Lisbon appears to have enhanced the EU's coherence on the ground in Bosnia and Herzegovina. For the first time in more than 20 years, the EU has a "single presence" in the country. In September 2011, the separation of the OHR from the EUSR was completed, with the appointment of Denmark's Peter Sørensen as EUSR and Head of the EU Delegation. The closure of the EUPM on 30 June 2012 marked the end of civil crisis management, which was replaced by stronger EU conditionality in the area of rule of law. With regard to the extension of the EUFOR mandate, a number of EU member states have signalled their willingness for the further transition of the mandate into an advisory mission.¹⁷ These steps mean that the EU can now make autonomous decisions on individual progress towards accession. This was not possible as long as the EUSR and the High Representative were the same person and could thus not distinguish clearly between questions of state-building and the fulfilment of the Dayton Peace Agreement, on the one hand, and matters relating to EU accession, on the other. The EU's goal was to situate fundamental discussions of the "Bosnian question" in the Peace Implementation Council (PIC), where it would be kept separate from the accession process. This had not proved possible in the past. Police reform, initiated by High Representative Paddy Ashdown and made a matter of EU conditionality by Chris Patten as EU Commissioner for External Relations is typical of the failure of an approach that mixed "state-building" with "member-state-building".¹⁸

The unified EU presence enabled by the Treaty of Lisbon was accompanied by a catalogue of requirements put together by the EU foreign ministers, which sought to signpost the way to a "credible membership application".¹⁹ The EU demanded the adoption of two laws at state level, a State Aid Law and a Census Law. Both have since been adopted, though doubts remain as to the seriousness of the political class's intentions regarding their enforcement. The regulation of state aid at state-level, which is a foundation of the common market, threatens the basis of party clientelism. The census, which should in fact have been carried out during 2011, when all EU states were required to perform a census, is necessary because the most recent census data was gathered in 1991. This data is completely obsolete, as the war

17 The leadership of the EUFOR Althea military operation makes use of NATO structures (under the Berlin Plus arrangement). Althea has a mandate from the United Nations Security Council under Chapter VII of the UN Charter and thus represents a continuation of the United Nations Protection Force (UNPROFOR) and NATO mandates. Political and strategic responsibility rests with the EU, though the Union cannot make decisions on the future of the force without consulting closely with its NATO partners, in particular Turkey and the United States, in the North Atlantic Council.

18 Cf. Dominik Tolksdorf, *Der Einsatz von EU-Konditionalität bei den Verhandlungen um eine Polizeireform in Bosnien und Herzegowina* [The Deployment of EU Conditionality in the Negotiations over Police Reform in Bosnia and Herzegovina], in: *Südosteuropa* 4/2011, pp. 412-447.

19 Council of the European Union, *Council conclusions on Bosnia and Herzegovina, 3076th Foreign Affairs Council meeting*, Brussels, 21 March 2011, p. 1, at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/120066.pdf.

brought about a massive change in structures of population and settlement. The EU does not require collection of data on ethnic identity, but exclusively household and demographic information necessary for the planning of investment and infrastructure projects. However, the question of what data on ethnicity would be gathered and how it could be used was once again a cause of political turmoil, as the parties insisted on the inclusion of questions relating to ethnicity in the census questionnaire.²⁰

However, the greatest difficulty for local politics arose from the EU's demand that action be taken following the decision of the European Court of Human Rights (ECtHR) in the case of *Sejdić and Finci versus Bosnia and Herzegovina*.²¹ In December 2009, the ECtHR ruled that the constitution of Bosnia and Herzegovina violated human rights by excluding minorities from specific offices. The complainants, Dervo Sejdić and Jakob Finci, a Rom and a Jew, were not eligible to stand for the Presidency, as this position is only open to people with a declared affiliation to the "constituent peoples": Bosniaks, Serbs, and Croats.²²

The ECtHR's ruling placed Bosnia and Herzegovina in contravention of Article 2 of its Stabilisation and Association Agreement, which covers the universal obligation to observe human rights. As a consequence, the EU resolved not to put the agreement into effect, even though it had already been ratified. The ruling in the case of *Sejdić and Finci* raises complicated constitutional questions. The EU therefore demanded that if no solution can be found to all the related questions in the short term, that at least "serious efforts" be made to end discrimination based on the constitution.²³

As Bosnia and Herzegovina's domestic crisis meant that there had still been no breakthrough in this question by the spring of 2012, EU Commis-

20 The proposed questions on ethnicity and religion were criticized by civil society organizations and experts from the Council of Europe. Cf. Steering Committee of the International Monitoring Operation on the Population and Housing Censuses in Bosnia and Herzegovina, *First Assessment Report*, sections 60-74, Sarajevo 2012, at: http://www.bhas.ba/census/779849_Report%20First%20Mission%20BiH%20Census%20revised.pdf.

21 Cf. European Court of Human Rights (Grand Chamber), *Case of Sejdić and Finci v. Bosnia and Herzegovina* (Applications nos. 27996/06 and 34836/06), Judgment, Strasbourg 22 December 2009, at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96491>; cf. also http://www.coe.org.rs/eng/news_sr_eng/?conid=1545.

22 It is not only minorities that are excluded from specific offices by the constitution. Members of the constituent peoples are also not permitted to stand for certain offices. For instance, a Croat cannot stand for the State Presidency if he or she is resident in the Republika Srpska.

23 The Treaty of Lisbon, which came into force on 1 December 2009, amends the Treaty on European Union (TEU), enhancing the political conditions applying to potential member states in the area of human rights protection. Since 1 December 2009, Article 2 of the Treaty on the European Union has had the following wording: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail." *Consolidated Version of the Treaty on European Union*, Official Journal of the European Union, C 83/13, 30 March 2010, at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:020:en:PDF>.

sioner for Enlargement Štefan Füle invited the Presidency of Bosnia and Herzegovina, the chair of the Council of Ministers, the prime ministers of the entities, and the leaders of the strongest parties to talks in Brussels. This meeting also sought to reach agreement on a co-ordination mechanism for EU matters within the country. On 27 June 2012, agreement was reached on an ambitious road map to resolve the question by the autumn. The delegations from Bosnia and Herzegovina were led to believe that if this road map were followed, an application for EU membership could be discussed at the European Council meeting in December 2012.

Road Map for Bosnia and Herzegovina's EU Membership Application

By 31 August	Proposal to the Parliamentary Assembly to amend the Constitution of Bosnia and Herzegovina (BiH) to make it compliant with the Sejdić/Finci ruling. This is the essential missing element for a Decision of the Council on the entry into force of the Stabilisation and Association Agreement (SAA).
1st half of September	High Level Mission of the European Commission to BiH and mid-term review of this Road Map to prepare the second meeting of the High Level Dialogue on the Accession Process
7 October	Local Elections in Bosnia and Herzegovina
10 October	Adoption of the Annual Progress Report by the European Commission on BiH.
By 31 October	Reply by Bosnia and Herzegovina to the 2 lists of sectoral questions handed over on 27 June (Chapters 5 and 27). Definition of an efficient EU coordination mechanism.
November	Second meeting of the High Level Dialogue on the Accession Process in Sarajevo.
By 30 November	Constitution has been amended to make it compliant with the Sejdić/Finci ruling. On the condition that the SAA enters into force: submission of a credible EU membership application.

Source: European Union, *Joint Conclusions from the High Level Dialogue on the Accession Process with Bosnia and Herzegovina and the Road Map for BiH's EU membership application*, 27 June 2012, at: http://europa.eu/rapid/press-release_MEMO-12-503_en.htm.

The issues around the case of Sejdić and Finci also illustrate clearly what difficulties and limitations are involved in the planned separation of progress towards EU membership from the fundamental conflicts concerning the statehood of the country. In its report of July 2012, the International Crisis Group (ICG) noted that “almost nothing about the Sejdić-Finci case is as it

seems”.²⁴ As a result of domestic political developments, there are now two challenges that need to be faced. Not only does discrimination against minorities need to be abolished, the Croatian HDZ parties’ call for guaranteed representation also needs to be addressed. As described above, neither the HDZ BiH nor the HDZ 1990 succeeded in winning a majority of votes in the Federation for their candidates for the Croatian member of the Presidency in the 2006 and 2010 elections, which was won both times by the SDP candidate, Željko Komšić; in 2010, he won almost twice as many votes as the two HDZ candidates combined.²⁵ As representatives of the smallest of the three constituent peoples, the HDZ parties fear that they face a structural disadvantage. They have made their agreement to constitutional change contingent on the Croatian representatives in state institutions being elected by a majority of Croatian voters and not merely a majority of eligible citizens. With regard to the EU road map, the HDZ parties brought a motion in the state parliament in late August 2012 proposing that the members of the Presidency be elected indirectly by the state parliament.²⁶ An identical proposal, previously discussed by the HDZ parties and the SDP, had been the cause of Željko Komšić’s departure from the SDP in late July 2012.²⁷ He argued, as did representatives of civil society groups, that a constitutional amendment of this kind would reinforce ethnic discrimination rather than reducing it.²⁸ The proposal will also meet with the resistance of the Republika Srpska, which insists that one member of the Presidency be elected exclusively by its citizens.

From the EU’s perspective, it would be desirable if this question could be resolved before Croatia becomes an EU member. Waiting until after Croatia’s accession to deal with it threatens to complicate the situation, as it would grant Croatia an equal right to contribute to formulating the conditionality for enlargement, as well as the right to a veto. If the “Croatian question”

24 International Crisis Group (ICG), *Bosnia’s Gordian Knot: Constitutional Reform*, Europe Briefing No. 68, Sarajevo, 12 July 2012, p. 1, at: <http://www.crisisgroup.org/~media/Files/europe/balkans/bosnia-herzegovina/b068-bosnias-gordian-knot-constitutional-reform>.

25 “Komšić won 337,065 votes compared to 109,758 votes for HDZ candidate Borjana Krišto and 60,266 votes for HDZ 1990 candidate Martin Raguž. Even if the two Croat national parties – who together usually represent the vast majority of Croat voters – had run with a joint candidate, they would have lost.” International Crisis Group, *Bosnia’s Gordian Knot: Constitutional Reform*, cited above (Note 24), p. 4.

26 Cf. Volkgruppen ORF, *BiH - Kroaten wollen Verfassung ändern* [BiH – Croats Want to Amend Constitution], 28 August 2012, at: <http://volksgruppen.orf.at/kroaten/aktuell/stories/170101>.

27 Indirect election of the Presidency would also hinder Komšić’s chances of being re-elected as the Croatian member, as the HDZ parties would use the initiative to underscore their claim to the office.

28 Cf. Civil Society warns: HDZ proposal isn’t a credible contribution, in: *Bosnia Daily*, 29 August 2012, p. 1.

in Bosnia and Herzegovina is not resolved, the EU can expect Croatia to block enlargement from mid-2013.²⁹

Resolving the constitutional questions thrown up by the Sejdić/Finci case requires local decision makers to show a willingness to compromise that has not been evident in recent decades. The implementation by the political elites in Bosnia and Herzegovina of the demands made in March 2011 has also become a test of the robustness of EU enlargement and foreign policy in the region, as the EU's current crisis is also perceived in Bosnia and Herzegovina. As a result, the political elites do not expect Bosnia and Herzegovina to become a member any time soon. This has the effect of diminishing the willingness to reform. The renunciation of power and control and the creation of competition and openness is currently unattractive if the benefits and gains of EU membership lie in an uncertain future. At a more fundamental level, the EU itself also appears to be changing. Solidarity with peripheral and economically weak countries such as Bosnia and Herzegovina is being made contingent on increasingly stringent compliance with rules, something that the current generation of political leaders appears highly unlikely to achieve. Doubts as to whether the prospect of EU membership is sufficiently attractive to bring about behavioural change in the local elites are thus not without justification.

Outlook

Twenty years after independence, the key features of the domestic political dividing lines in Bosnia and Herzegovina are still determined by the dispute over the country's statehood. The Republika Srpska still regularly calls the continued existence of the state and its institutions into question.³⁰ The EU reacted to Dodik's threat to hold a referendum on independence in May 2011 by opening a dialogue on the competencies and role of the state and the entities in the area of justice and on judicial reform. This attempt by the EU to contain the situation influenced the domestic political conflict lines. The EU now accepts that the entities as dialogue partners, as demanded by the Republika Srpska. However, even given this concession, the prospect of EU

29 Article 6 of the Act on the Relations between the Republic of Croatia and the Croatians Outside the Republic of Croatia of October 2011 obliges Croatia to intercede for the "full achievement of equality and constitutiveness of the Croatian people in Bosnia and Herzegovina". *Act on the Relations between the Republic of Croatia and the Croatians outside the Republic of Croatia*, 21 October 2011, Article 6, at: http://www.mvep.hr/Portals/US/File/111219_zakon_hrvati_izvan_rh_eng.pdf.

30 Cf. *Dodik: Lagumdžija must go, Bosnia won't survive*, daily.tportal, 15 August 2012, at: <http://daily.tportal.hr/209451/Dodik-Lagumdžija-must-go-Bosnia-won-t-survive.html>. This article concerns Dodik's criticism of Lagumdžija's actions as foreign minister. Lagumdžija had instructed Bosnia's UN representative to vote in favour of the EU-sponsored resolution on Syria in the General Assembly. Dodik accused him of having failed to agree his policy with the Presidency, describing the events as evidence that Bosnia and Herzegovina "did not work".

membership does not appear to be enough to bring about a fundamental change of policy in the direction of common sovereignty and shared competencies. In the Republika Srpska, it appears rather to be nourishing hopes of a dual-track approach of the kind used at times in negotiations with the State Union of Serbia and Montenegro. As there is currently no binding legal arrangement between the EU and Bosnia and Herzegovina, there are elements among the elites of the Republika Srpska that hope to enter into entirely independent negotiations with Brussels. It also remains to be seen how the change of government in Serbia will affect the political situation in Bosnia and Herzegovina, particularly if Serbia's further integration with the EU continues to be blocked by the Kosovo question. Statements made in late August 2012 following a meeting between Belgrade and Banja Luka (Republika Srpska) mentioned neither the common prospect of EU membership nor the necessary reforms in Bosnia and Herzegovina.³¹

However, against the background of Croatia's EU accession and the European economic crisis, the possibility that pressure will grow on the political elites to deliver concrete results in the area of economic and social policy cannot be ruled out. The joint protests by farmers from the Federation and the Republika Srpska in August 2012 may be an indication of how things could develop. Despite years of preparation and technical assistance from the EU, it has not proved possible to certify certain of the country's agricultural products according to EU norms. The Republika Srpska has long resisted the creation of an office with responsibility for this at state level, though this is the norm in EU member states. In contrast to the political criteria for membership, the elements of the EU *acquis* relating to the common market is not readily negotiable. In the absence of the appropriate export documents, Bosnia and Herzegovina's agricultural sector is threatened with the loss of one of its most important export markets – Croatia – on 1 July 2013.³² This example shows how the pressure could increase to instigate the necessary political and economic structural reforms to prepare Bosnia and Herzegovina for the competition its industries will face within the EU. Every successful step on the path towards membership, including, finally, candidate status,³³ would help to confront the political elites with the concrete challenges of European integration. This process may then be the way to create the necessary space for a constructive approach to deal with the traumas of the 1990s.

However, with a dysfunctional governing coalition at state level, the incompleteness of the reform of the political landscape in the Federation, and

31 Cf. Dačić, *Džombić for Serbia-RS special relations*, tanjug.rs, 28 August 2012, at: <http://www.tanjug.rs/news/56677/dacic--dzombic-for-serbia-rs-special-relations.htm>.

32 Cf. Elvira M. Jukic, *Bosnian Exports Already Hit By Croatian EU Membership*, in: *BalkanInsight*, 31 July 2012, at: <http://www.balkaninsight.com/en/article/bosnian-export-already-hit-by-croatian-eu-membership>.

33 Candidate status comes with a significant increase in the pre-accession assistance. This assistance is provided to all sectors. Before a country gains candidate status, assistance concentrates on the achievement of the political criteria.

the intensification of rhetorical attacks on Bosnia and Herzegovina by the leaders of the Republika Srpska, the signs are not promising. How the local elections on 7 October 2012 will affect future political developments remains to be seen. Many observers expect that the failure of the SDP's attempted change of policy will lead to a political realignment in the Federation, which will not necessarily enhance stability at the level of the state.

All in all, 2013 looks like being another decisive year for Bosnia and Herzegovina.

The German *Rechtsstaat*¹ in a Time of Right-Wing Terror

Right-Wing Terrorism Unrecognized

On 4 November 2011, the perpetrators of a bank robbery in the German town of Eisenach fled from pursuing police to a camper van, where, shortly afterwards, they set fire to the vehicle and committed suicide. In the camper van, the police found not only the bodies of two members of the National Socialist Underground (NSU), who the police had been searching for since they went into hiding on 26 January 1998, but also a CZ 83 7.65 mm pistol that had been used in a series of nine murders. This weapon had been used to kill nine small business people from immigrant communities. The first known murder was committed on 9 September 2000, the last on 6 April 2006. Several other weapons were also found in the camper van, including the service pistols of a police woman who had been murdered in Heilbronn in 2007 and of her colleague, who had been wounded in the same incident. On the same day as the robbery, there was an explosion and a fire in a house in the town of Zwickau, in which the two bank robbers had lived with a woman. This woman gave herself up to the police in Jena on 8 November 2011. On 13 November, the Federal Court of Justice (*Bundesgerichtshof*) ordered that she be remanded in custody on strong suspicion of founding and being a member of a terrorist organization and of first-degree arson.²

It very quickly became clear, following these events, that the three NSU members, who had been apprehended more or less by accident, had been responsible for an unprecedented series of far-right terrorist acts. As well as the murders of small business people, eight of whom had Turkish roots, the ninth being of Greek origin, they could also be linked with certainty to a nail-bomb

1 Translator's note: The term *Rechtsstaat* – literally the “rights state”, more idiomatically, the “state of rights” or the “constitutional state” – poses a particular problem for translators. In the context of international relations, and the work of international institutions including the OSCE, the abstract noun “*Rechtsstaatlichkeit*”, derived from the adjectival form “*rechtsstaatlich*”, is generally translated as “rule of law”, to the extent that they can be considered virtual synonyms. Yet there is no adequate translation of the original German noun “*der Rechtsstaat*”. The translation as “state under the rule of law” is ugly and potentially misleading when applied strictly to the German state. It is for this reason that we have followed the not unprecedented path here of using the German term as a loan word, despite the inconvenience this may cause the reader.

2 Cf. Federal Prosecutor General at the Federal Court of Justice, *Haftbefehl gegen die Brandstifterin von Zwickau wegen mutmaßlicher Mitgliedschaft in der terroristischen Vereinigung “Nationalsozialistischer Untergrund (NSU)”* [Zwickau Arsonist Remanded in Custody on Suspicion of Membership of Terrorist Organization “National Socialist Underground (NSU)”], press release, 13 November 2011 – 37/2011, at: <http://www.generalbundesanwalt.de/de/showpress.php?newsid=419>.

attack in Cologne in 2004 and to the murder of the policewoman in Heilbronn in 2007. In the nail-bomb attack, which had apparently targeted Turkish shops, twenty-two people had been injured, some of them critically. The bomb also caused a great deal of material damage. The policewoman murdered in Heilbronn was a 22-year-old officer from Thuringia. Her colleague, who was also shot in the head, survived with serious injuries. The NSU also carried out a number of bank robberies to fund its existence in hiding. The public prosecutor and police are currently examining whether there is a connection between the group and twelve robberies of post offices and banks in the states of Saxony, Thuringia, and Mecklenburg-Western Pomerania.

Germany suddenly found itself confronted with a radical right-wing terror campaign, whose existence no one had been aware of up to that point. Historically, the democratic *Rechtsstaat* has always faced a double predicament when dealing with terrorist attacks. In the first instance, the security agencies of the state are required to explain why they had not recognized and dealt with the threat at an earlier stage. This has frequently caused domestic security structures – and their need for reform – to become a political hot topic. In the second place, such events result in calls for security organs to be granted new powers to aid them in tracking down and punishing the terrorists. Frequently, such new powers curtail fundamental rights and procedural safeguards aimed at ensuring the rule of law in order to facilitate more effective prosecution of (alleged) terrorists. This leads to a dismantling of constitutional standards, which are only sometimes restored once the terrorist threat has passed. Frequently, these enhanced powers remain as long-term constraints on fundamental freedoms. This was most recently demonstrated in the international reaction to the 9/11 attacks, but was also evident in West Germany in 1977, during efforts to combat the terror campaign of the Red Army Faction (RAF). In the case of the NSU's far-right terror campaign, the predicaments that the *Rechtsstaat* faces are compounded by the fact that neither the authorities nor the public acknowledged that the NSU's crimes constituted a campaign of right-wing terrorism. The German *Rechtsstaat* and German society knew nothing of any right-wing terrorist attacks until the NSU's cover was accidentally blown. Consequently, we have to ask why the German authorities were blind to the dangers of right-wing extremism.

The NSU's Path to Terror

The fact that the entire German public had absolutely no idea that the NSU's crimes had been committed in the name of right-wing ideology, and the largely accidental discovery of this link, raises the question of what the German authorities knew about the NSU before they went into hiding, and what they could or should have deduced from that.

The NSU, frequently referred to in the media as the Zwickau terror cell, arose out of the 1990s neo-Nazi scene in the city of Jena. It consisted of Beate Zschäpe (born 2 January 1975, neé Apel), Uwe Mundlos (born 11 August 1973; died 4 November 2011), and Uwe Böhnhardt (born 1 October 1977; died 4 November 2011). Before they went underground, the three were already known to the authorities as active neo-Nazis.³ All three belonged to the Anti-Anti-Fascist group formed in Thuringia in the autumn of 1994, which later became the *Thüringer Heimatschutz* [Thuringian Homeland Protection]. The *Thüringer Heimatschutz* was largely established by Tino Brandt, the deputy leader of the regional association of the National Democratic Party of Germany (NPD) in Thuringia, who was in fact an informant for the Thuringian Office for the Protection of the Constitution (*Thüringer Landesamt für Verfassungsschutz*, TLfV from 1994 until his exposure in 2001. In 1998, the Thuringian State Criminal Police Office (*Thüringer Landeskriminalamt*, TLKA) described the three as belonging to “the hard core of the Blood & Honour movement” in Jena.

Until the time of the trio’s disappearance, the following neo-Nazi activities were recorded in the files of the state authorities: In 1993, Mundlos and Böhnhardt paraded through the Jena district of Winzerla, which neo-Nazis had declared a “*national befreite Zone*” [literally, a “nationally liberated zone”, a term coined by neo-Nazis to describe areas where their dominance had led to the elimination from public sight and life of what they considered undesirables (foreigners, gays, punks, etc.)] wearing replica SS uniforms.⁴ In February 1995, Zschäpe attempted to register a demonstration by the “*Interessengemeinschaft Thüringer Heimatschutz*” (“Friends of Thuringian Homeland Protection”) with the motto “For the Protection of Thuringian Identity, against Internationalization by the EU”, which was refused permission by the Jena authorities.⁵ On 25 March 1995, Mundlos was detained at a skinhead meeting in Triptis.⁶ On 3 May 1995, the trio put up posters with the slogan “8 May 1945 – 8 May 1995. We’re not celebrating! End the Liberation Lie! Young National Democrats – Brockenberg 5a 52223 Stollberg”.⁷ On 17 August 1996, Böhnhardt and Mundlos journeyed to Worms to take

3 In the following, most of the facts cited as part of the official record are taken from: *Gutachten zum Verhalten der Thüringer Behörden und Staatsanwaltschaften bei der Verfolgung des „Zwickauer Trios“*, erstattet von Dr. Gerhard Schäfer, Vorsitzender Richter am Bundesgerichtshof a.D., Volkhard Wache, Bundesanwalt beim Bundesgerichtshof, a.D., Gerhard Meiborg, Leiter der Abteilung Strafvollzug im Ministerium der Justiz und für Verbraucherschutz Rheinland-Pfalz, im Auftrag des Freistaats Thüringen, vertreten durch den Thüringer Innenminister [Report on the Behaviour of the Thuringian Authorities and Public Prosecutors in the Prosecution of the “Zwickau Trio”], Erfurt 14 May 2012 (referred to hereafter as the *Schäfer Report*). For personal details of the trio, see *ibid.* pp. 26-38, for details of the activities they carried out together, see *ibid.* pp. 38-54.

4 Cf. Frank Döbert, Erinnerung an 90er-Jahre [Remembering the 90s], in: *Ostthüringer Zeitung*, 17 December 2011.

5 Cf. *Schäfer Report*, cited above (Note 3). p. 43.

6 Cf. *ibid.*, pp. 43-44.

7 Cf. *ibid.*, p. 44.

part in an unregistered demonstration on the anniversary of the death of Rudolf Hess.⁸ Mundlos and Böhnhardt, dressed in bomber jackets and combat boots and accompanied by a group of supporters, attended a court hearing of convicted right-wing terrorist and holocaust denier Manfred Roeder at the district court of Erfurt.⁹ In the court building, they unfurled a banner reading “Our Grandfathers Were Not Criminals”.¹⁰ In November 1996, Mundlos and Böhnhardt were banned from the former Buchenwald Concentration Camp, which they had visited dressed in clothing that resembled SA uniforms.¹¹ On 24 January 1998, the three members of the NSU took part in an NPD demonstration against an exhibition in Dresden highlighting the crimes of the *Wehrmacht*, where they were photographed with a banner reading “Nationalism – An Idea Looking for Practitioners”.¹² Hence, there could be no doubt on the part of the authorities that these three individuals had a deeply rooted far-right sensibility; they had demonstrated it often enough.

Even before going underground, and at the same time as they were publicly asserting their Nazi ideology, they also committed several ideologically motivated crimes, which were recorded by the police and were the subject of criminal prosecution.¹³ On 29 June 1995, Mundlos was convicted of the manufacture and possession of insignias belonging to organizations forbidden by the constitution. He had been arrested in possession of the forbidden items on 13 August 1994.

On 13 April 1996, Böhnhardt hung the torso of a mannequin decorated with a yellow “Jewish star” badge on a bridge over an *Autobahn* near Jena, placing a fake bomb nearby. For this, and for incitement to racial hatred, he was sentenced to two years and three months juvenile detention by a juvenile court on 21 April 1997, taking account of several previous convictions since 1993, including numerous counts of theft, several counts of driving without a valid licence, endangering road safety, license plate fraud, and extortion in combination with assault. On 10 December 1997, the conviction was confirmed. On 23 January 1998, the file was lodged with the responsible juvenile court judge, whose task it was to decide on a date for the start of the custodial sentence. Three days later, Böhnhardt and the others went into hiding.

As their criminality escalated, the NSU armed themselves and began to build bombs with which to carry out attacks. This, too, was known to the authorities and recorded in official files.¹⁴ On 16 October 1997, Böhnhardt was

8 Cf. *ibid.*, p. 50.

9 Cf. Solveig Bach, *Freunde wurden Mörder-Bande* [From Friends to Murder Gang], in: *n-tv.de*, at: <http://www.n-tv.de/politik/Freunde-wurden-Moerder-Bande-article4773146.html>.

10 Cf. Wolf Schmidt/Andreas Speit, *Der Staat, der Terror und die Partei* [State, Terror, Party], *taz.de*, 17 November 2011, at: <http://www.taz.de/!82127>.

11 Cf. *Schäfer Report*, cited above (Note 3), p. 47.

12 Cf. Wolf Schmidt, *NPD und NSU: Apfels brauner Kern* [NPD and NSU: Apfel’s Brown Core], *taz.de*, 12 December 2011, at: <http://www.taz.de/NPD-und-NSU/!83602>.

13 For the following, cf. *Schäfer Report*, cited above (Note 3), pp. 26-38.

14 For the following, cf. *ibid.*, pp. 28-29, 38-54, and 55-62.

ordered to pay a fine of 50 days' pay for a firearms offence (committed on 16 April 1997). On 30 September 1996, a bomb decorated with swastikas was placed in Jena's Ernst-Abbe Stadium, though this was not linked to the trio until 1998. Zschäpe, Böhnhardt, and Mundlos, however, came to the attention of the police in 1997, when letter bombs were sent to a newspaper, a police station, and local government offices in Jena. They were also suspected of having placed a bomb in a suitcase decorated with a swastika in front of Jena's *Theaterhaus*, on 2 September 1997, although it lacked a detonator. Following investigations into more than a dozen members of the *Thüringer Heimatschutz*, Zschäpe, Böhnhardt, and Mundlos were also questioned, but not detained. A police search on 26 January 1998 led to the discovery of explosives in a lock-up rented by Zschäpe, at which point the NSU went into hiding.

Following the disappearance of the trio after the discovery of explosives in Zschäpe's lock-up, at the very latest, it should have been possible to conclude that the NSU was becoming involved in terrorist activities. The possibility that the trio would carry out a right-wing terror campaign from hiding should not have been too distant from people's minds.

The Failure of Law Enforcement and Security Agencies

Before the causes of the failure of the security agencies and the consequences that should be drawn from it can be debated, it is necessary to determine where and how the security agencies failed in their attempts to combat the NSU. The following sections detail the four most obvious areas of failure documented so far.

The NSU Was Able to Disappear for Thirteen Years

Despite ongoing police investigations, the trio was able to disappear and remain undetected for 13 years.

After explosives were found in Zschäpe's lock-up on 26 January 1998, there was strong suspicion that a crime had been committed and that the suspects posed a flight risk. The NSU's ability to fall off the radar at this point – according to the Schäfer Report – was a consequence of technical errors made by the police while conducting their investigations.¹⁵ The police failed to search the various premises simultaneously. Böhnhardt learned that Zschäpe's lock-up was being searched and was able to evade the police and warn the others. If the searches had been carried out simultaneously, this would not have been possible.

¹⁵ See also the short summary of the Schäfer Report printed for the press conference on 15 May 2012, p. 2.

After their disappearance, and the issue of an arrest warrant on 28 January 1998, both the TLKA and the TLfV, joined shortly afterwards by the authorities in Saxony, began an extensive manhunt for the three suspects, without, however, effectively communicating or co-ordinating their actions. The TLKA alone initiated 37 phone taps, public appeals for information, and surveillance operations. The key reason for the failure to apprehend the NSU was the TLKA's decision to entrust the operation to a dedicated fugitive unit.¹⁶ Up to this point in time, the case had been dealt with by the *Ermittlungsgruppe Terrorismus/Extremismus* (Terrorism/Extremism Investigation Group, known as "EG TEX"), a unit specializing in right-wing extremism. In contrast, the new investigative team had no knowledge of the right-wing structures in which the trio was involved and from which it drew its support. These problems were acknowledged in part by the investigators themselves, yet despite their failure to achieve results over years, the TLKA senior management did nothing to change things.¹⁷ Nor did the public prosecutor intervene, thus failing to fully discharge its responsibility to lead the investigation.¹⁸ The suspicions, voiced several times by the police, that Beate Zschäpe was providing information to the TLfV, and even that the TLfV and its Saxon equivalent (*Sächsisches Landesamt für Verfassungsschutz*, SLfV) assisted the trio in their disappearance and later on have not so far been proven.¹⁹

Failure to Recognize Right-Wing Terrorism

No link was ever drawn between the trio and either the murder of the nine small business owners from immigrant communities or the shooting of the two police officers in Heilbronn. Equally, the three were never connected to or investigated with regard to the nail bomb attack in Cologne or the various bank robberies. The day after the nail bomb attack, the German Interior Minister, Otto Schily, and his counterpart in the state of North-Rhine Westphalia, Fritz Behrens, denied publicly that the attack had terrorist motives.²⁰ While the theory was occasionally proposed that there may have been right-wing extremist involvement in the murder spree, it had no chance of guiding the work of the investigative organs. This became particularly evident in the in-

16 Cf. *Schäfer Report*, cited above (Note 3), p. 131, pp. 136-140, and the conclusion, pp. 262-263.

17 Cf. *ibid.*, p. 139; see also the short summary of the Schäfer Report, cited above (Note 15), pp. 3-4.

18 Cf. *Schäfer Report*, cited above (Note 3), pp. 237-238; see also the short summary of the Schäfer Report, cited above (Note 15), p. 4.

19 For Thuringia, see *ibid.*, pp. 247-261, p. 263. For Saxony, see *Sächsischer Landtag, Vorläufiger Abschlussbericht der PKK* [Preliminary Final Report of the Parliamentary Control Commission], 22 June 2012, p. 4.

20 Cf. Schily gibt schweren Irrtum zu, in: *Tagesspiegel*, 19 April 2012, at: <http://www.tagesspiegel.de/politik/nsu-terror-schily-gibt-schweren-irrtum-zu/6531284.html>.

quiry undertaken into the work of the Bavarian “Bosporus” task force, which had been set up to examine five of the murders.²¹

The Victims Come under Suspicion

Instead, the victims were suspected of being involved in organized crime. They and their friends and families were treated as though they were suspected of criminality, and they were thoroughly investigated. This made them victims twice over, once as the result of serious crimes, then again as the objects of false accusations.²²

Furthermore, these groundless suspicions were discussed for days in the media, where it was speculated that the crimes had been committed in connection with drug dealing, the Turkish mafia, illegal gambling, cyber-criminality, or plant smuggling. When the head of the Federal Criminal Police Office (*Bundeskriminalamt, BKA*) announced publicly that the murdered policewoman may have known the three and that the murder could have been the result of a falling out, the victim’s entire family was subject to ostracism.

Barbara John, the ombudswoman appointed by the government on behalf of the victims, is convinced that, as a result of their initial victimhood, and then of being suspected of involvement in the crimes, the families have had their lives ruined. Family members have abandoned each other, fallen out, or accused each other.²³

Destruction of Files

Even after the connection between the NSU and their crimes became known, the law enforcement and security agencies continued to make mistakes. At the Federal Office for the Protection of the Constitution (*Bundesamt für Verfassungsschutz, BfV*), files relating to the use of informants within the *Thüringer Heimatschutz* from 1996 to 2003 under the name of “*Operation Rennsteig*” were destroyed. This operation was conducted jointly by the BfV, the TLfV, and Germany’s Military Counterintelligence Service, the *Amt für den militärischen Abschirmdienst* (MAD).²⁴ As a result of the debate that followed, Heinz Fromm, the head of the BfV, stepped down. Even the Federal

21 See Deutscher Bundestag, 2. Untersuchungsausschuss (“Terrorgruppe nationalsozialistischer Untergrund”) [Second *Bundestag* Committee of Inquiry (“National Socialist Underground Terrorist Group”)], hearing of witness Günther Beckstein of 24 May 2012.

22 This was stated by Sebastian Edathy (SPD), the chair of the *Bundestag* committee charged with investigating the NSU terror group, and his deputy Stephan Stracke (CDU) at the headquarters of Cologne police on Friday, 31 August 2012.

23 Cf. Deutscher Bundestag, 2. Untersuchungsausschuss (“Terrorgruppe nationalsozialistischer Untergrund”) [Second *Bundestag* Committee of Inquiry (“National Socialist Underground Terrorist Group”)], hearing of witnesses of 19 April 2012.

24 Cf. Deutscher Bundestag, 2. Untersuchungsausschuss (“Terrorgruppe nationalsozialistischer Untergrund”) [Second *Bundestag* Committee of Inquiry (“National Socialist Underground Terrorist Group”)], hearing of witness Heinz Fromm of 5 July 2012.

Ministry of the Interior now assumes that the files were destroyed “deliberately and systematically”. Yet the Ministry of the Interior had itself, in November 2011, ordered the destruction of files belonging to the BfV. According to the Ministry of the Interior, however, these files had nothing to do with the NSU, but were merely records of phone taps carried out on right-wing extremists, which should have been destroyed years earlier in line with regulations on the retention period of stored data. The data was belatedly deleted in November 2011 without a further check of its content being carried out.²⁵

The Causes of the German State’s Failure to Combat Extreme Right-Wing Terrorism

Competition and Mutual Hindrance between the Office for the Protection of the Constitution and the Police

The case of the TLfV shows in exemplary fashion what structural problems there were in the work of the offices for the protection of the constitution on the NSU. Thanks to information from its sources, the TLfV had good knowledge of the trio. Yet mistakes were made in how that information was used in two regards.²⁶ The information provided by informants was not analysed in line with the principles of an intelligence agency. As a result, the relevance of many pieces of information was not recognized and key insights were not passed on to the police. The causes of this were the TLfV’s tendency to think of itself as in competition with the TLKA and its dislike of law enforcement responsibilities.²⁷ At the same time, the critical attitude of many TLKA officers towards the TLfV came about as a result of the use of the informant Tino Brandt. Before the trio disappeared, the TLfV had warned Brandt on several occasions that the TLKA was planning to carry out searches. Furthermore, after the NSU trio went underground, TLfV agents informed Mundlos’s parents that their telephone was being tapped by the TLKA. There was thus no co-ordination between the agencies involved in the case. Both of these problems were identified clearly by the Schäfer Commission and the evidence documented in its report. To dismiss this as an internal Thuringian problem ignores the underlying structural issue. We have to assume that while the powers of the offices for the protection of the constitution to carry out surveillance have grown steadily, their ability to evaluate the resulting data, and to train personnel for this task have not expanded concomitantly, particularly with regard to right-wing extremism and far-right groups. Furthermore, be-

25 Cf. Deutscher Bundestag, *NSU-Ausschuss fordert Stopp der Aktenvernichtung* [NSU Committee Demands End to Destruction of Documents], at: http://www.bundestag.de/dokumente/textarchiv/2012/39895729_kw29_pa_2ua_nsu.

26 Cf. *Schäfer Report*, cited above (Note 3), p. 264, margin numbers 485, 486.

27 Cf. *Ibid.*, p. 246-247; see also the short summary of the *Schäfer Report*, cited above (Note 15), p. 9.

hind the police's constant and ubiquitous complaint that the intelligence agencies do not provide them with sufficient information there is also a structural conflict of operational interests.²⁸ If the offices for the protection of the constitution inform the police about criminal acts, their sources of information threaten to dry up. This tends to result in action being taken too late in criminal cases. To stop this, the use of informants needs to be severely curtailed or stopped altogether.

*Lack of Co-ordination and Centralization, "Limits to Federal Security Architecture"?*²⁹

Germany possesses a total of 59 security agencies at state and federal level.³⁰ As a result of the different tasks performed by the various agencies as well as vaguely worded laws, there are overlaps, multiple competencies, problems with information management, and constant co-ordination problems.³¹ The investigation of the NSU murders involved five public prosecutors, six state criminal police offices, the federal BKA, and the various offices for the protection of the constitution. Nevertheless, the only theory about motive for the murders that was pursued with any seriousness focused on organized crime. Furthermore, in May 2006, the conference of Germany's interior ministers (*Innenministerkonferenz*) decided not to give the BKA responsibility for investigating the nine murders that had been committed up to that point. Conflict between the states and the federal government, and among the states themselves, led to poor co-ordination of this major investigation. The BKA was given a "supporting role" and, over the many years of the investigation, carried out only "complementary structural investigations". There was "no unified investigation and search plan".³² The Federal Prosecutor General is also unable to take the initiative to determine whether he has authority in such cases.

28 This was the opinion presented by Christoph Gusy to a *Bundestag* expert hearing into the NSU, see Deutscher Bundestag, 2. Untersuchungsausschuss ("Terrorgruppe nationalsozialistischer Untergrund") [Second *Bundestag* Committee of Inquiry ("National Socialist Underground Terrorist Group")], expert hearing on the security architecture in Germany of 29 March 2012.

29 Deutscher Bundestag, NSU-Untersuchungsausschuss, Scharfe Kritik an polizeilicher Aufklärungsarbeit, [Strong Criticism of Police Investigation], at: http://www.bundestag.de/dokumente/textarchiv/2012/39320695_kw24_pa_2ua_nsu/index.html (author's translation).

30 These figures were given by Hans-Jürgen Lange at the *Bundestag* expert hearing on the security architecture in Germany, cited above (Note 28).

31 According to Christoph Gusy, see *ibid.*

32 Cf., in particular, the testimony of Bernhard Falk in: Deutscher Bundestag, 2. Untersuchungsausschuss ("Terrorgruppe nationalsozialistischer Untergrund") [Second *Bundestag* Committee of Inquiry ("National Socialist Underground Terrorist Group")], hearing of witness Bernhard Falk of 14 June 2012.

Despite the lack of a unified investigation plan, there was an agreement between the BKA and the police in the five affected states to concentrate on the search for evidence among organized criminal groups, where it was primarily believed that the perpetrators and their motives were likely to be found.³³ The hypothesis, developed by a Bavarian profiler, that the two men assumed to be the culprits had far-right views was destined to fail.

While the offices for the protection of the constitution did acknowledge the danger that individuals or small groups from extremist right-wing circles could carry out attacks, no one imagined that a terrorist cell on the model of the RAF existed. That at least was the view given in the statement of Heinz Fromm, the head of the BfV who resigned over the affair.³⁴ As a result, the investigators of the crimes committed by the NSU after going into hiding never realized that they were motivated by far-right ideology. It is therefore worth asking whether the offices for the protection of the constitution would have been successful in their investigations if they had taken the right-wing threat seriously. Why this did not occur, even though the group was known to be armed and in possession of bomb-making equipment, remains incomprehensible. As a result of their ongoing radicalization and increasing use of criminal means, all three NSU members, whose far-right allegiances were obvious, were well known and a matter of record at the TLfV, the TLKA, in various police departments, and at the public prosecutor's office, as were their close links to each other. Their involvement in far-right activities was impossible to overlook. Given that they had begun building bombs, the failure to recognize that the group had adopted terrorist tactics can only be explained by mistakes in analysing and distributing the data acquired in Thuringia. For instance, the Bavarian "Bosporus" task force, set up to deal with five murders, had no firm information about the NSU trio.

At the same time, the focus of the investigation on organized crime caused great suffering to many friends and family of the victims, in part merely as a result of the interrogation methods used by the police. The affected families were right to complain of a lack of empathy for the bereaved among the investigators and officials. This does not show that the security agencies are blind towards the right in general, but does reveal evidence of a serious underestimation of right-wing extremism, and accompanying everyday racism.

33 Cf. Deutscher Bundestag, 2. Untersuchungsausschuss ("Terrorgruppe nationalsozialistischer Untergrund") [Second *Bundestag* Committee of Inquiry ("National Socialist Underground Terrorist Group")], hearing of witness Christian Hoppe of 11 May 2012.

34 Cf. hearing of witness Heinz Fromm, cited above (Note 24).

Having failed entirely to recognize that the crimes of the so-called Zwickau terror cell were motivated by far-right ideology, the state initially had no call to demand restrictions of fundamental rights as a means to combat this threat. However, after the terror campaign had come to an end – no thanks to the state – the latter immediately began to expand its authority to act, at the cost of curtailing basic rights. A prominent example of this is the establishment of the so-called far-right database (*Rechtsextremistendatei*).³⁵ The debacle also led to the drawing of a number of different, and frequently contradictory conclusions. As expected, a fundamental discussion of Germany's security architecture developed. One side called for the number of state offices for the protection of the constitution to be reduced from the current 16. On the other side, there are those who oppose centralization, key among them being the representatives of the states.³⁶ They argued that centralization would not increase the efficiency of counter-terrorism activities, while it would contradict the principle of federalism. In the light of the most recent discussions, major changes in this area are not to be expected, apart from better data-sharing between agencies. However, the form in which the principle of separation between the police and intelligence services is applied is currently the subject of heated discussion. It is not yet possible to predict how this controversy will be resolved. Politicians have argued that the importance of this dividing line should "not be exaggerated".³⁷ Academic experts, on the other hand, a group that seldom speaks with one voice, call for the principle of separation to be maintained.³⁸ To master the structural problems that plague the German system for the protection of the constitution, there have been calls for parliamentary oversight to be strengthened, and the use of police informants to be brought to an end, or at least more strongly regulated. Likewise, there have been appeals for greater transparency in the management of informants. So far there has been no real progress in the discussion of how right-wing extremist violence can be recognized at an earlier stage by the security agencies, how victims should be treated, and how best to help them. Barbara John, the German government ombudswoman, and others have made concrete proposals of how this could be done. As well as the implementation of these proposals (requiring examination of potential far-right links in cases of crimes against foreigners and members of immigrant communities as standard, a legal requirement that victims be assigned legal counsel, and efforts to

35 Cf. Gesetz zur Verbesserung der Bekämpfung des Rechtsextremismus vom 20. August 2012 [Law to Improve the Combating of Right-Wing Extremism of 20 August 2012], in: *Bundesgesetzblatt* [Federal Law Gazette], 2012, volume I, No. 39, 30 August 2012, pp. 1798-1803.

36 Most recently, Federal Interior Minister Hans-Peter Friedrich's plan to centralize Germany's various offices for the protection of the constitution was quashed on 28 August 2012 by the Conference of Interior Ministers.

37 Hearing of witness Günther Beckstein, cited above (Note 21).

38 Cf. expert hearing on the security architecture in Germany, cited above (Note 28).

strengthen state assistance to victims of violence), key changes also need to be made to tackle everyday racism. The official ceremony to remember the victims of the NSU must not be seen as the end of efforts to deal with the failure to treat the victims properly.

II.

Responsibilities, Instruments, Mechanisms,
and Procedures

Conflict Prevention and Dispute Settlement

An Endless Conflict? An Update on Developments in the Russian-Chechen Conflict in 2011

Introduction

In the wake of the political demise and disintegration of the Soviet Union, which reached its climax in 1991, a highly decorated Soviet air force Major-General, Dzhokhar Dudaev, returned to his native Autonomous Republic of Checheno-Ingushetia.¹ During the previous year, the All-National Congress of the Chechen People had approved the Chechen Republic's Declaration of Independence and Dudaev had been elected Chairman of its Executive Committee. In August 1991, following the attempted putsch against Mikhail Gorbachev, the events known as the Chechen revolution broke out, in the course of which General Dudaev seized power in Chechnya. By October he was president of the self-declared Republic of Chechnya.

The president of first the Russian Soviet Federative Socialist Republic (RSFSR) and then the Russian Federation, Boris Yeltsin, initially ignored Chechen claims to independence, then tried to install Chechens who were believed to be loyal to Moscow. In November 1991, Yeltsin declared a state of emergency in Chechnya and sent in about 600 troops of the interior ministry's elite special units (*spetsnaz*) who were stationed there for one night and then sent back to Moscow.²

This was the beginning of the conflict between Russia and Chechnya.³ Twenty years and two wars later, the political and security situation in and around the small mountainous republic in Russia's North Caucasian Federal District has still not improved. Quite to the contrary, in 2011 it appeared to be as unstable as ever.⁴ In recent years, the Russian-Chechen conflict has spread over the whole territory of the North Caucasus. It is by far the most acute and violent ethno-political conflict in Europe today, claiming approximately two lives a day in 2010. Fareed Zakaria, who is not alone in holding this view,

1 See Yossef Bodansky, *Chechen Jihad. Al Qaeda's Training Ground and the next Wave of Terror*, New York 2007, p. 21.

2 See Emil Souleimanov, *An Endless War: The Russian-Chechen Conflict in Perspective*, Frankfurt am Main 2007, pp. 81-92. See also Sergei Maksudov, *Chechentsy i russkie: pobedy, porazheniya, poteri* [Chechens and Russians: Victories, defeats, losses], Moscow 2010, pp. 161-166.

3 See James Hughes, *Chechnya. From Nationalism to Jihad*, Philadelphia, PA, 2007, p. ix.

4 As one analyst, Liz Fuller, recently stated: "Over the past 15 years, Russia's North Caucasus has become a byword for war, destruction, human rights abuses, extrajudicial killings, corruption, economic collapse, and Islamic terrorism." Liz Fuller, *Why is the North Caucasus An Unholy Mess?* Radio Free Europe/Radio Liberty, 15 August 2011, at: http://www.rferl.org/content/north_caucasus_why_is_it_such_an_unholy_mess/24297384.html.

has called the conflict “the largest and most active new centre of Islamic terrorism in the world today”,⁵ others have referred to the North Caucasus as “Russia’s internal abroad”.⁶

This article tackles the question of how the conflict changed during 2011.

To answer this question, I will first take stock of the development of the conflict in 2011 via analysis of relevant conflict data. I will then proceed to evaluate the initiatives undertaken by the Russian government in 2011 to deal with the conflict (conflict management), discuss the results (success or failure) of these measures, and analyse why state policies have succeeded or failed. The last section will then give an overall assessment of the most important trends characterizing the conflict during 2011.

2011: A(nother) Bloody Year

On 5 February 2011, two weeks after the suicide attack on Moscow’s Domodedovo Airport, Doku Umarov, the self-proclaimed leader (emir) of the Caucasus Emirate,⁷ released a video message in which he vowed to make 2011 “a year of blood and tears”.⁸ In the video, Umarov stated that the Riyad-us Salikhyn suicide battalion of the Caucasus Emirate had fifty to sixty suicide assassins ready to be sent to Russia in the coming months. These attacks in Russia’s heartland were intended as a wake-up call for ordinary Russians, who, it was hoped, would urge their leaders to withdraw from the region.

Although the Domodedovo attack was the only major terrorist incident in Russia proper in 2011, the situation in the North Caucasian Federal District was very different. In the region itself, the conflict has lost none of its viciousness. The data suggests that in the first eight months of 2011 the level of violence did not change compared to 2010. In fact, the level of violence

5 Cited in: Murad Batal al-Shishani, Russian Policies in the North Caucasus fuels a new Generation of Insurgents, in: *Central Asia-Caucasus Analyst* 3/2011, pp. 3-5, here: p. 5, available at: <http://www.cacianalyst.org/?q=node/54961a>.

6 Alexey Malashenko, *Losing the Caucasus*, Carnegie Moscow Center Briefing 3/2009, p. 1, at: http://carnegieendowment.org/files/Malashenko_Losing_the_Caucasus_BriefAug09_Eng.pdf. See also Maciej Falkowski/Mariusz Marszewski, The “Tribal Areas” of the Caucasus. The North Caucasus – an enclave of “alien civilisation” within the Russian Federation, in: *OSW Studies*, 34/2010, at: http://www.osw.waw.pl/sites/default/files/PRACE_34.pdf.

7 The Caucasus Emirate is the main organization of the insurgents in the North Caucasus. It was established in autumn 2007 by its leader Doku Umarov. Umarov appointed himself “emir” of the Caucasus Emirate while resigning as president of the Chechen Republic of Ichkeria. See Wojciech Górecki, “Creeping” civil war in the North Caucasus, in: *OSW Commentary* 50/2011, p. 2, at: http://www.osw.waw.pl/sites/default/files/commentary_50.pdf.

8 Kavkaz Center, *Emir vows year of blood and tears for Russia*, 5 February 2011, at <http://www.kavkazcenter.com/eng/content/2011/02/05/13467.shtml>. See also Michael Ludwig, Nordkaukasische Islamisten drohen Moskau mit “Jahr des Blutes” [North Caucasus Islamists Threaten Moscow with “Year of Blood”], in: *Frankfurter Allgemeine Zeitung*, 7 February 2011, p. 5.

remained very high throughout 2011 compared to other recent years.⁹ That said, there were some minor but crucial changes in conflict behaviour during 2011.

Terrorist Attacks, Violent Incidents and Victims in 2011 (January-August)

Compared to 2010, the situation in the first eight months of 2011 has grown worse. Data collected by the author shows that the number of terrorist attacks by August 2011 was already higher than for the whole of 2010 (see table 1).¹⁰ The website *Kavkazsky Uzel* (“Caucasian Knot”) reported a total of 238 attacks for 2010.¹¹ The total for 2011 will be significantly higher, with at least 283 terrorist attacks and terrorist-related violent incidents reported by the end of August. The same picture can be achieved by comparing the data for 2011 with the data compiled by the US National Counterterrorism Center (NCTC) for 2010. The NCTC reported 187 terrorist attacks in the period from January to August in 2010.¹² The attack rate in 2011 compared to 2010 has therefore risen by as much as one third.¹³

The total number of victims tells a similar story. In the first eight months of 2011, 267 people were killed and 438 were wounded, giving a total of 705 victims. This is about the same number of victims as there were for the same time span in 2010, when a total of 650 persons were killed or wounded in the course of the conflict according to NCTC data.¹⁴

9 See Górecki, “Creeping” civil war in the North Caucasus, cited above (Note 7). See also Valery Dzutsev, Conflict in Dagestan Approaches the Level of Civil War, in: *North Caucasus Analysis* 4/2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37518&tx_ttnews\[backPid\]=514](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37518&tx_ttnews[backPid]=514).

10 The database compiled by the author for the purposes of this article is based on Russian open-source reports and information, which have been collected and aggregated by the Jamestown Foundation’s North Caucasus Analysis website. This covers events from January to July 2011. Data for August 2011 was collected from the Russian website “Voine Net” (<http://www.voinenet.ru>), which also uses Russian open-source information to track the development of the conflict. As the conflict has become asymmetric in recent years, with extensive use of terrorist tactics, the database primarily included terrorist attacks or terrorism-related acts of violence and excluded counter-terrorist operations carried out by Russia and the various national republics.

11 See, Vooruzhennyi konflikt na Severnom Kavkaze: 1710 zhertv za 2010 god [The armed conflict in the North Caucasus: 1,710 victims in 2010], *Kavkazsky Uzel*, 18 January 2011, at: <http://www.kavkaz-uzel.ru/articles/179693>.

12 The NCTC Worldwide Incidents Tracking System (WITS) database can be accessed and searched at: <http://www.nctc.gov/wits/witsnextgen.html>.

13 For details of the numbers from January to August 2011, see Sven Singhofen, Terrorbekämpfung in Tschetschenien und im Nordkaukasus: Mission accomplished or failed? [Combating Terrorism in Chechnya and the North Caucasus: Mission Accomplished or Failed?], in: Institut für Sicherheitspolitik an der Universität Kiel (ISPK) (ed.), *Jahrbuch Terrorismus 2010*, Opladen 2011, pp. 193-214.

14 See *ibid.*, p. 196.

Table 1: Terrorist Incidents and Victims in the North Caucasus and Moscow (January to August 2011)

Region	Attacks/ violent incidents	Victims			Victims	
		Dead	Wounded	Total	State agents	Civil- ians
Chechnya	23	35	87	122	119	3
Ingushetia	28	11	5	16	14	2
Dagestan	181	140	225	365	259	106
Kabardino- Balkaria	43	39	6	45	38	7
Karachay- Cherkessia	2	4	4	8	8	0
Adygeia	1	1	0	1	1	0
North Ossetia	2	1	1	2	1	1
Moscow	4	36	110	146	1	145
Total	283	267	438	705	441	264
Sources: Jamestown Foundation, <i>North Caucasus Analysis</i> 1/2011 to 16/2011, at: http://www.jamestown.org and Voine Net, <i>Ezhenedelnye khroniki</i> , 11-17 August 2011 to 25-31 August 2011, at: http://www.voinenet.ru .						

A Low-Intensity (Small-Scale) Conflict

In 2004, there were twelve terrorist attacks in which more than five people died. The attack in Beslan, North Ossetia, alone killed more than 300. Since then, the focus of the terrorist attacks has changed, and fatality rates have been far lower in subsequent years.

This trend was not reversed in 2011, with most attacks having a very low impact in terms of the number of casualties. Very few attacks caused more than five casualties, the suicide attack at Moscow's Domodedovo International Airport in January 2011 being the most prominent. Most attacks car-

ried out in 2011 targeted single individuals, police checkpoints, and transport infrastructure (e.g. railway lines). The main function of these small-scale attacks was to spread fear and show that the terrorists were still operational.

Such small-scale and low fatality attacks may not achieve the same level of public attention, especially outside the region and abroad, but they still have a profound effect, as can be seen, for example, in Dagestan, the centre of insurgent activity during 2011. Here, in the first eight months of the year, a total of 181 small-scale attacks occurred – close to one a day. It is therefore no surprise when analysts describe this as a region on the brink of civil war.¹⁵

Changing Regional Distribution of Terrorist Attacks

The spread of terrorism in 2010 had two different geographical vectors: one towards Dagestan and another towards Kabardino-Balkaria and Stavropol Krai. The last is particularly worrying because of its geographic proximity to Sochi, the venue of the 2014 Winter Olympics.¹⁶

The same geographic vectors are evident when comparing the results of 2010 and 2011 (see table 1). Dagestan is the epicentre of terrorism in the North Caucasus. In 2010, according to *Kavkazsky Uzel*, 260 terrorist attacks, explosions, and clashes took place in Dagestan compared to 143 in Ingushetia, the second hardest hit republic in the region, and 99 in Chechnya. Kabardino-Balkaria followed with 90 terrorist attacks and clashes.

In 2011, Dagestan witnessed by far the most attacks of all of the republics in the North Caucasian Federal District, with the occurrence of 181 attacks and violent incidents there. In contrast to 2010, the second-hardest-hit republic was not Ingushetia, but Kabardino-Balkaria with 43 attacks. Another 28 attacks took place in Ingushetia, while Chechnya lagged behind with “only” 23 attacks.

In other words, while the security situation has further improved in Chechnya and Ingushetia, it has (drastically) deteriorated in Dagestan and Kabardino-Balkaria. Of the 283 terrorist attacks in the first eight months of 2011, more than 50 per cent took place in Dagestan, while less than ten per cent occurred in Chechnya. The conflict, which had its origin in Chechnya, has spread through the region, and by 2011 four republics – Chechnya, Dagestan, Ingushetia, and Kabardino-Balkaria – were significantly affected by it. The three remaining republics in the North Caucasus – Karachay-Cherkessia, Adygeia, and North Ossetia – have not been substantially affected thus far. The Russian heartland, as in previous years, has been affected

15 See, for example, Thomas de Waal, North Caucasus of the Bizarre, in: *The National Interest*, 1 November 2010, at: <http://nationalinterest.org/commentary/caucasus-bizarre-4334>. See also Górecki, “Creeping” civil war in the North Caucasus, cited above (Note 7).

16 See Carnegie Endowment for International Peace, *North Caucasus: Results of 2010*, at: <http://carnegieendowment.org/2011/03/15/north-caucasus-results-of-2010/41rj>.

by one high-profile attack in Moscow, the Domodedovo suicide attack in January 2011.

Between Terrorism, Guerrilla Warfare, and Civil War

In 2011, the tactics of the militant underground remained largely unchanged, with the majority of incidents being armed attacks and bombings. According to the NCTC, there were 158 terrorist attacks in the first half of the year, of which 88 were armed attacks whose perpetrators used firearms or even rocket propelled grenades. Another 68 attacks were bombings and only three were suicide attacks. However, the data supplied by *Kavkazsky Uzel* in August paints a different picture, claiming that in the first eight months of 2011 a total of twelve suicide attacks occurred on the territory of the North Caucasian Federal District and in Moscow.¹⁷ This difference is probably due to the fact that the NCTC's WITS database was last updated in early October 2011 and thus recorded only the attacks that had taken place in the first two quarters of the year. One may therefore assume that the *Kavkazsky Uzel* data is the most precise and up to date on this issue.

In 2010, the picture was much the same, with more than 50 per cent or 231 of 396 terrorist attacks taking the form of armed assaults, followed by 167 bombings and 13 suicide attacks.¹⁸ Seven attacks in 2010 were arson or firebombing attacks.

The main tactics used in the terrorist attacks were thus armed assaults by a small or very small number of attackers and bombings. Second, the proportion of suicide attacks, at least in the first eight months of 2011, has not risen above the level of the previous year. Third, alongside classical terrorist tactics, the insurgents are also increasingly resorting to the methods of guerrilla warfare. Evidence of this is the number of incidents of gunfights, attacks on security forces and Russian combatants, and even outright battles between larger groups of *jihadi* insurgents and Russian troops.

In terms of victim type, the militant underground still primarily targets state officials of various kinds, including police officers, other law enforcement agents, members of the security forces, head teachers, local heads of administration and also, depending on the republic, local Muslim clergy (imams). It seems plausible that the overall objective is to strike at the governmental "nervous system" in the North Caucasus and to further weaken and discredit local governing capabilities. Civilians are mostly affected by accident, with the exception of a few high-profile attacks that aim at causing ci-

17 See 63 cheloveka pogibli v Moskve i na Severnom Kavkaze v 2011 godu v rezultate samopodryvov smertnikov [63 people lost their lives in 2011 in Moscow and the North Caucasus as a result of suicide bombers], *Kavkazsky Uzel*, 31 August 2011, at: <http://www.kavkaz-uzel.ru/articles/191734>.

18 For details, see the NCTC's Worldwide Incidents Tracking System database, mentioned above (Note 12).

vilian casualties and sending a symbolic message, such as the suicide attack in Grozny on 31 August 2011.¹⁹

An exception is Dagestan, where a host of attacks have targeted civilians whose values and lifestyles differ from those of the Salafi and Wahhabi Muslims of the *jihadi* insurgency. Several shop owners and landlords have thus been attacked or even shot for no other reason than selling alcoholic beverages, or running a café, bar, or sauna. Folk-healers and fortune-tellers have also been attacked in a number of incidents. This explains the higher number of civilian victims in this republic (see table 1) and also shows why it is apt to speak of Dagestan as being on the brink of civil war.²⁰

Continuity is also evident in the type of facilities targeted. In 2011 as in 2010, terrorist attacks were predominantly directed at vehicles, public places, retail facilities, residences, and police stations.²¹ Trains and other forms of transport infrastructure were also targeted, as they had been in 2010. One-off attacks were also directed at energy infrastructure (hydroelectric power plants, gas pipelines). In an effort to counter Moscow's latest plans for development of the region, insurgents also struck at a cable-car support tower in a ski resort in the North Caucasus.²²

A new and particularly worrying trend in 2011 was the increasingly successful recruitment of "new blood" of Slavic origin for the North Caucasus insurgency. Whereas the perpetrators had until recently (almost) exclusively stemmed from the North Caucasus, this year there were signs that the *jihadi* insurgency had not only been successful in recruiting Russian supporters to its cause, but that the latter were even prepared to participate actively in terrorist acts.²³ The cases of Viktor Dvorakovsky, who was arrested in

19 See BBC News Europe, *Triple suicide bombing kills police in Chechnya on Eid*, at: <http://www.bbc.co.uk/news/world-europe-14726122>.

20 See Valery Dzutsev, Dagestan Dubbed the Most Dangerous Place in the North Caucasus, in: *Eurasia Daily Monitor*, 5 October 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38492](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38492).

21 For details, see the NCTC's Worldwide Incidents Tracking System database, mentioned above (Note 12).

22 This belongs to what Gordon Hahn has recently called the Caucasus Emirate's (CE) "Sochi Vector". The CE clearly has the 2014 Winter Olympics on its mind, and hopes that attacks of this kind will create fear that other winter ski resorts will be targeted in the future, including Sochi. The mere threat of attacks on the games risks reducing investment. See Gordon Hahn, *The CE OVKBK's Sochi Vector*, Monterey Institute for International Studies, Monterey Terrorism Research and Education Program, Islam, Islamism and Politics in Eurasia Report, No. 36, 11 March 2011, pp. 2-4, available to download at: <http://www.russiaotherpointsofview.com/2011/03/islam-islamism-and-politics-in-eurasia-report-no36-march-2011.html>.

23 See Mairbek Vatchagaev, Is the North Caucasus Rebel Movement Spreading Beyond the North Caucasus? In: *North Caucasus Analysis* 16/2011, at: [http://www.jamestown.org/programs/edm/single/?tx_ttnews\[tt_news\]=38279&tx_ttnews\[backPid\]=27&cHash=c449cca4a842d5677ad3102a64d3e506](http://www.jamestown.org/programs/edm/single/?tx_ttnews[tt_news]=38279&tx_ttnews[backPid]=27&cHash=c449cca4a842d5677ad3102a64d3e506). See also Mairbek Vatchagaev, Arrests in Astrakhan Point to the Spread of Islamic Insurgency in Russia, in: *Eurasian Daily Monitor*, 26 May 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37974](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37974); Gordon Hahn, Alleged Russian Jihadi Suicide Bomber Viktor Dvorakovskiy Captured, in: Monterey Terrorism Research and Education Program, *Islam, Islamism and Politics in*

Stavropol Krai in the summer, and Vitaly Razdobudko, who was killed in the Dagestani village of Gubden, are the latest examples. On top of this a “*jamaat*”²⁴ group, formed along the same principles as those already operating in the North Caucasus and following the same objectives, was uncovered in 2011 in the Russian region of Astrakhan in the Volga basin. If this trend were to continue, it would worry the Russian security forces, as it would further enhance the insurgents’ ability to move about freely and unhindered in regions outside of the North Caucasus. Also, it would mean that the North Caucasus insurgency has started to spread to other parts of Russia and that so-called *jamaats* have begun to form and operate independently of the Caucasus Emirate on the territory of the Russian Federation.

Sticks Rather than Carrots

Alongside standard constitutional measures such as territorial autonomy and power-sharing to deal with the demands of a multiethnic society,²⁵ the basic approach to conflict management that has been employed in the case of Chechnya and the neighbouring North Caucasus republics in recent years can be described as the classic carrot-and-stick combination of negative and positive incentives.²⁶ These consist of (a) military force or other repressive means, i.e. outright war or, after the end of the second Chechen war in 2001, anti-terrorist operations, (b) the delegation of responsibilities in the fight against terrorism and insurgents to local authorities (known as *Chechenization* or *normalization*), in other words, reliance on patron-client networks and an informal power-sharing agreement typical of an authoritarian environment, (c) a modern approach to the economic development of the North Caucasus that seeks to address the deeper socio-economic problems and roots of

Eurasia Report, No. 43, 21 July 2011, p. 4, available to download at: <http://www.miiis.edu/academics/faculty/ghahn/report>.

- 24 The term “*jamaat*” (from Arabic *jamaat* – meaning “community, group or collective”) is widely used to denote an association of Muslims forming a functional entity. In Dagestan, according to Enver Kisriev, the term has traditionally been used to mean “the inhabitants of a settlement, the constituency of a Mosque, any concrete assembly of Muslims mandated to execute a common task or to decide on an issue”. When militarized underground Islamic groups were formed in the Western Caucasus between 1999 and 2002, the term was also used for these groups. See Enver F. Kisriev, *Islamic Movements in the Northern Caucasus and Their Relations with the Authorities*, in: Hans-Georg Heinrich/Ludmilla Lobova/Alexey Malashenko (eds), *Will Russia Become a Muslim Society?* Frankfurt am Main 2011, pp. 39-83, here: pp. 40-41, 76-77.
- 25 In August 1996, the Khasavyurt Accord was signed, bringing an end to the First Chechen War. The Russian-Chechen Peace Treaty was signed in Moscow on 12 May 1997, establishing the framework for relations between the Russian Federation and the Chechen Republic. Chechnya had previously refused to participate in the drafting of the new constitution of the Russian Federation or to acknowledge its validity. But since the signing of the peace treaty, Chechnya has been considered de jure a constituent subject of the Russian Federation with full rights granted by the constitution adopted in December 1993.
- 26 See, for example, Malashenko, cited above (Note 6); Górecki, “*Creeping*” civil war in the North Caucasus, cited above (Note 7), pp. 4-6.

the conflict, (d) administrative-bureaucratic reform, such as the establishment of a separate North Caucasian Federal District, and (e) plans for a resettlement policy and population transfer.²⁷

Negotiations with segments of the Chechen separatist forces that have a constructive attitude and a potential (at least temporary) willingness to compromise, as represented by the former president of the Chechen Republic of Ichkeria, Aslan Maskhadov, and the current prime minister, Akhmed Zakayev, played a negligible role. Responsibility for this cannot be attributed exclusively to the Russian government, as internal strife and growing radicalization on the Chechen side since the conflict flared up again under Dudaev have also played a major role.²⁸

The problem with this approach so far is the unbalanced nature of the whole arrangement, which has led to highly inconsistent and therefore dysfunctional conflict management.²⁹ The argument is that the use of force – and very often this means excessive force by federal as well as republican security organs – is given too much weight in the overall architecture of conflict management, thus undermining efforts to build legitimacy and trust with the local populations. The indiscriminate use of force against insurgents and uninvolved bystanders will not end the conflict. In combination with widespread corruption and bad governance in the North Caucasus, it rather has the opposite effect, losing the hearts and minds of local populations, and very often driving segments of the younger generation to join the ranks of the insurgents.³⁰

27 This combination of negative and positive incentives almost exactly corresponds to the four-track approach used in other conflicts and counter-insurgency campaigns around the world as described by John Russell. According to Russell, The four strategies are: (1) eradication of terrorism, (2) terror against terror, (3) containment of the terrorists/insurgents, and (4) addressing the root causes. See John Russell, *Chechnya – Russia's "War on Terror"*, London 2007, pp. 102-106.

28 See, for example, James Hughes, The Peace Process in Chechnya, in Richard Sakwa (ed.), *Chechnya: From Past to Future*, London 2005, pp. 265-287, here: p. 282; Russell, *Chechnya – Russia's "War on Terror"*, cited above (Note 27), chapter 8: The paths not taken: The Russian failure to reach a political solution in Chechnya, pp. 131-148.

29 Wojciech Górecki, for example, argues that no Russian government since that of Boris Yeltsin (1991-1999) has come up with a coherent strategy for managing the conflict and developing the North Caucasus. Instead, the Kremlin has either neglected and abandoned the North Caucasus or merely reacted to unfolding events. In the latter case, a "force model" for managing the conflict and the region was applied under Yeltsin and Putin. A turning point was President Vladimir Putin's decision to give greater autonomy to Chechnya's government under the so-called "normalization" process and to foster the economic development of the region, as was President Dmitry Medvedev's decision in 2010 to separate the North Caucasian Federal District from the Southern Federal District. See Górecki, *"Creeping" civil war in the North Caucasus*, cited above (Note 7), pp. 4-6.

30 See, for example, James Hughes, War makes jihad, in: Antonio Giustozzi (ed.), *The Borders of Islam. Exploring Huntington's Faultlines, from Al-Andalus to Virtual Ummah*, New Delhi 2009, pp. 173-189; Murad Batal al-Shishani, cited above (Note 5), p. 5.

As in previous years,³¹ Russian security forces scored quite a number of successes in fighting terrorism during 2011. Although the ten-year anti-terrorist operation in Chechnya was officially declared over in April 2009, it was soon revived, as the security situation clearly deteriorated again. In 2011, there were numerous limited and broad-scale anti-terrorist operations in which regional governments called in federal troops of the interior ministry or special forces. In other instances, troops of the Russian interior ministry and the Federal Security Service (FSB) operated on their own and on orders from Moscow.³²

Several prominent figures within the resistance movement in the North Caucasus were killed in these operations, either when they were stopped at roadside checkpoints and asked to show their identification documents or in the course of other operations. On 4 March 2011, Russia's security services managed to kill Khamzat Korigov, one of the leaders of Ingushetia's insurgency, in Nazran, Ingushetia.³³ On 22 March 2011, in an operation targeting a rebel base near the village of Verkhniy Alkun in Ingushetia, Russian air and ground forces killed 17 insurgents and one of the closest associates of the leader of the insurgency in the North Caucasus. At first it was believed that the Emir of the Caucasus Emirate himself, Doku Umarov, had been killed in the operation. Later on, official sources as well as the *jihadi* website *Kavkaz Center* ("Caucasian Center") confirmed that, as well as several fighters, it was Emir Supyan (aka Supyan Abdullaev) and not Umarov, who had been killed.

Abdullaev's death was a serious blow to the entire rebel movement in the North Caucasus, since he belonged to Doku Umarov's inner circle and was his designated successor. He was also said to have been behind the cre-

31 According to Mairbek Vatchagaev, in 2010 the North Caucasus resistance movement suffered a number of major losses among high-ranking figures. Among those eliminated by the Russian security forces in several special operations were Said Buryatsky (aka Aleksandr Tikhomirov) the chief ideologue of the Caucasus Emirate; Emir Saifullah (aka Anzor Astemirov) the leader of the Kabardino-Balkaria *Jamaat* and Emir Seifullah of Gubden (aka Magomedali Vagabov) the leader of the Dagestani *Jamaat*. Another prominent rebel leader, Emir Magas (aka Akhmed Yevloev-Taziev) the chief of the Ingush *Jamaat* was captured. In the whole of 2010, Russian security forces claimed to have killed more than 300 rebel fighters. See Mairbek Vatchagaev, Moscow's Position in the North Caucasus Worsened Dramatically in 2010, in: *Eurasia Daily Monitor*, 6 January 2011, at [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37323](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37323).

32 See, for example, Mairbek Vatchagaev, Endless Special Forces Operations Continue in the North Caucasus, *North Caucasus Analysis* 12/2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38058](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38058). See also Valery Dzutsev, Moscow Reverts to Crude Force to Control the Situation in Kabardino-Balkaria, *Eurasia Daily Monitor*, 20 July 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38198](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38198).

33 See Valery Dzutsev, Russian Security Services Launch Wave of Arrests in Ingushetia After Moscow Airport Bombing, *Eurasia Daily Monitor*, 9 March 2011, at: [http://www.jamestown.org/programs/edm/single/?tx_ttnews\[tt_news\]=37616&cHash=97e51eefaf5c4835f644b8dadd85bb67](http://www.jamestown.org/programs/edm/single/?tx_ttnews[tt_news]=37616&cHash=97e51eefaf5c4835f644b8dadd85bb67).

ation of the Caucasus Emirate and to have been “responsible for extending the frontiers of the Emirate to all of the Muslim peoples of the North Caucasus”.³⁴ His importance and his role within the system of the Caucasus Emirate resulted from his effort to put into practice the very idea of forming an Islamic state in the North Caucasus.

Other high-ranking rebel casualties included (1) Emir Hassan (aka Israpil Velijanov), the head of Dagestan’s *Sharia Jamaat*, who was killed in the middle of April;³⁵ (2) Emir Mukhannad (aka Emir Khaled Youssef Mohammed Al Emirate) a well-known Arab *jihadi* fighter, who according to Russian intelligence services was an Al-Qaeda emissary securing the financing of the terrorist underground in the North Caucasus and who was killed on 21 April;³⁶ (3) Emir Abdullah (aka Asker Jappuev); (4) Abdul Jabbar (aka Kazbek Tashuev); (5) Abdul Gafur (aka Aslanbek Khamurzov); and (6) Emir Zakariya (aka Ratmir Shameev), who along with four or six other members of the Kabardino-Balkaria *Jamaat* was killed in a special operation on 29 April;³⁷ (7) Emir Daud (aka Abdullah Magomedaliev) the leader of the Makhachkala sector in Dagestan’s *Sharia Jamaat*;³⁸ and (8) three Chechens – Emir Khamzat (aka Berg-Khazh Musaev), Rustam Altemirov, and Zaurbek Amriev – who allegedly belonged to Doku Umarov’s inner circle. The three men were killed after they left a mosque in Istanbul after Friday prayers on 16 September.³⁹

A positive side effect of the special operations carried out in 2011 was the detection of numerous arms caches. For instance, in one such operation on 23 March, Russian military, police, and FSB agents blockaded the village

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- 34 Mairbek Vatchagaev, Death of Umarov’s Successor Is a Major Setback to Rebel Movement, in: *Eurasia Daily Monitor*, 7 April 2011, at: [http://www.jamestown.org/programs/nca/single/?tx_ttnews\[tt_news\]=37760&tx_ttnews\[backPid\]=189&no_cache=1](http://www.jamestown.org/programs/nca/single/?tx_ttnews[tt_news]=37760&tx_ttnews[backPid]=189&no_cache=1).
 - 35 See Mairbek Vatchagaev, Emir of Dagestan’s Sharia Jamaat Reportedly Killed in Russian Special Operation, *North Caucasus Analysis* 8/2011, 21 April 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37823](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37823).
 - 36 See Russia Says it Killed “al-Qaeda” Emissary in North Caucasus, *North Caucasus Analysis* 8/2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37831](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37831). See also Mairbek Vatchagaev, Latest Russian Claims of Victory in North Caucasus Ring Hollow, *North Caucasus Analysis* 9/2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37861](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37861).
 - 37 Emir Abdullah was the leader of the Kabardino-Balkarian *Jamaat*, while Abdul Jabbar was the emir of the northeastern sector and Abdul Gafur figured as Emir Abdullah’s deputy (naib), which means that the death of these men in effect decapitated the *Jamaat*. See Mairbek Vatchagaev, Moscow Kills Rebel Leaders in Kabardino-Balkaria, but was it a Mortal Blow? *North Caucasus Analysis* 9/2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37891](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37891). See also Balkar, Kabardian Insurgent Leaders Reported Killed, *Radio Free Europe/Radio Liberty*, 29 April 2011, at: http://www.rferl.org/content/balkar_kabardian_insurgent_leaders_reported_killed/16797920.html.
 - 38 See Mairbek Vatchagaev, The North Caucasus’ Troubled August, *North Caucasus Analysis* 17/2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38341](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38341).
 - 39 See Mairbek Vatchagaev, Killings in Istanbul Just the Latest in Series of Murders of Chechens Abroad, *North Caucasus Analysis* 18/2011, at: [http://www.jamestown.org/regions/turkey/single/?no_cache=1&tx_ttnews\[tt_news\]=38435&tx_ttnews\[backPid\]=390&chash=37b1cd404d6f4ae729ad35d4e88066f4](http://www.jamestown.org/regions/turkey/single/?no_cache=1&tx_ttnews[tt_news]=38435&tx_ttnews[backPid]=390&chash=37b1cd404d6f4ae729ad35d4e88066f4).

of Gubden (Dagestan) and searched the homes of local residents. In the operation “33 guns, including seven pistols, more than 300 rounds of ammunition, seven tankers’ helmets with night vision equipment and two machine-gun belts were seized”.⁴⁰ Arms caches and rebel dugouts were also discovered and destroyed in Ingushetia, Chechnya, Kabardino-Balkaria, and Karachay-Cherkessia.

All in all, Russian security forces appear to have achieved quite a number of successes in 2011. According to official Russian sources, in the first five months of the year, 193 terrorists were neutralized, while law enforcement and federal military forces experienced 253 casualties (74 military personnel killed and 179 wounded). The killing of Doku Umarov’s deputy and successor, Supyan Abdullaev, one of the most senior figures in the Caucasus Emirate, also clearly ranks as a major success in the fight against terrorism.

But the clearest sign that the success of the policy of eradication has been rather limited is the swiftness with which prominent figures in the insurgency killed by the Russian side have been replaced.⁴¹ There is clearly a large reservoir of young supporters of the Islamist insurgency who continue to swell the ranks of the Caucasus Emirate and the local *jamaats*. Regardless of how many leading rebels are killed, the various groups can regain momentum quite quickly. Moreover, the insurgency network as a whole is not affected by strikes on the leaders of its subunits. This is especially true for Kabardino-Balkaria, where the entire leadership of the *jamaat* was killed in late April 2011. By June of the same year, the Russian Minister for Internal Affairs, Rashid Nurgaliev, had to concede that the insurgency had retained the ability to launch effective attacks despite the death of their leaders.⁴² Nurgaliev even admitted that Kabardino-Balkaria and Dagestan were the regions with the highest terrorist activity in 2011.

Chechenization (Terror Against Terrorism)

By 2002, the Kremlin had realized that the strategy of force, which had been employed since the start of the Second Chechen War in 1999 in an attempt to subdue the insurgency in Chechnya, was not succeeding.⁴³ For one thing, continuing to employ the force model would have required the constant presence of Russian armed forces, yet federal troops had so far proved unable to pacify Chechnya. Apart from this, the approach had a high political cost, as reports of human rights violations generated criticism in Russia and, more importantly, abroad. Furthermore, there was a massive outflow of the ethnic

40 Igor Rotar, Harsh Measures only Strengthen the Insurgency in Dagestan, in: *Eurasia Daily Monitor*, 31 March 2011, at [http://www.jamestown.org/programs/edm/single/?cHash=42abb036815e2cfd367dfda82903fecf&tx_ttnews\[tt_news\]=37729](http://www.jamestown.org/programs/edm/single/?cHash=42abb036815e2cfd367dfda82903fecf&tx_ttnews[tt_news]=37729).

41 See, for example, Murad Batal Al-Shishani, cited above (Note 5), p. 5.

42 See Mairbek Vatchagaev, Endless Special Forces Operations Continue in the North Caucasus, in: *North Caucasus Analysis* 12/2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38058](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38058).

43 See John Russell, *Chechnya – Russia’s “War on Terror”*, cited above (Note 27), p. 87.

Russian population from Chechnya, leading to a mental and cultural separation of the republic from the Russian Federation.⁴⁴

It was at this point that the Kremlin switched, or – as some observers say⁴⁵ – returned, to a more flexible approach, which made use of indigenous North Caucasian elites loyal to Moscow. This approach has been called the *Chechenization* strategy.⁴⁶ It devolves responsibility for the conduct of all counter-insurgency measures to those Chechens who accept Chechnya's status as a member of the Russian Federation. In return, they receive Moscow's support as well as personal political and economic benefits.⁴⁷ Alexey Malashenko has strikingly summed up the implicit deal that underlies this approach: "You give us your loyalty and obedience, and we will not meddle in the way you run your internal affairs."⁴⁸ The strategy was first applied in Chechnya, where power was handed to Akhmed Kadyrov in 2000, who remained in charge until 2004. His son Ramzan has held the office of president since 2007. Thanks to the changes made to the federal system in 2000 and 2004,⁴⁹ and especially to the institutional mechanism regulating the appointment of heads of executive bodies in all of the federal subsystems, Moscow had the necessary instruments to transfer this approach to all the other subjects of the Russian Federation, including the ethnic republics in the North Caucasus. The first local leader to be removed from power was Ruslan Aushev in Ingushetia, who was replaced by Murat Zyazikov in 2001/2002. The leaders of Dagestan, Kabardino-Balkaria, and North Ossetia were all replaced in 2005-2006 by appointees of then president, Vladimir Putin.

In 2011, there were only a few instances in which the centre stepped in to actually influence the internal balance of power and to decide who was to rule in any of the North Caucasian republics. On 28 February, President Medvedev appointed two heads of government – in Karachay-Cherkessia and Chechnya.⁵⁰ In the latter case, Ramzan Kadyrov was reappointed to rule in

44 See, for example, Górecki, "*Creeping*" civil war in the North Caucasus, cited above, (Note 7), p. 6; Maciej Falkowski, *Chechnya: Between a Caucasian Jihad and "hidden" separatism*, Warsaw 2007, at: http://www.osw.waw.pl/sites/default/files/PUNKT_WIDZENIA_13.pdf, p. 49.

45 See Hughes, *The Peace Process in Chechnya*, cited above (Note 28), p. 283.

46 "Chechenization", according to Maciej Falkowski, "is a journalistic term in use since 2002. The authorities have never mentioned it officially, instead referring to the 'peace process', 'normalisation', etc. The term was disseminated by Alexey Makarkin, a journalist writing on the situation in Chechnya for www.politcom.ru. Later, other journalists started to use the term as well." Falkowski, *Chechnya: Between a Caucasian Jihad and "hidden" separatism*, cited above (Note 44), p. 49.

47 See Russell, *Chechnya – Russia's "War on Terror"*, cited above (Note 27), pp. 82-88. See also Hughes, *The Peace Process in Chechnya*, cited above (Note 28), pp. 283-284.

48 Malashenko, cited above (Note 6), p. 3.

49 For a description and analysis of these changes see, for example, Vladimir Gel'man/Sergey Ryzhenkov, *Local Regimes, Sub-national Governance and the "Power Vertical" in Contemporary Russia*, in: *Europe-Asia Studies* 3/2011, pp. 449-465, here: pp. 451-457.

50 See Valery Dzutsev, *Replacement of Karachaevo-Cherkessia's President Highlights Kremlin Crisis in Appointment System*, in: *North Caucasus Analysis* 5/2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37585](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37585); Radio Free Eur-

Chechnya, as his first term in his function as head of the republic had nearly expired. In the first case, Moscow decided to support a new face, Rashid Temrezov. The former president of Karachay-Cherkessia, Boris Ebzeev, who himself had been installed by Moscow, was unable to deliver the results Moscow wished to see. He was unable to control the republic, and the Russian leadership was reported to have been unhappy with levels of socio-economic development. Ebzeev was dismissed from his post as president of Karachay-Cherkessia “on his own request”.

The third case in 2011 in which the centre nominated and in effect appointed a head of a North Caucasus republic, was that of Aslan Tkhakushinov in Adygeia on the north-western fringe of the North Caucasus.⁵¹ Tkhakushinov is a former rector of Maikop State Technological University and had already served one term as the head of the Republic of Adygeia from 2006 until 2011. Under his rule, the republic seems to have experienced something like a modest economic recovery compared to other republics in the region, with federal subsidies decreasing from 61 percent to 49 per cent of the republic’s budget in recent years, the official unemployment rate falling from 4.4 to 1.9 per cent, and the receipt of 1.625 billion USD (51 billion Russian roubles) in inward investment.

On 1 April, Arsen Kanokov, the head of Kabardino-Balkaria, and Alexander Khloponin, the presidential envoy to the North Caucasian Federal District, jointly dismissed the republic’s government, which was held responsible for the unstable security situation in the republic over the previous several months.⁵² Kanokov himself remained untouched in the ensuing reshuffle.

Later that year, in June, President Medvedev appointed Major General Alexander Trofimov as Ingushetia’s interior minister.⁵³ Trofimov replaced Major General Viktor Pogolov, who took on a similar position in Kirov Oblast. The move was seen as a promotion for Trofimov and “an honorary resignation to a central Russian backwater” for Pogolov.

With loyal elites in place in the troubled republics of the North Caucasus, responsibility for countering the local insurgencies was largely transferred to them. One instrument they applied was the use of counter-terrorist operations, of which a large number were conducted in 2011. But local authorities also resumed the widespread use of unlawful practices in their counter-insurgency efforts, including abductions, enforced disappearances, extrajudicial killings (executions), special operations involving cruel and de-

ope/Radio Liberty, *Karachayevo-Cherkessia President Steps Down*, 26 February 2011, at: <http://www.rferl.org/articleprintview/2321813.html>.

51 See Radio Free Europe/Radio Liberty, *Adygeya Republic Head Nominated For Second Term*, 9 December 2011, at: <http://www.rferl.org/articleprintview/24416956.html>.

52 See Valery Dzutsev, Kabardino-Balkaria’s government blamed for allowing region’s destabilization, in: *Eurasia Daily Monitor*, 4 April, 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37746](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37746).

53 See Mairbek Vatchagaev, Medvedev Appoints a New Interior Minister for Ingushetia, in: *Eurasia Daily Monitor*, 24 June 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38093](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38093).

grading treatment, torture, a policy of collective punishment (house burnings) as, for example, practised in Chechnya, and the persecution of Salafi Muslims, suspected by the authorities, especially in Dagestan, of ties to the insurgency.⁵⁴ As local authorities and judges turned a blind eye to the complaints of the affected local population, these unlawful practices were covered up by a de facto system of impunity. As a result, by 2011 there were more than 2,000 unsolved recent disappearances in the North Caucasian Federal District.⁵⁵

The Chechenization approach is often seen in the context of Russia's historical tradition of dealing with centre-periphery conflicts, and a number of authors argue that there are parallels to an imperial patron-client system of governance running back to Tsarist or Soviet policies.⁵⁶ Whatever the historical background, this approach has produced extremely mixed results.

On the one hand, the policies employed by the new personnel installed by the Kremlin have helped to stabilize Chechnya. An approach like this appears to have far more legitimacy than a centralized "dirigiste" solution. In the case of Ingushetia, it has also placed effective elites in positions of power, such as Yunus-Bek Yevkurov, Ingushetia's new head of government, who goes about his task much more responsibly and constructively than his direct predecessor. Above all, Moscow seems to have achieved its most central strategic goal of securing the territorial integrity of the Russian Federation, as the elites brought into office by the Kremlin accept the membership of Chechnya and the other North Caucasian republics in the Russian Federation.

On the other hand, there are a number of serious drawbacks to the approach, which ultimately outweigh the short-term successes and call into

54 For reliable, open source, and up-to-date information on the practices and unlawful counter-insurgency measures of local regimes and Russian authorities in 2011, see the online document archive of the Russian civil rights NGO Memorial, in particular: "Chronicles of Violence", at <http://www.memo.ru/eng/news/index.htm>. For more recent years the same unlawful practices have been documented and published in various papers by Memorial and other organizations. See Memorial, *The System of Impunity in the North Caucasus (2009-2010) – How Does it Function? Abductions and disappearances of people in the North Caucasus in 2009 – Sabotage of investigation of criminal cases in 2009-2010*, 2010, available at: <http://www.memo.ru/d/2120.html>. See also Human Rights Watch, "As If They Fell From the Sky". *Counterinsurgency, Rights Violations, and Rampant Impunity in Ingushetia*, New York 2008, at: <http://www.hrw.org/reports/2008/russia0608/russia0608webwcover.pdf>; Human Rights Watch, "What Your Children Do Will Touch Upon You". *Punitive House-Burning in Chechnya*, 2 July 2009, available at: <http://www.hrw.org/node/84194>; US Department of State, *Human Rights Country Report Russia 2010*, at: <http://www.state.gov/j/drl/rls/hrrpt/2010/eur/154447.htm>.

55 See The Jamestown Foundation, More than 2,000 Disappearances in North Caucasus Remain Unsolved, in: *Eurasia Daily Monitor*, 3 June 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38012](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38012).

56 See, for example, Andrew C. Kuchins/Matthew Malarkey/Sergey Markedonov, *The North Caucasus. Russia's Volatile Frontier*, Center for Strategic & International Studies (CSIS), Russia and Eurasia Program, Report, March 2011, p. 18, at: http://csis.org/files/publication/110321_Kuchins_NorthCaucasus_WEB.pdf. See also Hughes, *The Peace Process in Chechnya*, cited above (Note 28), pp. 283-284.

doubt the whole strategy.⁵⁷ For example, the loyalty of local elites is bought at the price of establishing and nurturing authoritarian, and, in cases such as Chechnya, quasi-absolutist regimes. The abuse of human rights and the use of terror tactics against insurgents – and all too often uninvolved bystanders – are problems that cannot be ignored, even if Moscow can now blame Ramzan Kadyrov and his ilk for them. Even more importantly, while the brutality of counter-terrorist measures may have yielded some successes, the insurgency has not been defeated. Above all, the present system of governance is far from sustainable and legitimate, as it rests on the power-sharing agreement described above. The result is the rule of ethnic clans, which monopolize state resources and embezzle funds provided from the central budget, as well as widespread corruption, nepotism, and the misuse of power by the Kremlin-backed elites. This ultimately exacerbates the problem it is designed to solve.⁵⁸

Socio-Economic Development (Addressing the Root Causes)

Traditionally, the North Caucasus has lagged behind in terms of economic development compared to the Russian heartland. This remains unchanged today, and is seen as one of the determining root causes of the ongoing conflicts in the region.⁵⁹ The North Caucasus is indeed the poorest region in Russia, suffering from structural unemployment, underfunding, overpopulation, and a shortage of arable land. According to the Russian State Bureau for Statistics (*Rosstat*), the unemployment rate in May 2009 reached 33.9 per cent in Chechnya and 50.3 per cent in Ingushetia, while the average unemployment rate in Russia as a whole was ten per cent.⁶⁰ The unemployment rates in

57 Most of the analysts on the subject would subscribe to this evaluation. See, for example, Nikolay Petrov, A Recipe for Success in the North Caucasus, in: *The Moscow Times*, 1 March 2011, at: <http://carnegieendowment.org/2011/03/01/recipe-for-success-in-north-caucasus/8mf>.

58 The problem with Chechnya is that its Moscow-backed ruler, Ramzan Kadyrov, is now in a position from which it seems to be difficult for Moscow to remove him. He is the undisputed leader of Chechnya, and commands far greater material and military resources than any Chechen leader since the days of Dudaev. Given Kadyrov's unlimited mandate for self-rule in his own fiefdom, some observers see the state of affairs as bordering on de facto or quasi-independence. See for example John Russell, Kadyrov's Chechnya – Template, Test or Trouble for Russia's Regional Policy? In: *Europe-Asia Studies* 3/2011, pp. 509-528. See also Richard Sakwa, The revenge of the Caucasus: Chechenization and the dual state in Russia", in: *Nationalities Papers* 5/2010, pp. 601-622.

59 For instance, in a session of the Government Commission for the Socio-Economic Development of the North Caucasian Federal District on 3 August 2011, Prime Minister Vladimir Putin pointed out the importance of employment prospects, especially for the young generation, as a means of stabilizing the situation. See Government of the Russian Federation, *Prime Minister Vladimir Putin holds a meeting of the Government Commission on the Socio-Economic Development of the North Caucasus Federal District*, 3 August 2011, at: <http://government.ru/eng/docs/16110>.

60 See Wojciech Górecki, Managers instead of governor-generals? Moscow's new tactics in the North Caucasus, *OSW Commentary* 36/2010, footnote 1, at: <http://www.osw.waw.pl/en/publikacje/osw-commentary/2010-03-03/managers-instead-governor-generals-moscow-s-new-tactics-north-c>.

Dagestan, Karachay-Cherkessia, and Kabardino-Balkaria were not as high as in the other two republics but, at least in 2003-2004, still lay between 21 per cent (Karachay-Cherkessia) and 28 per cent (Kabardino-Balkaria). Another indicator of economic under-development is the degree to which regional budgets are being subsidized from Moscow.⁶¹

After having previously ignored internal reasons for the conflict and relying predominantly on military force to deal with the insurgents, the Russian government turned to addressing the socio-economic causes of the conflict during Vladimir Putin's second presidential term. In 2004, Russia under Putin started to promote development in the North Caucasus, with the Ministry of Regional Development in the leading role. This aimed to reduce the chronic underdevelopment of the region and to deal with the root causes of the conflict.⁶² In 2006, President Putin issued a decree creating a commission, to be headed by Dmitry Kozak, which was tasked with improving the socio-economic situation in the then Southern Federal District. In a speech he gave in Makhachkala in June 2009, President Medvedev identified "systemic problems" such as corruption, unemployment, and poverty in the region as the main (internal) drivers of the conflict, and, on 19 January 2010, he signed a presidential decree to establish the North Caucasian Federal District. The first presidential plenipotentiary to the new federal district installed by Medvedev was Alexander Khloponin, which was a clear sign that a development-driven approach was replacing a security-first one.⁶³

In February 2010, after several weeks in office, Khloponin presented a plan entitled "Height 5642", which proposed the development of ski tourism and recreational facilities in the North Caucasus.⁶⁴ The entire programme was

61 According to Valery Dzutsev, the average Russian region receives about one quarter of its revenues from the central state budget. In the North Caucasus, Chechnya and Ingushetia receive over 90 per cent of their revenues from Moscow. Payments from Moscow amount to 80 per cent of Dagestan's budget, while the remaining republics receive over 60 per cent of revenues from Moscow. See Valery Dzutsev, Kabardino-Balkaria Youth Protest Against Moscow Reaches Tipping Point, in: *Eurasia Daily Monitor*, 11 July 2011, at: [http://www.jamestown.org/programs/edm/single/?tx_ttnews\[tt_news\]=38158&cHash=3cb1937e376c0f0ef461e09d441506ee](http://www.jamestown.org/programs/edm/single/?tx_ttnews[tt_news]=38158&cHash=3cb1937e376c0f0ef461e09d441506ee).

62 See Sergey Markedonov, *A Strategy for North Caucasus: don't mention politics or religion*, Open Democracy, 1 November 2010, at: <http://www.opendemocracy.net/od-russia/sergei-markedonov/strategy-for-north-caucasus-don%E2%80%99t-mention-politics-or-religion>. See also Gordon Hahn, *Russia's Thaw – Through the North Caucasus Prism*, Monterey Institute of International Studies, Russia: Other Points of View, 12 August 2010, at: <http://www.russiaotherpointsofview.com/2010/08/russias-thawthrough-the-north-caucasus-prism.html>.

63 Wojciech Górecki quotes an anecdote which illustrates this point: "The Russian president said during a meeting with journalists on 24 January [2010] that the Caucasus should be governed with economic methods, and not forceful ones ('Here a manager and not a dictator is needed. The era of governors-general belongs to the past.')." Górecki, *Managers instead of governor-generals? Moscow's new tactics in the North Caucasus*, cited above (Note 60).

64 The name of the project is taken from the elevation in metres of Mount Elbrus, the highest mountain in the North Caucasus. It is not quite clear exactly when Khloponin came up with this concept. Some authors argue that it was published in February 2010, soon after his arrival in the region as presidential envoy, whereas others claim that the concept was

to cost 12-13 billion US dollars and comprised setting up four skiing and holiday resort centres of the highest standard in North Ossetia (Mamison), Kabardino-Balkaria (Prielbrusie), Karachay-Cherkessia (Arkhyz), and Dagestan (Matlas). Khloponin's next achievement was the preparation of the "Strategy for the socio-economic development of the North Caucasian Federal District by 2025",⁶⁵ which Prime Minister Putin had announced on 6 July 2010 and endorsed two months later on 6 September 2010. The strategy aims to reduce unemployment to five per cent by creating 400,000 new jobs, and to bring about a 2.5-fold increase in salaries. Two appendices attached to the plan list a wide range of projects to be realized in the process of implementing the strategy.⁶⁶

No great progress was made in realizing this far-reaching and ambitious development strategy for the North Caucasus during 2011. The year started well, with Khloponin canvassing for foreign investment in the Height 5642 project, for instance at the World Economic Forum in Davos in January. Private investors were expected to cover 13 billion of the project's total cost of 15 billion US dollars, with the Russian government contributing the remaining two billion.⁶⁷ However, the adoption of the development strategy for the North Caucasus came to a grinding halt in November 2011 and was postponed until at least May 2012, as a number of problems, including with financing, had appeared. This decision was confirmed by Khloponin at the end of November.⁶⁸

As sensible and necessary as it may be to address the region's economic problems, Khloponin's ambitious development strategy for the period up to

presented to the public about half a year later, in June 2010. See Górecki, *ibid.* See also Valery Dzutsev, Another Lost Year for the Kremlin in the North Caucasus: 2010 in Review (Part Two), in: *Eurasia Daily Monitor*, 13 January 2011, at: [http://www.jamestown.org/programs/edm/single/?tx_ttnews\[tt_news\]=37355&tx_ttnews\[backPid\]=27&cHash=150f52692e](http://www.jamestown.org/programs/edm/single/?tx_ttnews[tt_news]=37355&tx_ttnews[backPid]=27&cHash=150f52692e).

65 Strategiya sotsial'no-ekonomicheskogo razvitiya Severo-Kavkazskogo federal'nogo okruga do 2025 goda, *Kavkazsky Uzel*, at: <http://www.kavkaz-uzel.ru/articles/175166>.

66 The first appendix details "priority investments" for social projects for the years 2010-2013 in the following areas: I. Energy, II. Education, III. Industry, IV. Agriculture, V. Housing, VI. Tourism, VII. Transport, VIII: Communication. It contains a total of 44 projects. The second appendix lists 63 long-term projects to be realized by 2025 in six areas: I. Industry, II. Tourist-recreational projects, III. Transport, IV. Energy, V. Culture, VI. Environmental projects. The "Height 5642" project is one of these long-term projects.

67 See Valery Dzutsev, Russia's Grand Vision for the Development of North Caucasus Remains Unrealistic, in: *Eurasia Daily Monitor*, 2 February 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[swords\]=8fd5893941d69d0be3f378576261ae3e&tx_ttnews\[any_of_the_words\]=waziristan&tx_ttnews\[pointer\]=11&tx_ttnews\[tt_news\]=37447&tx_ttnews\[backPid\]=7&cHash=0be6a968a9e0df400f22184f490](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[swords]=8fd5893941d69d0be3f378576261ae3e&tx_ttnews[any_of_the_words]=waziristan&tx_ttnews[pointer]=11&tx_ttnews[tt_news]=37447&tx_ttnews[backPid]=7&cHash=0be6a968a9e0df400f22184f490).

68 See Sergey Kononov, Pervym delom – pushki. Prinyatie federal'noi tselevoi programmy po razvitiyu Severnogo Kavkaza otloženo do maya budushchego goda [First of all – guns. Adoption of the federal target programme for the development of the North Caucasus postponed until May next year], in: *Nezavisimaya Gazeta*, 25 November 2011, at: http://www.ng.ru/regions/2011-11-25/1_kavkaz.html. See also: Programma po razvitiyu Severnogo Kavkaza v etom godu prinyata ne budet, utverzhaet istochnik v apparate Khloponina [Programme for the development of the North Caucasus will not be adopted this year, according to a source in Khloponin's office], *Kavkazsky Uzel*, 1 November 2011, at: <http://www.kavkaz-uzel.ru/articles/195028>.

2025 can boast only few, very limited successes. As Khloponin himself has admitted on several occasions, unemployment in the North Caucasus – especially in the eastern part (Chechnya, Ingushetia, and Dagestan) – is still high, and one should not expect any positive changes any time soon.⁶⁹ Even if the claims made by the Russian government and the envoy of having reduced unemployment by 100,000 in 2011 are correct, which is difficult to prove, the situation is still lamentable. Only modest progress has been achieved in attracting foreign investment. Besides the French state-owned bank CDC, which plans to invest an enormous 13.6 billion US dollars in the ski resorts project, there is only one other foreign investor, Finland's Arvotec, which plans to build a fish farm in Kizlyar. Dagestan will also receive a solar energy plant, to be built by the Russian company Hevel and the Swiss Oerlikon corporation.⁷⁰

Most strikingly, while the strategy of regional development was much talked about in 2011, there has still been no real investment, let alone any actual implementation of any of the projects proposed in the strategy. The plan as a whole is thus still in its very early stages – at best. With the November 2011 decision to suspend the implementation of the strategy until May 2012, there is a great risk that the precepts of this strategy “will never be implemented in reality”.⁷¹ A reorientation towards the use of military means seems to be far more likely, given the renewed influence of the *siloviki*⁷² faction following Putin's return to the presidency.

Stimulating Migration (Addressing the Root Causes)

While the economization strategy aims at reducing unemployment in the North Caucasus by developing the local economies, it also seeks to influence patterns of migration caused by the dire economic situation. Both ethnic Russians and non-Russians are leaving the region in search of better employment

69 See Mairbek Vatchagaev, Despite Risks – Moscow Turns to Ski Resorts as Regional Panacea for the North Caucasus, in: *Eurasia Daily Monitor*, 9 June 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38031](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38031). See also Valery Dzutsev, Moscow's Aggressive Assimilation Policy May Spur a Further Growth of Nationalism, in: *Eurasia Daily Monitor*, 3 October 2011, at: [www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38484](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38484).

70 See Valery Dzutsev, Moscow's Plan to Increase Control over the North Caucasus Imperils its Effort to Modernize the Region, in: *Eurasia Daily Monitor*, 20 June 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38073](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38073). See also Konovalov, cited above (Note 68).

71 Górecki, “Creeping” civil war in the North Caucasus, cited above (Note 7).

72 The term “*siloviki*” refers to one of the elite groups ruling Russia. It is derived from the phrase “*silovye struktury*”, which refers to the state institutions and ministries wielding coercive power, e.g., the armed forces, law enforcement bodies, and intelligence agencies. The best known agencies are the FSB (Federal Security Service), the other intelligence services, the interior ministry, various branches of the military, and the state prosecutor's office. See Andrei Illarionov, The Siloviki in Charge, in: *Journal of Democracy* 2/2009, pp. 69-72, here: p. 69. See also Ian Bremmer/Samuel Charap, The Siloviki in Putin's Russia: Who They Are and What They Want, in: *The Washington Quarterly*, Winter 2006-7, pp. 83-92, here: p. 86.

opportunities in other parts of the Russian Federation. However, unemployment is still very high, especially among younger people.⁷³

In December 2010, to deal with both the high unemployment rate and the brain drain from the North Caucasus, Khloponin advanced a resettlement programme as an integral part of his 2025 development strategy. This programme seeks “to encourage internal migration within Russia, with the unemployed in the North Caucasus settling in inner Russian regions while skilled Russian workers head in the opposite direction”.⁷⁴ According to the plans outlined in the strategy, an estimated 40,000 people from the North Caucasus were to migrate to the inner Russian regions.⁷⁵ In June 2011, at the International Economic Forum in St Petersburg, Khloponin once more emphasized the urgent need for unemployed North Caucasian youth to migrate to inner Russian regions. He also proposed to bolster the region’s ethnic Russian population by “distribut[ing] arable lands in the North Caucasian republics” that are still owned by Moscow among the Cossacks.⁷⁶

Many criticisms can be made of this programme. Not only does it betray a Soviet style of thinking about how to deal with economic problems, it is also based on a patronizing view of the Russian people as more developed and the primary source of high-skilled labour. But above all, the concept is completely unrealistic, as the idea of encouraging large segments of the population of any North Caucasian republic to migrate to Russia proper is met with growing scepticism and even open aggression by the Russian population in many places.⁷⁷ It is also unrealistic because most migration of North Caucasians to other Russian regions is temporary, and there is a great attachment to the home region. Encouraging migration of Russian skilled labour to the North Caucasus is equally problematic, predominantly for security reasons, but also because of poor economic conditions and the regional political climate.⁷⁸

It is therefore hardly surprising that the idea of stimulating migration to and from the North Caucasus did not show any signs of success in 2011.

73 See Kuchins/Malarkey/Markedonov, cited above (Note 56), pp. 15-17.

74 Ibid., p. 17.

75 See Valery Dzutsev, Another Lost Year for the Kremlin in the North Caucasus: 2010 in Review (Part One), in: *North Caucasus Analysis* 1/2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37351](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37351).

76 Dzutsev, *Moscow's Plan to Increase Control over the North Caucasus Imperils its Effort to Modernize the Region*, cited above (Note 70).

77 Shortly after the Russian government had presented its development strategy for the North Caucasus, including the resettlement plan, a crowd of ca. 5,000 Russian nationalists staged a riot in Moscow, shouting slogans such as “Russia for Russians” and demanding the deportation of North Caucasians from Moscow. Similar riots took place in several other major Russian cities. See Dzutsev, *Another Lost Year for the Kremlin in the North Caucasus: 2010 in Review (Part One)*, cited above (Note 75).

78 See Valery Dzutsev, Russian Ethnic Outflow From the North Caucasus Continues to Worsen, in: *Eurasia Daily Monitor*, 26 October 2011, at [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38572](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38572).

Russians are still leaving the region with no intention to return,⁷⁹ and while the indigenous population does indeed move to Russian regions, they do so only temporarily and not in the numbers desired by the authorities.

Bureaucratic Control Mechanisms (Containment)

Territorial-administrative restructuring was previously employed as a conflict management strategy by President Putin, who, towards the end of his first term, started a process of merging national autonomous subjects of the Russian Federation with larger territorial units.⁸⁰ He was also responsible for the invention of the seven so-called federal districts, of which the Southern Federal District was one. These administrative subunits were designed to control and oversee regional legislation, ensuring not necessarily good, but obedient governance in the territorial subunits, and facilitate the execution of federal programmes.

On 19 January 2010, Putin's successor, Dmitry Medvedev, decided to create an eighth federal district by separating the North Caucasian Federal District from the Southern Federal District.⁸¹ Ever since then, the North Caucasian Federal District has comprised seven subjects of the Russian Federation: Dagestan, Chechnya, Ingushetia, North Ossetia, Kabardino-Balkaria, Karachay-Cherkessia, and Stavropol Krai. Adygeia and Krasnodar Krai remained in the Southern Federal District. As already mentioned, Alexander Khloponin, a successful businessman and former governor of Krasnoyarsk Krai in Siberia, was appointed to the position of the presidential envoy to the North Caucasian Federal District.

Among the main obstacles to Khloponin's objectives and his oversight functions are the security situation in the region, which has not improved and is still jeopardizing any ambitious economic development programme, and the patron-client network installed by Moscow as part of its Chechenization strategy.⁸²

79 An incident referred to by Mairbek Vatchagaev clearly supports this evaluation: "The president of Ingushetia, Yunus-Bek Yevkurov, eloquently described the results of this program recently in Ingushetia: 'I ordered the head of the administration to find at least one [Russian] family that returned to the republic to talk to them,' he said. 'There is no such a family.'" Mairbek Vatchagaev, *Migration Patterns in the North Caucasus Paint Dismal Picture for Moscow*, in: *Eurasia Daily Monitor*, 10 November 2011, at [http://www.jamestown.org/programs/edm/single/?tx_ttnews\[tt_news\]=38650&cHash=5a2cbb2ac3d52184cf91c463bbb6fa0b](http://www.jamestown.org/programs/edm/single/?tx_ttnews[tt_news]=38650&cHash=5a2cbb2ac3d52184cf91c463bbb6fa0b).

80 See, for example, Neil J. Melvin, *Building Stability in the North Caucasus. Ways Forward for Russia and the European Union*, SIPRI Policy Paper No. 16, May 2007, pp. 25-26, at: <http://books.sipri.org/files/PP/SIPRI16.pdf>.

81 See Wojciech Górecki, "Creeping" civil war in the North Caucasus, cited above (Note 7), p. 5.

82 See, for example, Kuchins/Malarkey/Markedonov, cited above (Note 56), pp. 17-18.

Conclusion

2011 did not bring a turnaround in the course of the conflict. In fact, it was another bloody year for the North Caucasus. Judging by the data, the first eight months were even worse than the equivalent period in the previous year. The main findings derived from analysis of the conflict in 2011 can be summed up as follows:

- The overall level of violence compared to the previous year has risen considerably, with a total of 283 terrorist attacks and violent incidents from January to August 2011, compared to 238 such attacks in the twelve months of 2010. NCTC data confirms this.⁸³
- Although the number of attacks seems to have risen, the number of victims in 2011 (705) still lags behind the 2010 level as given by the *Kavkazsky Uzel* website (1,710), but this may very well be due to counting differences. Compared to the NCTC data for the first eight months of 2010 (650) the number of victims has risen slightly.
- The centre of the *jihadi* insurgency in the North Caucasus is still Dagestan,⁸⁴ as it was in 2010, and the geographical vectors of terrorism remain unchanged since 2010. Accordingly, next to Dagestan, the republic most affected by terrorist attacks was Kabardino-Balkaria. Dagestan, with 181 terrorist attacks and violent terrorism-related incidents and 365 victims in the first eight months of 2011 is on the brink of civil war, while Kabardino-Balkaria is establishing itself as another hub of terrorism in the North Caucasus.
- Other republics (Chechnya, Ingushetia), which have witnessed more violence in previous years, have seen the situation improve.

As far as conflict management is concerned, 2011 saw no fundamental changes, but rather a continuation of existing methods and approaches. While federal and regional security organs have succeeded in killing several high-ranking insurgent fighters, especially in Ingushetia, this seems to have brought little improvement, as an examination of the conflict shows. Little if any progress has been made in other areas of conflict management, either. Moscow still prefers to use military force or other repressive means (eradication) in combination with the so-called Chechenization (terror against terror-

83 According to NCTC data, there were 187 terrorist attacks in the whole of the Russian Federation during the first eight months of 2010.

84 Even the Russian interior minister, Rashid Nurgaliev, admitted this. In a meeting with the head of Dagestan's government, Magomedsalam Magomedov, on 3 October in Makhachkala, Nurgaliev was reported to have said: "The degree of the terrorist threat testifies that Dagestan is in the worst state [compared with] the other republics of the North Caucasian Federal District." Cited in: Dzutsev, Dagestan Dubbed the Most Dangerous Place in the North Caucasus, cited above (Note 20). See also Jamestown Foundation, Is Dagestan Now in the Midst of a "Real Guerilla War"? In: *Eurasia Daily Monitor*, 23 September 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38444](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38444).

ism) strategy.⁸⁵ The social and economic development of the North Caucasus has apparently ceased to be a priority and has been all but abandoned. Moscow's approach may have resulted in isolated successes, most notably the killing of a number of leading figures in the Caucasus Emirate, but overall it is ill-designed, and has reduced the effectiveness of other elements of conflict management. The effect of the emphasis on military means and counter-terrorism has been to undermine the possibility of a sustainable and peaceful settlement of the conflict and drive new generations of fighters into the ranks of the insurgents.⁸⁶

One of the most important developments of the year was the decline in support among Russians for the government's policy of keeping the North Caucasus in the Russian Federation at all costs. Large-scale public demonstrations and discussions among the political elite called for the separation of the North Caucasus from Russia,⁸⁷ proving that there is growing resistance to the distribution of a rising share of the federal budget to elites in the North Caucasus republics without any clear sign of improvement. Obviously, pondering the separation of the North Caucasus is no longer taboo in Russia.

At the same time, there seems to be no readiness on the part of the Russian government to even think about this scenario. Following the abandonment of Khloponin's economic development programme in November 2011, it seems most likely that the Russian government will pursue a military containment and eradication strategy to deal with the conflicts.⁸⁸ This is espe-

85 See Petrov, cited above (Note 57).

86 Nikolay Petrov, for example, argues that Moscow's policies of strong military pressure and the creation of loyal "archaic khanates" are ineffective. See *ibid.* Murad Batal al-Shishani and others have made the point that the indiscriminate use of military force does not end the conflict, but rather reinforces and augments existing grievances the people of the North Caucasus have regarding Russian rule. See Murad Batal al-Shishani, cited above (Note 5), pp. 3-5. See also Liz Fuller, *It may be too late for a new North Caucasus Policy*, Radio Free Europe/Radio Liberty, 27 January 2011, at: http://www.rferl.org/content/commentary_new_north_caucasus_policy_too_late/2289607.html.

87 According to Emil Pain, a prominent Russian expert on ethnic politics and a former Russian government official, between 50 and 60 per cent of Russians agreed with the slogan "Get rid of the North Caucasus" in 2011 for the first time. See Valery Dzutsev, Medvedev Displays Bewildering Ambivalence About Russia's North Caucasus Policy, in: *Eurasia Daily Monitor*, 6 July, 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38140&tx_ttnews\[backPid\]=7&cHash=631b58be2f484513028de280ec307601](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38140&tx_ttnews[backPid]=7&cHash=631b58be2f484513028de280ec307601). See also Paul Goble, The Most Important Development in the North Caucasus in 2010: Russians Begin Talking About Letting it Go, in: *Eurasia Daily Monitor*, 26 January 2011, at: [http://www.jamestown.org/programs/edm/single/?tx_ttnews\[tt_news\]=37408&tx_ttnews\[backPid\]=27&cHash=0d93b141a2](http://www.jamestown.org/programs/edm/single/?tx_ttnews[tt_news]=37408&tx_ttnews[backPid]=27&cHash=0d93b141a2).

88 See, for example, Valery Dzutsev, Moscow Launches Military Buildup in the North Caucasus to Safeguard Sochi Olympics, in: *Eurasia Daily Monitor*, 22 February 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=37543](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=37543). See also Konovalov, cited above (Note 68); Valery Dzutsev, Kremlin Chooses Guns over Butter Approach to Dealing with North Caucasus, in: *Eurasia Daily Monitor*, 5 December 2011, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=38745](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38745); Valery Dzutsev, Russia Launches Massive Military Redeployment to Dagestan, in: *Eurasia Daily Monitor*, 21 March 2012, at: [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=39160](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=39160).

cially plausible in view of the approach of 2014 and the Winter Olympic Games in Sochi.

Given the continuing influence of the root causes detailed above (corruption, unemployment, underdevelopment, cultural distance between Russians and other ethnic groups, growing radicalization and Islamization) alongside the inadequacies of Russia's security-centred approach to dealing with this situation, the conflicts in the North Caucasus will definitely not find a sustainable political solution in the near future. In other words: The Russo-Chechen conflict will remain a protracted conflict with no settlement in sight.

Strengthening OSCE Responses to Crises and Conflicts: An Overview

The Making of an OSCE Ministerial Council Decision on the Conflict Cycle

Enhancing OSCE responses to crisis and conflict situations was one of the major commitments undertaken by the 2011 OSCE Lithuanian Chairmanship as it sought to continue the strategic discussions on the various phases of the conflict cycle¹ that were initially launched in the summer of 2009 by the Greek Chairmanship. Known as the “Corfu Process”,² a name given to these discussions after an informal meeting of OSCE foreign ministers on the Greek island of Corfu, the Lithuanian Chairmanship decided to convene a series of expert meetings and workshops, all of which came to be referred to as the “V to V (Vancouver to Vladivostok via Vilnius and Vienna) Dialogue on the Conflict Cycle”. The V to V Dialogue was focused on four principal issue areas falling within the conflict cycle – early warning, early action, dialogue facilitation and mediation support, and post-conflict rehabilitation – and thereby synthesized the various constructive ideas and forward-looking proposals that OSCE participating States had advanced and debated in various forums during 2009 and 2010.

Driven by the need for operational “deliverables” following long-winded “strategic” discussions over those two years, the Lithuanian Chairmanship followed the policy advice given by the OSCE Conflict Prevention Centre (CPC) by appointing, in early 2011, the Permanent Representatives of France, Romania, Slovakia, and Switzerland to the OSCE as “co-ordinators on the conflict cycle”. The aim was to move discussions to the operational level and ask participating States to translate the ideas and proposals brought forward during the previous two years into implementable policies and practices. In particular, the Lithuanian Chairmanship was eager to guide these debates in the direction of a draft decision which could be submitted for consideration at the annual Ministerial Council (MC) scheduled for early December 2011. The continuous involvement of participating States in regular and informal forums was therefore of the utmost importance.

To set the stage for the ensuing discussions, the Lithuanian Chairmanship prepared an informal ambassadorial meeting on 15 March and distrib-

Note: The views and opinions reflected in this article are the author’s alone.

1 See OSCE Chairmanship, *Lithuanian OSCE Chairmanship Work Programme*, CIO.GAL/4/11/Rev. 1, 12 January 2011.

2 Described in more detail in: Alice Ackermann/Herbert Salber, The OSCE “Corfu Process” – A Preliminary View of the Security Dialogue on Early Warning, Conflict Prevention and Resolution, Crisis Management and Post-Conflict Rehabilitation, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2010*, Baden-Baden 2011, pp. 197-202.

uted a “road map” for *Advancing the “V to V” Dialogue on the Conflict Cycle*. It identified the format, content, and objectives of a series of informal meetings and workshops that were to follow.³ The theme of the first expert meeting, held in April 2011, was the enhancement of the OSCE’s early warning and analytical capabilities. Many participating States acknowledged the need for the development of a systematic early-warning capacity in the OSCE to ensure timely and preventive responses to emerging crisis and conflict situations. A workshop on post-conflict rehabilitation followed in May. It focused on a series of topics, including non-military confidence-building measures (CBMs), reconciliation processes, and co-operation and co-ordination with national and international actors in post-conflict environments.

With the support of the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA), a special workshop was also organized on the subject of economic and environmental CBMs that could be used in various phases of a crisis or conflict situation, as well as in the post-conflict environment. The workshop also drew attention to the necessity of adopting a multi-dimensional and multi-track approach to the prevention and resolution of conflicts. Two other expert meetings, in July and September, dealt with the creation of a systematic capacity for dialogue facilitation and mediation support in the OSCE, and the strengthening of early and preventive action, respectively. The latter exposed the political sensitivities that exist with regard to initiating early-crisis responses, while the former introduced a draft concept for developing a mediation-support capacity which had been submitted by Switzerland, an OSCE participating State with extensive experience in mediation processes.⁴

The draft proposal for a *Concept on Strengthening Mediation-Support within the OSCE*⁵ deserves particular attention as it was initially structured as an annex to the planned MC Decision on the conflict cycle. Drafted under the auspices of the Swiss co-ordinator, and with the assistance of the CPC, the Concept took into account the experiences of other international organizations in setting up a mediation-support capacity, for example the United Nations and the European Union.⁶ At the same time, it was tailored to the spe-

3 Cf. OSCE Chairmanship, *Advancing the “V to V” Dialogue on the Conflict Cycle*, Discussion Paper for the Informal Ambassadorial Meeting on 15 March 2011, CIO.GAL/31/11, 7 March 2011.

4 For a discussion on the origins of OSCE Ministerial Council Decision No. 3/11 on the conflict cycle, see also: Alice Ackermann, *The V to V Dialogue on the Conflict Cycle – The Conflict Prevention Centre’s Supporting Role in Strengthening the OSCE’s Conflict Response*, in: *OSCE Magazine* 4/11, pp. 7-8; and Alice Ackermann, *Strengthening the OSCE’s Capacities in Conflict Prevention, Crisis Management and Conflict Resolution*, in: *Security and Human Rights* 1/2012, pp. 11-18.

5 OSCE Lithuanian Chairmanship, *Proposal for: “Concept on Strengthening Mediation-Support within the OSCE”*, CIO/GAL/137/11, 6 July 2011.

6 See, for example, United Nations Security Council, *Report of the Secretary-General on Enhancing Mediation and its Support Activities*, S/2009/189, 8 April 2009; Council of the

cific context in which dialogue facilitation and mediation activities are conducted in the OSCE. Therefore it also addressed issues such as the lack of continuity in mediation processes, which results from the annual rotation of the Special Representatives of the OSCE Chairperson-in-Office, and in financial and human resources.⁷

Recommendations from the expert meetings were reflected in the draft decision on enhancing OSCE capacities with regard to the conflict cycle. The Secretariat and the Chairmanship did initial work on several preliminary drafts, a process that began as early as June 2011. Pre-ministerial discussions by the participating States followed. These were sometimes difficult because of conflicting views on the relative significance to be accorded to elements of the conflict cycle. Negotiations continued even in Vilnius as the participants failed to reach a consensus on all paragraphs of the draft decision prior to the beginning of the Ministerial Council meeting. It was not until 7 December, the last day of the Ministerial Council, that OSCE foreign ministers were able to sign the document with this cumbersome name: *Elements of the Conflict Cycle, Related to Enhancing the OSCE's Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, and Post-Conflict Rehabilitation*.⁸

The Significance of Ministerial Council Decision No. 3/11

Despite criticism that MC Decision No. 3/11 is not wide-ranging enough and remains limited in terms of concrete policies or instruments in some issue areas, such as early action, it is nevertheless a significant document. For one thing, it is a document that reflects the collective efforts of many actors – ranging from three Chairmanships via the participating States, OSCE institutions, and the Parliamentary Assembly to the Secretariat – over a lengthy period of time.

The document also signalizes the Organization's commitment to revisiting its approaches to conflict prevention and conflict resolution for the twenty-first century. By the early 1990s, the OSCE was already one of the few international organizations that were exploring how they could respond to conflict in all its phases – from early warning and prevention to crisis management and post-conflict rehabilitation. This new thinking was reflected

European Union, General Secretariat of the Council, *Concept on Strengthening EU Mediation and Dialogue Capacities*, No. 15779/09, 10 November 2009.

7 For further analysis, see Alice Ackermann, *Strengthening Mediation Support in Regional Organizations – A Framework*, Master's thesis, Europa Universität Viadrina, Frankfurt/Oder 2011.

8 Decision No. 3/11, *Elements of the Conflict Cycle, Related to Enhancing the OSCE's Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, and Post-Conflict Rehabilitation*, MC.DEC/3/11 of 7 December 2011, in: Organization for Security and Co-operation in Europe, *Eighteenth Meeting of the Ministerial Council*, 6 and 7 December 2011, Vilnius, 7 December 2011, pp.11-16.

in the final document of the 1992 Helsinki Summit Meeting – the quintessence of many wide-ranging provisions that continues to guide the work of the OSCE.

Since the adoption of the 1992 Helsinki Document, however, there have not been any new decisions on how to respond to the various phases of the conflict cycle. Neither have there been any new decisions that have taken into account past experiences and lessons learned from several, often serious crisis and conflict situations in the Western Balkans, Eastern Europe, the South Caucasus, and Central Asia. In particular, intra-state conflicts of various kinds continue to endanger the security and stability of OSCE participating States, and inter-state crises and conflicts are far from obsolete. MC Decision No. 3/11 is also a more than timely document, as other international organizations have developed their crisis- and conflict-response capacities over the years, especially in the case of the European Union.

Also significant is the fact that the implementation of MC Decision No. 3/11 requires concrete action by the OSCE Secretary General, in consultation and co-operation with the OSCE Chairmanship and other executive structures. The participating States are also requested to take a more active role in the prevention and peaceful resolution of conflicts. The explicit mandate of the Secretary General with regard to early warning is acknowledged, namely that he can bring “to the attention of the Permanent Council any situation of emerging tensions or conflicts in the OSCE area”.⁹ In order to prevent the early-warning functions of other executive structures, such as the High Commissioner on National Minorities (as mandated in the 1992 Helsinki Document), from being compromised, provisions on early warning contained in the MC Decision No. 3/11 are specifically intended to complement those early-warning mandates already in existence. A systematic early-warning capacity is to be established in consultation and co-operation with all the relevant executive structures.

The role of the OSCE CPC located within the Vienna Secretariat has also been widened in that it was designated to assume the role of focal point for the development of not only an OSCE-wide early-warning system, but also a dialogue-facilitation and mediation-support capacity. The draft *Concept on Strengthening Mediation-Support in the OSCE* did not become an annex to the MC Decision as had initially been envisioned; however, elements of the text were incorporated into the final document. Accordingly, a systematic mediation-support capacity has to include the following elements: (1) training and capacity-building within the OSCE structures; (2) knowledge management and operational guidance; (3) outreach, networking, co-operation, and co-ordination with relevant local/national actors, as well as with international, regional, and subregional organizations; and (4) oper-

9 Ibid., p. 13.

ational support for OSCE Chairmanships, their special representatives, heads of field operations, and other OSCE mediators.¹⁰

Provisions related to post-conflict rehabilitation were less difficult to reach consensus on, as the OSCE already has a long-standing history of working in post-conflict environments. Apart from exploring further how to make use of existing confidence-building measures, also in a cross-dimensional manner, the Decision endorses the creation of national experts' rosters with individuals who can be recruited to support OSCE post-conflict rehabilitation efforts. By far the most problematic are the provisions on early action contained within MC Decision 3/11, as these include few references to genuinely concrete and innovative tasks. A number of participating States had strongly advocated a strengthening of the Chairmanship's role in setting up fact-finding missions and other types of expert teams, even without a prior consensus. Such a suggestion had elicited a heated debate during pre-ministerial negotiations on the draft decision. The Secretary General was tasked to explore this issue further by submitting a proposal to the participating States on how to enhance OSCE fact-finding, including through the use of expert teams during emerging crisis situations.

First-Year Implementation

The Secretariat and OSCE executive structures have already made considerable progress in advancing the implementation of provisions contained in MC Decision 3/11. One could argue that the implementation process has evolved on two levels: an "internal" one, comprising OSCE executive structures, for purposes of consultation, co-operation, and co-ordination; and an "external" one for providing information to the Chairmanship and the participating States on progress made, additional resources required, and further advice needed on issues addressed in the Decision. To involve participating States in the implementation process, in early 2012 the Irish Chairmanship proposed an open-ended working group on the conflict cycle, focusing on the issue areas that were mentioned in the Decision. Food-for-thought papers prepared by the Secretariat have guided the discussions with the participating States while also providing background information on first and interim steps pertaining to the implementation process.

Furthermore, the OSCE Secretary General, Ambassador Lamberto Zannier, has also addressed participating States at two separate events. On 10 February 2012, he held a special informal session at ambassadorial level on MC Decision 3/11 with a particular emphasis on early warning, outlining some of the preliminary work that was under way in the Secretariat. Emphasizing the key role of the CPC in the implementation of the Decision, the Secretary General provided an initial overview of the work already under-

10 Cf. *ibid.*, p. 15.

taken by the executive structures. This includes the drafting of Early Warning Operational Guidelines and the establishment of an Internal Working Group (IWG) on early warning for purposes of co-ordination and co-operation among various actors involved in a range of activities related to early warning, such as the collection, collation, analysis, and assessment of relevant early-warning signals. The Secretary General's report on progress made and possible future options with regard to Ministerial Decision No. 3/11, which was issued on 16 July 2012, and which was mandated in the Decision, also had the aim of briefing OSCE delegations on the practical steps that have already been undertaken.¹¹

Internally, i.e. at the level of the Secretariat and OSCE institutions, close co-operation has been established in the area of early warning by means of an IWG, a network of Early Warning Focal Points, and a reference document for internal use, the *Early Warning: OSCE Internal Guidelines*. In his 16 July report, the Secretary General shared these Guidelines with OSCE participating States. They are intended "to consolidate and further systematize the current practice of early warning within the Organization".¹² The CPC has also prepared an *OSCE Guide on Non-Military Confidence-Building Measures (CBMs)* to support OSCE efforts in conflict prevention, crisis management, and post-conflict rehabilitation.

The creation of an integrated training and capacity-building strategy as part of strengthening OSCE mediation support is also in progress, as is the development of internal guidelines for effective mediation. In the spring of 2012, the CPC distributed a questionnaire on the *Assessment of Dialogue Facilitation and Mediation Work across the OSCE Area and Existing Support Capacities* to all field operations, OSCE institutions, and the Parliamentary Assembly. Its intention was to take stock of work already done in mediation and dialogue facilitation, and thus also to identify areas for improvement and further consideration. The input received will provide guidance for the planned internal guidelines for effective mediation. One should also note that in the realm of co-operation with other international actors, the CPC also provided input to the *United Nations (UN) Secretary-General's Guidance for Effective Mediation*.¹³ Within this particular context, the CPC assisted the UN and the Organisation of Islamic Cooperation (OIC) with the organization of the consultations on *Developing Guidance for Effective Mediation*, which were attended by representatives from a number of regional, subregional, and other international organizations in Jeddah on 3-4 April 2012. Findings and

11 OSCE Secretary General, *Report by the Secretary General on progress made and possible options on the way forward with regard to Ministerial Decision No. 3/11 on Elements of the Conflict Cycle, related to enhancing the OSCE's capabilities in early warning, early action, dialogue facilitation and mediation support, and post-conflict rehabilitation*, SEC.GAL/137/12, 16 July 2012.

12 Ibid., p. 2.

13 United Nations General Assembly, *Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution*, Report of the Secretary-General, A/66/811, 25 June 2012.

recommendations also made their way into the UN Secretary-General's report.

Concluding Thoughts

MC Decision 3/11 certainly holds out the promise that the OSCE might respond in a more preventive and timely manner to crisis and conflict situations in the future. It has been encouraging over the last few years to witness the generating of new ideas and approaches for addressing the conflict cycle and – as far as peace and security of its participating States and societies are concerned – making the Organization fit for the twenty-first century. The challenges have been many, and this is reflected to some extent in the Decision. There remains the critical issue of early action, although this is a challenge not only for the OSCE but also for all international organizations. The oft-cited “lack of political will” that allows for a timely decision to act remains a serious obstacle but not the only one. Human, financial, and material resources require timely availability as well. The steadfast implementation of MC Decision 3/11 remains an essential task for the Irish Chairmanship and, very probably, subsequent OSCE Chairmanships, the participating States, and the OSCE executive structures. For the time being, enhancing the Organization's response to crisis and conflict situations and having the tools, instruments, and means to deal with the many facets of the conflict cycle constitute a crucial building block towards the creation of a genuine security community.

Focus on the High Commissioner on National
Minorities at Twenty

Twenty Years of the OSCE High Commissioner on National Minorities

Introduction to the Special Focus Section

This year marks the 20th anniversary of the High Commissioner on National Minorities. The anniversary offers a good opportunity to take stock of the institution's past achievements, present relevance, and future challenges.

Established by decision of the Helsinki Summit in December 1992, the HCNM was very much a child of its time. When looking back at the decision, two elements stand out: first, the acute sense of emergency that prevailed among the leaders; second, the strong belief in the merits of multilateralism and international intervention that shines through. Rereading today the final document agreed by the leaders of the then-CSCE, it becomes apparent just how pressing the challenges were. But it also comes through that they had a great belief in international co-operation, a sense of common purpose, and shared a belief that the challenges they were facing could be overcome through concerted efforts. The Helsinki final document was quite aptly named "The Challenges of Change".

As we now look back, there can be no doubt that we have come a long way since 1992. Although much remains to be accomplished in the OSCE area, I believe one can rightly say that the challenges and threats facing us today are less imminent than they were in 1992. The institution was created at a time when interethnic conflicts had re-emerged and transformed into open warfare in parts of the OSCE area. This is no longer the case. The conflicts that erupted in the early 1990s were halted, although a final resolution and settlement are still pending for several of them. In most of the countries ravaged by conflict, a new future is being built. However, progress is still often slow and the underlying grievances may still be present and affect the future.

As part of the efforts of the OSCE, the HCNM has played an important role in facilitating this progress in several countries. With the use of quiet but persistent diplomacy, the institution has been able to bring parties together and find some measure of common ground. And this work continues. Currently the HCNM is involved with a number of participating States, working on issues that involve national minorities and interethnic relations both within and between participating States. In spite of the fact that the risk of new or renewed conflicts appears to have subsided, the progress achieved still remains brittle and reversible in many places, and neither past nor future progress should be viewed as final or irreversible. Upholding the commitments

that have brought us to where we now stand is and will remain an active process, and any further progress will come only as a result of sustained efforts.

Even though the threat of open conflict is lower, interethnic accord remains a big challenge in many participating States. Maintaining this accord is an active political process that is never fully achieved. It requires constant readjustment of policies as circumstances change. Some of the conflicts of the 1990s were brought to a halt by establishing strong rights for the ethnic groups involved, often without addressing the underlying grievances that were the real drivers of conflict. Today I am concerned that some of these conflict settlements, although successful in bringing about an end to hostilities, are showing certain shortfalls, as their provisions reflect a reality that no longer exists. I believe the OSCE still has an important role to play in helping majorities and minorities alike to find new common ground and go beyond static agreements of the past to forge a common future.

With its unique working methods, the HCNM is well placed to play a role in these efforts. Throughout my tenure as High Commissioner, I have come to appreciate the strengths of this mandate and the opportunities it provides. The real strengths of the HCNM include persistency and consistency, and I believe this is an important reason why the institution remains relevant today. Through persistent engagement and consistent advice, states and authorities have come to see the HCNM as someone to be reckoned with. Though the activities and advice given by the institution are not always equally welcome everywhere, I find it reassuring that they are taken into consideration. This proves that persistence and consistency do pay off.

Quiet diplomacy has become another hallmark of the HCNM. Although it was only brought in as a precautionary measure at the time of the mandate's adoption, I have come to appreciate the benefits of working outside the limelight. Working in confidence often helps me gain the necessary trust and intimacy with interlocutors. The obvious downside, however, is that many of the success stories of my institution remain unknown. The confidentiality clause is what sets the HCNM apart from other international institutions and makes this institution complementary to them. Through close co-operation with other parts of the OSCE, relevant UN bodies, and the Council of Europe, we ensure that our work reinforces rather than duplicates that of others.

Given the special circumstances that gave birth to the institution and the progress that has since been made, one can justifiably ask if the HCNM is still needed. Are interethnic relations still a potent threat to peace and stability within and between OSCE participating States, and is the HCNM's mandate still relevant? Are the tools at the institution's disposal appropriate and adequate to handle the challenges of the future? In short, is there still a place for quiet diplomacy in an age when politics is characterized by ever-shorter attention spans, and exchanges of opinion take place on social media rather than in grand halls and ballrooms?

Needless to say, as High Commissioner my perspective on these questions is different to those of others, and I would like to offer some of my reflections. Throughout my tenure as High Commissioner, I have often thought about the perennial relevance of the issues my institution deals with. Although interethnic tensions are now less likely to develop into hostilities, the basic challenge of accommodating increasing diversity and building resilient, cohesive societies remains as topical as ever. Moreover, this challenge is relevant to all participating States, as they are all multiethnic societies. In the experience of the HCNM, there can be no definitive solutions to issues that arise from interethnic relations, and no state can claim that their challenges have been resolved once and for all. Consequently, interethnic relations affect all participating States, and should be an area where increased co-operation between them could yield benefits. The decision to establish the HCNM was made at a special point in our history, but I would argue that the founding fathers of the institution displayed considerable foresight and vision. Though the symptoms may differ over time, the causes of interethnic conflict remain unchanged and must still be tended to.

The HCNM was set up very much as a personalized institution, and the mandate, while giving the High Commissioner a wide margin of appreciation as to where and how to get involved, also contains a set of constraints. As previously mentioned, the requirement of confidentiality has often proved to be of help. At the same time, public attention has arguably become increasingly important to maintain political focus on any issue, and the confidentiality clause limits the ability to engage with a wider audience through public diplomacy. I often try to offset this disadvantage through close co-operation with other actors, such as the Council of Europe, the European Union, and the UN, who can more easily adopt a public stance on an issue. Nonetheless, broadening the institution's target audience is a challenge and will become increasingly important in the time to come.

During the year of the anniversary, we shall try to shed some more light on the work that we are doing. This section of the OSCE Yearbook is the starting point for these efforts. The chapters herein are written by people with deep knowledge of the institution's work and they look at different aspects of what has been achieved and, not least, what is to come.

It is my hope that the anniversary will be an opportunity to look forward more than backwards. While our past achievements are certainly worthy of attention, they can never be a justification or rationale for the institution's present and future work. Rather, the continued relevance of the institution will rest solely on its ability to accomplish its mission: to prevent interethnic tensions from developing into conflicts. I invite you to engage with us as we try to chart the future of the HCNM.

Creating Conflict Prevention: Negotiating between Preconditions and Influences

Introduction

A little more than twenty years ago, a community of diplomats realized that an opportunity existed to create a conflict-prevention institution unlike any that had previously existed. They drafted a mandate and gathered support from many of their ministries of foreign affairs to engage in negotiations and obtain the necessary approval for the OSCE to establish the High Commissioner on National Minorities (HCNM).¹ This contribution presents a brief account of the diplomatic negotiations that led to the creation of the mandate of the HCNM and offers some insights into the influences, challenges, and preconditions that helped these negotiations to succeed.

The proposal was an original idea whose time had come, a time when multilateral leaders were beginning to speak about prevention rather than cure, and about early engagement to identify and reduce tensions rather than post-war peacekeeping and peacemaking. The time was ripe for change because certain crucial preconditions and contexts made this change acceptable. This change was initiated by the proposal presented by the Netherlands Ministry of Foreign Affairs (MFA) for a High Commissioner on National Mi-

Note: Historical research for this study was carried out in part for a PhD dissertation ten years ago. The author is particularly grateful to the present and past High Commissioners on National Minorities, beginning with the late Ambassador Max van der Stoep, who, as the first person to hold this office, provided perceptive remarks during interviews. Other individuals who contributed valuable comments and helped to locate important documents during various research phases from 2002 to 2008 were advisors to the HCNM, such as John Packer and Walter Kemp, as well as staff at the archives of both the Netherlands Ministry of Foreign Affairs and the OSCE. Of note in this regard are the contributions by Pauline Hoekx and P.L.G. van Velzen at the Ministry of Foreign Affairs in The Hague and Alice Nemcova at the OSCE in Prague.

The author also wishes to reiterate his appreciation for the invaluable help he received from members of the Netherlands Ministry of Foreign Affairs, including Hans van den Broek (who was minister of foreign affairs when the HCNM's mandate was being negotiated), Ambassador Bert Veenendaal (who was Head of the Netherlands delegation in Helsinki during the negotiations in 1992), as well as Hannie Pollmann-Zaal, Ambassador Karel Vosskuhler, and Rob Zaagman (who were all three part of the team that contributed to drafting, negotiating, and developing the High Commissioner's mandate). Finally, this research benefitted from analytical contributions by Dr Wolfgang Zellner and the late Professor Victor Yves-Ghebali, to whom the author remains indebted.

- 1 The Organization for Security and Co-operation in Europe (OSCE) was previously called the Conference on Security and Co-operation in Europe (CSCE). The name was changed at the CSCE's Budapest Summit in December 1994. Apart from references to specific documents from before 1995, the name OSCE is used throughout this study. As regards the title of the "High Commission on National Minorities", the official name will be used in this study as well as the short form "High Commissioner" and the acronym "HCNM".

norities in February 1992. Through a process of gathering support from participating States, the mandate was accepted by all of the OSCE's then 52 participating States at the closure of the OSCE's Helsinki Follow-up Meeting in July 1992.² The favourable conditions that prevailed at the time were crucial to the diplomatic process; they made negotiated solutions possible against objections pushed forward on the heels of external pressures.

Two of the decisive external preconditions were the OSCE's capacity to accommodate such change and the pressure coming from the humanitarian crisis unfolding in the Balkans. The latter pushed governments to accept that new approaches to comprehensive security and prevention may be necessary. Other conditions that influenced the internal negotiation process were the manner in which the mandate for the High Commissioner was drafted, the way in which the diplomatic teams and their supporters negotiated the challenges posed by objections, and the looming deadline of the Helsinki Summit, by which time a mandate needed to be agreed upon.

The objections raised by OSCE participating States at various stages of negotiations against the proposal as such or against phrases in the draft mandate represented the strongest external influence on the negotiations. In the end, however, solutions to objections led to success. This was a unique achievement in international relations – unique because the idea for a multi-lateral conflict-prevention mechanism went against common perceptions and assumptions about state security and sovereignty over internal affairs and domestic governance – democratic or not. It was also unique because the essence of how conflict prevention is actually supposed to be carried out was never questioned or defined.

The Preconditions and Influences that Made Change Possible

Major institutional or organizational changes will only be accepted by stakeholders if specific preconditions are present. A favourable context is necessary to obtain the support of stakeholders – to find ways to overcome objections and create sufficient pressure from inside and outside to move the process to conclusion. These three sets of variables were present at the time and can be considered as external and internal independent variables that affected the negotiation process towards a final mandate (the dependent variable) for

2 Research for this contribution is based on the above-mentioned doctoral work done between 2002 and 2004, which analysed how the High Commissioner's mandate came into existence and how the first HCNM interpreted his mandate and thus set the tone for his office's operations. Previously published information for this chapter is borrowed from the author's two earlier publications (permission to use to this information is gratefully acknowledged). These publications are: Olivier A.J. Brenninkmeijer, *The OSCE High Commissioner on National Minorities: Negotiating the 1992 Conflict Prevention Mandate*, PSIO Occasional Paper 4/2005, Geneva 2005; and Negotiations and Engagements for Conflict Prevention: State Sovereignty and the OSCE High Commissioner on National Minorities, in: *Helsinki Monitor* 4/2006, pp. 327-336.

the HCNM. Then there were a large number of objections to the mandate drafts, which can be considered as intervening variables that injected unforeseen change into the process.

The two most important external and independent variables were also indispensable preconditions. These were, on the one hand, the normative and institutional developments within the OSCE at the time, which allowed for the introduction of a conflict-prevention mandate with a focus on minorities, and, on the other hand, the ensuing violent war and inter-ethnic conflict that tore Yugoslavia apart. Had either of these two preconditions not been present, the entire proposal for the HCNM would not have come to be what it is today. As disastrous as the war in the Balkans was, it also pushed diplomats and negotiators to look desperately for ways to prevent such calamities elsewhere.

Then there were a number of internal influences (independent variables) that characterized the negotiation process. These were, first, the ingenious formulation of the contents of the proposal for a mandate, which did not contradict the normative and institutional development of the OSCE; second, the manner in which the initiators of the mandate redrafted the text numerous times in response to objections; third, the growing group of supporting countries that jointly overcame the objections raised against the proposed mandate; and fourth, the ability to take advantage of the pressure to find solutions that the war in the former Yugoslavia placed on the diplomatic teams and their national ministries.

The negotiations over the HCNM's mandate were also dependent on some very sensitive and difficult issues that could not be planned for. An obvious one, as in all negotiations, was the "chemistry" of inter-personal relations among the diplomats at the negotiation meetings. While this topic is not taken up in this short study, it must be kept in mind that inter-personal relations form a very important independent variable in the process.

Another variable that could be foreseen was the sensitive issue of the national sovereignty of states over their internal security and governance affairs. The security problems emerging in many former communist or socialist countries, where members of minorities were now seeking a political voice, led many OSCE participating States in both East and West to fear that inter-ethnic tensions might also affect their own sovereign territorial integrity. While conflict prevention could be seen as a means of reducing tensions, and hence a solution to such problems, by its very nature it implies addressing security issues within the domestic affairs of sovereign countries. And besides internal security, issues that addressed the balance between local and central government and relations between minorities and a country's majority were bound to be a part of the package. Without it ever being stated explicitly during the negotiations, the creation of the HCNM implied the acceptance of the involvement of the High Commissioner in the internal security and gov-

ernance affairs of sovereign states. Furthermore, one of the most sensitive security issues was the question of “terrorism”, as will be shown later.

It is remarkable that the initiators of the HCNM idea, together with the group of countries that supported their proposal, were able to obtain consensus for this relatively independent conflict-prevention instrument. No other multilateral officer has ever been granted the green light from sovereign countries to investigate their internal affairs that the High Commissioner was given in 1992. It must be said that the oddest part of this entire process – as well as the most ingenious – was that the participating States were asked to agree on something they could not define. Difficult terminology was left unspecified – “terrorism”, “crisis”, “violence”, etc. Nor were key procedures explained, such as how the HCNM would know what an early stage of a conflict is when his mandate says “conflict prevention at the earliest stage possible”. Where is that stage on the continuum from mild tension to outright war or from street demonstrations to repeated terrorist attacks? All this remained vague and open-ended, and it was left up to the High Commissioner in person to define what he would do, when, and how.

Origins of the Proposal

Following on from earlier OSCE meetings, such as the Geneva Meeting of Experts on National Minorities in 1991, members of the Netherlands MFA drafted a mandate during the winter of 1991/92 for an officer – initially referred to as the “High Commissioner *for* Minorities” – who would involve himself in the internal affairs of participating States wherever he suspected that a potential inter-ethnic war could break out, which he could try to prevent. This proposal was first made public on 30 January 1992 by Hans van den Broek, the Dutch Minister of Foreign Affairs, at the Prague Meeting of the CSCE Council.³ He suggested that a High Commissioner should be appointed not only to issue early warnings, but also to contribute two novel approaches to preventing crises. These are: first, to be able to advise three types of groups – the Committee of Senior Officials (CSO), the individual participating States, and the minorities – about the implementation of relevant OSCE commitments. The aim of this would be to forestall violence where a disintegration of relations between minorities and governments might otherwise lead to conflict. The second approach would be to actively promote the integration of minorities in political processes. This has a direct bearing on the structure of government in participating States. It was in this tone that van den Broek said to his counterparts at the OSCE that:

3 The CSCE Council (now the OSCE Ministerial Council) is the meeting of all the foreign ministers of the OSCE participating States. The Council acts as the highest decision-making and governing body. It meets at least once a year, usually towards the end of the term of the Chairmanship of one of the foreign ministers.

[...] We must fear that ethnic tensions, most within and between nations, will prove the most dangerous threat to stability and the common security on our continent in the years to come. Nearly all of the newly independent republics are characterised by ethnic diversity. [...] The Yugoslav crisis has taught us that we cannot afford to remain idle. So how can our capacity to deal with these issues be enhanced?
 [...] The protection of the rights of minorities requires *institutionalised attention within [the] CSCE*. What do I mean by that? Well, perhaps a *CSCE High Commissioner for Minorities*.⁴

It is no wonder that the dominant external influence came from the disintegration of the former Yugoslavia. Nineteen ninety-one saw the beginning of what became Europe's least-expected nightmare, and this at a time of great optimism about the new freedom that the end of the Cold War brought to former socialist or communist countries. What is more, fear set in among European governments and diplomats that increasing violent conflict would spread on the heels of politically-driven inter-ethnic animosity and grievance. Many feared that inter-ethnic tensions would be instrumentalized to promote political objectives through violent conflict across many more former communist countries.

This fear provided the opportunity to imagine a multilateral instrument that could help prevent such calamities from spreading. In his proposal for a High Commissioner, the Netherlands Minister of Foreign Affairs proposed a mechanism that would act where national provisions for the protection of minorities are insufficient. And, if necessary, the HCNM would bring the plight of minorities to the attention of the CSO and, thus, to the entire OSCE.⁵

Years later, van den Broek commented that with respect to the disastrous events in the Balkans:

It was clear to us that, after the end of the Communist Regime, intra-state (internal) conflicts could increase as a consequence of growing

4 Archive of the Netherlands Ministry of Foreign Affairs (hereinafter: Archive, NL MFA). "The Transformation of Europe and the Role of the CSCE", *Statement by Mr Hans van den Broek, Minister of Foreign Affairs of the Netherlands, at the Meeting of the CSCE Council of Ministers in Prague on 30 January 1992*, CSCE, Second Meeting of the Council, Prague, 30-31 January 1992 (emphasis in original). The speech is also mentioned as agenda item no. 4 under the sub-heading "The transformation of Europe – the role of the CSCE and the contribution of European and other institutions", Agenda for the Second Meeting of the CSCE Council of Ministers for Foreign Affairs, Prague, 30-31 January 1992, in: CSCE, *Second Meeting of the Council*, Prague 1992, Annex 2.

5 The CSO was the body to which the High Commissioner was made accountable. Today, the Permanent Council (PC) has de facto assumed the authority previously vested in the CSO. The PC was initially created as the Permanent Committee in 1993 and renamed the Permanent Council in December 1994. It meets once a week in Vienna and has become the OSCE's principal consulting and decision-making body, consisting of the participating States' ambassadors stationed in Vienna. They are responsible for all operational decisions that do not necessitate a meeting of foreign ministers.

nationalism often at the cost of national minorities. Considering the important role that was envisaged for the CSCE with regard to human rights, democracy and constitutional government, it seemed to us that the creation of an HCNM made sense and would find its place.⁶

Indeed, the war in the former Yugoslavia was the most powerful of the external independent variables that influenced the process. It focused the minds of diplomats and helped the Netherlands team to receive support for the proposal from a growing number of OSCE countries. But there is another external precondition that helped the negotiation process in an equally important way, namely the ability of the Dutch team to “fit” the proposal into the existing operational and normative framework of the OSCE as it was in 1991. This framework offered a supportive institutional and normative context in which the new mandate could be anchored. And according to some of the Dutch drafters of the High Commissioner’s mandate, without institutional reform in the OSCE, a conflict-prevention mechanism would have been impossible.⁷

In the years up to 1991, the OSCE participating States had already begun broadening their approach to comprehensive security to include respect for human rights and approval of the Human Dimension Mechanism. This instrument had been elaborated by both Eastern and Western participating States for the protection of human rights during the final years of the Cold War and immediately afterwards. It refers to principles that are considered the basis for democratic reform and the peaceful prevention of conflicts.⁸ These principles comprise a body of standards of good conduct for OSCE participating States and were first mentioned in the Concluding Document of the Vienna Meeting of 1989. The section of this document entitled “Human Dimension of the CSCE” implicitly defines it as concerning “all human rights and fundamental freedoms, human contacts and other issues of a related humanitarian character”.⁹

The special thing about this approach was that it provided a format for OSCE States to discuss human rights even when these touched on issues

6 Hans van den Broek, letter to the author, 29 July 2001 (author’s translation).

7 Some of the ideas that went into the drafts of the proposal were the fruit of earlier professional engagement on the part of members of the Dutch team. One of the team members had attended the Geneva Meeting of Experts on National Minorities in 1991 and had supported the OSCE’s new focus on the protection of minorities. Another member of this same team had worked at the Ford Foundation in New York with Brian Urquhart on peacekeeping, institutional reform at the United Nations, and on preventive diplomacy. (From author’s written and telephone communications with Hannie Pollmann-Zaal, 3 April 2003, and Karel Vosskuhler, 2 April 2003).

8 The origin of the term “human dimension” is discussed in: Stefan Lehne, *The Vienna Meeting of the Conference on Security and Cooperation in Europe, 1986-1989. A Turning Point in East-West Relations*, Bolder 1991, p.170.

9 Concluding Document of Vienna, Vienna, 15 January 1989, in: Arie Bloed (ed.), *The Conference on Security and Co-Operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 327-411, here: p. 367.

within the internal affairs of participating States. It essentially allowed for a “pedagogical” rather than punitive approach to promoting the protection of human rights.¹⁰ To this can be added the originality of considering questions concerning minorities within the broad concept of security, which was accepted at the Copenhagen Meeting of the OSCE in June 1990.¹¹ At Copenhagen, the participating States agreed to recognize that issues concerning national minorities were relevant to international peace and stability in Europe,¹² and that the rights of persons belonging to national minorities are essential for peace, justice, stability, and democracy.

The Copenhagen Document also recognizes that non-governmental organizations can help in the resolution of problems that might be related to national minorities. This was an obvious response to the growing international awareness that security was not the sole domain of state governments, and that national security is also influenced by broader human security issues, in which non-governmental associations play a role.

Under the umbrella of the human dimension, the OSCE participating States also accepted that human rights concerns touching on the welfare of minorities within states could legitimately be raised by any participant at the multilateral level. This acknowledgement was arrived at in the Geneva meeting in 1991 when it was noted that:

human rights and fundamental freedoms are the basis for the protection and promotion of rights of persons belonging to national minorities.¹³

By extension, the same experts declared that, if the protection of minorities is to be a reality, then all participating States can express their concerns about the observance of human rights in other OSCE countries. Thus:

Issues concerning national minorities, as well as compliance with international obligations and commitments concerning the rights of persons belonging to them, are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective state.¹⁴

10 The expression “pedagogical” is borrowed from: Victor-Yves Ghébal, *L’OSCE dans l’Europe post-communiste, 1990-1996: Vers une identité paneuropéenne de sécurité* [The OSCE in Post-Communist Europe, 1990-1996: Towards a Pan-European Security Identity], Brussels 1996, p. 450.

11 See Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990, in: Bloed (ed.), cited above (Note 9), pp. 439-465.

12 Cf. Rob Zaagman/Hannie Zaal, The CSCE High Commissioner on National Minorities: Prehistory and Negotiations, in Arie Bloed, (ed.), *The Challenges of Change: The Helsinki Summit of the CSCE and its Aftermath*, Dordrecht 1994, pp. 95-111, here: pp. 95-96.

13 Report of the CSCE Meeting of Experts on National Minorities, Geneva, 19 July 1991, in: Bloed (ed.), cited above (Note 9), pp. 593-604, here: p. 595.

14 Ibid.

In 1992, the institutional and normative framework of the OSCE encompassed a body of human-dimension commitments that provided an accommodating environment in which thinking about conflict prevention and the international protection of minorities was acceptable to most, if not all, participating States. This can be considered one key precondition for the creation of the HCNM. A further key precedent was the novel provision for OSCE rapporteur missions that the OSCE had developed in 1990 and 1991.¹⁵ This mechanism was conceived of as a means to send experts with a specific mandate to investigate problems relating to the human dimension in individual countries and potentially to promote dialogue and co-operation among the relevant parties. Another institutional factor that favoured the creation of the High Commissioner was the concept of comprehensive security, in which democratic governance is considered an important means of providing protection for members of minorities.¹⁶

The declarations on rapporteur missions allow any OSCE participating State to make a request for a special mandate to investigate concerns about minority-related and human-rights problems in any other participating State. The states later reiterated this formula with reference to the entire body of human dimension commitments. Thus:

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern [...] the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.¹⁷

This new legitimacy given to all participating States provided a solid foundation for the establishment of the mandate of the High Commissioner.

In parallel to these discussions under the human dimension, an earlier proposal for a mechanism with a mandate to deal with issues concerning minorities had already been put forward by the Swedish government in 1990. It suggested that a “Representative on National Minorities” could monitor pol-

15 The provision for rapporteur missions was agreed to at the Third Meeting of the Conference on the Human Dimension of the CSCE in Moscow from 10 September to 4 October 1991, cf. Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, in: Bloed (ed.), cited above (Note 9), pp. 605-629, here: pp. 607-609.

16 See further the Report of the CSCE Meeting of Experts on National Minorities, cited above (Note 13), Chapter II of which provides that the representatives of the participating States: “recognize that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary.”

17 The quote is from the Preamble of the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, cited above (Note 15), p. 606.

itical tensions related to minority situations and warn the international community about impending security problems. The idea of “early warning” was then widely regarded as acceptable as it did not infringe on national sovereignty or security. The Swedish idea served as a backdrop to discussions at the Geneva Meeting of Experts on National Minorities, where a mechanism was suggested by which specialists would report on national-minority questions when requested by participating States.¹⁸ These early discussions within the OSCE paved the way for the Netherlands delegation to propose the creation of the High Commissioner on National Minorities.

Internal Condition and Influences

As outlined above, the emergence within the OSCE of a far broader consideration of human security, including a concern for minorities, was certainly the most crucial external precondition upon which the drafters of the HCNM’s mandate could base their proposal. But for a viable mandate to be adopted, a number of internal conditions (independent variables) needed to be in place as well:

- The proposed new conflict-prevention mechanism needed to “fit” within the normative and institutional framework of the OSCE.
- The initiators of the mandate redrafted the text numerous times to respond to and mitigate objections without losing sight of their original objectives.
- The growing group of supporting countries worked with the drafters of the mandate to overcome the objections raised against the proposed mandate.
- The war in the former Yugoslavia acted to push the process forward to conclusion.

These variables were all internal to the process and linked to the interpersonal ability of the diplomatic teams to be both pro-active and re-active in a fluid negotiation process in which they had to “make the most of the situation” as it evolved. And this they did by preparing numerous drafts of the mandate between February and July 1992. Most were drawn up for distribution to participating States or their delegations. Others were prepared for internal

18 These suggestions were made on the occasion of the CSCE Meeting of Experts on National Minorities in Geneva, 1-19 July 1991. Austria, Czechoslovakia, Hungary, Norway, Poland, and Sweden jointly proposed a rapporteur who would deal with minority questions that related to human-dimension commitments. Cf. Proposals CSCE/REM.N.19 and CSCE/REM.N.15 of 12 July 1991. See also Daniela Späth, *Effektive Konfliktverhütung in Europa durch den Hohen Kommissar für Nationale Minderheiten?* [Effective Conflict Prevention in Europe via the High Commissioner on National Minorities] In: *Die Friedens-Warte, Journal for International Peace and Organization*, 1/2000, pp. 81-99.

discussions only between the Dutch delegation based in Helsinki and the MFA in The Hague, and after the first draft of 14 February, the versions of 15 April, 3 June, 12 June, 20 June, and 24 June contained major modifications that either led to intensive rounds of negotiation or resulted from them. In all, fourteen drafts were prepared between February and July, with the final one being accepted on 4 July 1992 by all participating States in time for its inclusion in the Summit document.¹⁹

The Objectives and the Objections

Had it not been for the active support of the many OSCE participating States, some of whom joined as co-sponsors early on, the negotiations would most likely not have succeeded. For the Dutch team that drafted the various versions of the mandate for the High Commissioner, two basic questions had top priority, namely what the High Commissioner would be expected to do, and up to what stage in an emerging minority-related problem he could become involved. Interestingly, as will become clear below, the objections to the mandate concerned neither of these two priorities. Rather, they focused on controlling the High Commissioner and limiting his freedom to carry out his work.

As part of their strategy to obtain backing from participating States, the negotiators emphasized the urgent need to develop a new conflict-prevention mechanism to prevent the further spread of the inter-ethnic violence that was then occurring in the Balkans. At the same time, they avoided the issues of security and governance, as these touched the raw nerve of national sovereignty over domestic security and governance affairs. Thus they left the critical discussions of what exactly the HCNM would do as open and vague as possible.

The key objectives that the Dutch team and the supporting governments placed in the mandate drafts remained valid throughout the negotiation process and were accepted in the final version. These were:

- The High Commissioner will concern himself with minority-related tension situations that could, in his judgement, potentially lead to violent conflict.
- The HCNM will not promote minority rights nor will he concern himself with individual violations of human rights.
- The HCNM will decide which minority-related issue to become involved in, which issues to address, and when, so long as a given issue has not already developed beyond the early-warning stage into an overt crisis with regard to which issuing an early warning would be pointless.

19 See CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Bloed (ed.), cited above (Note 9), pp. 701-777, here: pp. 715-721.

- The High Commissioner will have the freedom to travel and investigate any minority issue he chooses in any of the OSCE participating States so long as the issue has not already developed beyond the early-warning stage and so long as he informs and consults with the Chairperson-in-Office (CiO) of his intentions.²⁰
- The HCNM may receive information in confidence from any individual, group, or organization on questions he is addressing, and he will respect the confidential nature of the information. The people whom the HCNM meets cannot to be punished or persecuted on account of having established contact with the High Commissioner.
- The High Commissioner will provide “early warning” when necessary and “early action” where appropriate. The latter implies that the HCNM can engage in diplomatic efforts to reduce tensions in situations that have not developed into an overt crisis beyond the early-warning stage.
- The High Commissioner’s independent work comes to an end when he decides that tensions are no longer at risk of escalating towards a crisis or violent confrontation, or when he finds that he is unable to diffuse tensions in accordance with his mandate. At this stage, he may issue an early warning and leave it for the OSCE to address the crisis.
- The High Commissioner’s mandate must be framed to ensure that he does not duplicate the work done by any other agency; he must be integrated in the OSCE, and receive support from it when needed.
- The High Commissioner must be able to call on external experts to help him in his work.
- The HCNM will be an outstanding international personality with relevant experience who can be trusted to respect the confidential nature of his work, maintain an essential independence from political interests, and work in a discreet diplomatic manner.

Despite the generally positive response from most participating States, some did not approve of the proposal as a whole or did not want to see specific elements negotiated. They objected for various reasons that were mostly specific to their own internal security concerns. However, all but one country did eventually begin to negotiate details in the drafts, which implied acceptance of the overall proposal. The strongest objections came from those Western countries that were dealing with internal terrorism or domestic racially-motivated violence. These were Turkey, Spain, the United Kingdom, and the United States, which faced long-running domestic issues with regard to the Kurdish community, the Basque community, the communities in Northern Ireland, and racial violence between the white and black communities, respectively.

20 The CiO is the foreign minister of one of the OSCE participating States who holds the position on an annual rotating basis.

Support from OSCE counties grew as an increasing number of participating States joined the Netherlands in officially submitting the proposal to the Helsinki Follow-up Meeting. This produced a diplomatic dynamic that was crucial to the negotiation process. As Hans van den Broek later commented: “The months of intensive consultations by our diplomatic staff at the time were to a great extent concerned with bringing CSCE participating States to accept the rationale for a HCNM and to support the elaboration of the mandate”.²¹ Once it appeared that the proposal would not be sidelined, the strongest objectors also accepted it in principle and began to suggest amendments to the draft mandate.

Most objections were levied against specific phrases in the mandate drafts, but some also challenged the entire notion of the High Commissioner on National Minorities. One that was raised frequently in the earlier months of the negotiations criticized the entire notion of focusing on minorities. The objectors argued that the rights of minorities are not to be elevated above human rights and, moreover, that their national laws recognized only equality for all people. This and other objections are grouped below in a succinct form.²²

The first group questioned the basic objective of focusing on minority-related causes of violent conflict. The fear was that a High Commissioner would work *for* minorities and encourage socio-political expectations of an eventual development of preventive measures that would systematically favour minorities. This was most strongly voiced by France, Turkey, and the United States. Instead, they argued, a commissioner should focus on all the causes of conflicts.

In fact, the term “minority” was a concept without a definition.²³ Participating States had to be reminded that the general agreement was that individual persons can choose to belong to a minority and that therefore governments cannot say they don’t have minorities on their territories. This would also render the need for a definition unnecessary.²⁴ However, vagueness can

21 From author’s written communication with former Minister of Foreign Affairs, Hans van den Broek, 29 July 2001.

22 These points are taken from documents consulted in the archives of the Netherlands MFA, as well as from two articles written by authors who took part in the negotiation process in 1992. These are: Hannie Zaal, The CSCE High Commissioner on National Minorities, in: *Helsinki Monitor* 4/1992, pp. 33-37; and Zaagman/Zaal, cited above (Note 12).

23 While not defining the term, the Copenhagen Document provides an agreement on how to understand the word: “To belong to a national minority is a matter of a person’s individual choice and no disadvantage may arise from the exercise of such choice. Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will”, *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*, cited above (Note 11), p. 456.

24 See, from the archive of the Netherlands Ministry of Foreign Affairs, *Openingszitting, Helsinki Follow Up Meeting – Hoge Commissaris voor de Minderheden (HCM). Dit Nederlandse voorstel is gebaseerd op een aantal overwegingen* [Opening Session, Helsinki Follow Up Meeting – High Commissioner for the Minorities. This Dutch proposal is

be unnerving, and Washington restated its wish to discuss a definition of the word “minority”, which it had failed to obtain at the 1991 OSCE meeting of experts in Geneva.²⁵

Some opposition was also based on well-founded concerns that the creation of an officer who focuses on minorities might inadvertently raise difficult queries about what an “ethnic group” represents. For example, would the term minorities also include diasporas of migrant workers in a host country? The United States also raised the argument that the High Commissioner might risk giving a false impression to minorities that they can bypass their own national governments to obtain concessions by presenting their demands directly to the High Commissioner and expecting to obtain special group privileges.

A second group of objections was based on the worry that a focus on minorities would worsen security or increase tensions by inadvertently emphasizing differences between minorities and majorities. Worse, it could lead to irredentism if the High Commissioner were to encourage closer links between a minority and a neighbouring kin state. Just as worrisome to some state governments, the High Commissioner’s involvement might encourage minority leaders to call for ever greater self-government, leading to secession.

The third group of concerns touched on the legal and normative questions of whether the High Commissioner would promote minority rights or otherwise bring about a confusion between human rights and minorities striving for group rights. Some participating States feared that a High Commissioner would merely be the first step towards the creation of rights for minorities as groups. They did not want to see a debate launched about group rights. According to a number of opponents, creating an office that looks exclusively at minorities contradicts the principle of equal rights; France in particular argued this point.

The supporters of the draft proposal provided three broad responses during the negotiations which were:

- The High Commissioner must not address individual human-rights violations; hence, he will not become an ombudsman for minorities.
- The High Commissioner will not provide grounds for a recognition of minorities as legal entities on their own and thus his office will not be the first step towards the development of rights for minorities as separate entities vis-à-vis states and human rights.

based on a number of considerations], The Hague, 24-26 March 1992, pp. 3-4 (document without signature or reference number).

25 See, from the archive of the Netherlands Ministry of Foreign Affairs, *Nederlandse Initiatieven in CVSE-kader* [Netherlands initiatives in the CSCE Framework], Ref.: wasi305/6554, 20 March 1992. The Geneva meeting referred to here is the CSCE Meeting of Experts on National Minorities, held in Geneva, 1-19 July 1991.

- The High Commissioner cannot offer privileges or rights to minorities that would constrain state governments in their dealings with a minority on their territories.

A fourth collection of objections were political, namely that the High Commissioner must never become a vehicle for political demands. Neither minorities nor governments should be able to treat the HCNM as a means to promote their political interests or publicly voice their grievances. Three types of concerns were expressed in relation to this objection:

- First, minorities might abuse the High Commissioner and demand he lobby on their behalf against a state government.
- Second, the High Commissioner could be exploited by minority groups or by their kin states to influence the state where the High Commissioner is mediating.
- Third, governments might also abuse the High Commissioner. While this objection was not voiced by any party to the negotiations, it was raised by non-governmental observers that supported the protection of minorities.

A fifth set of objections referred to the High Commissioner's freedom to choose which minority issues to be involved in. Several participating States questioned whether the High Commissioner should decide on his own which minority issues to involve himself in. The United Kingdom was particularly vocal in stressing this point, as it did not want an external diplomat to become involved in the Northern Ireland conflict, which was a highly sensitive political issue for London. Both Britain and the USA wanted the High Commissioner to enter a national territory only after obtaining permission and/or a special mandate from the OSCE or the potential host country. Of course, this was diametrically opposite to what the drafters of the mandate had in mind, which was confidential and discreet engagement to promote peaceful dialogue without soliciting political or media attention.

From the outset of the negotiations, the drafters and supporters of the mandate regularly reaffirmed both that the High Commissioner should be given complete freedom to choose which minority issues to address and that he would not be required to seek permission to do so. The fifth objection was met by stipulating that the High Commissioner cannot meet with parties that are already engaged in crisis-level issues or violence. Such situations would already be beyond the "early-warning stage" and therefore outside the remit of this mandate. Still, this was not sufficiently reassuring for some OSCE states such as the United Kingdom.

A sixth group of objections challenged the means by which the participating States would oversee the work performed by the High Commissioner. This focused on the integration of the mandate into the OSCE framework, as

well as on the issues of control and accountability. Who would supervise the HCNM's movements and contacts? Who would he be accountable to in the OSCE? This broad set of objections became a serious point of contention. First, some participating States wanted to ensure that the High Commissioner was institutionally embedded within an existing OSCE body over which a greater measure of control could be exercised. A few participating States suggested creating a link between the High Commissioner and the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw.²⁶ However, as this was not a politically sensitive issue, the majority of participating States accepted that the HCNM would become a separate office with its own budget. Second, the United States was adamant that some accountability should be built into the mandate. Through negotiations, a convenient solution to this set of objections was found in a provision that requires the HCNM to consult with the CiO before and after he concerns himself with a minority issue.²⁷ This provided a measure of accountability of the HCNM to the OSCE while preserving the essential discretion and confidentiality that the drafters of the mandate wanted to maintain to ensure that quiet preventive diplomacy could be effective.

A seventh set of objections concerned who the High Commissioner could speak to. Some participating States wanted to try to limit in writing who the High Commissioner would meet. Once more, this went directly against the objectives of the drafters of the mandate. Some countries feared that the High Commissioner could interpret his mandate as allowing him to meet with representatives of minority groups that condone violence or terrorism. As with the objection concerning the selection of minority issues, this was difficult to overcome during the negotiations. One reason for this obstacle was the link made by some between "terrorism" and "minorities". Are terrorists necessarily members of minorities? Can all minorities potentially harbour terrorists, and if so, does this mean that when a government calls an incidence of violence "terrorism" that the High Commissioner is therefore excluded from addressing the minority in question?

It was not difficult to see how this issue touched extremely sensitive political nerves. Several OSCE States expressed their doubts that the High Commissioner would be able to operate independently of political interests and remain neutral in his work. They argued that the HCNM could not remain impartial, even if his diplomatic style were "quiet", as the Dutch suggested. Media attention and the temptation by members of minorities to publicize their meetings with the HCNM could jeopardize discreet diplomatic efforts to prevent conflicts in politically sensitive situations.

26 The idea that, besides institutional support, the budget for the High Commissioner would also come from ODIHR was not accepted in the negotiations. The result was that a separate budget was elaborated only after the final mandate had been accepted.

27 The CiO is formally the only interlocutor of the HCNM vis-à-vis the OSCE during the pre-early-warning phase of the High Commissioner's operations.

This concern led to the eighth set of objections, which challenged the essential freedom of the High Commissioner to seek information wherever he wanted. Some countries wondered whether expert advice could be sought from non-governmental third parties. This was a serious challenge for the negotiations, as some countries felt that the HCNM must not base his understanding of a minority issue on information supplied to him by groups that follow a specific political agenda. This would reduce the confidence that the HCNM could remain unbiased and politically neutral. This question of who the High Commissioner could meet and obtain advice from was resolved by a reaffirmation of the passages in the draft mandate according to which the High Commissioner would work in confidence and would not acknowledge communications by parties that condone violence.

One might assume that the greatest number of objections would address what the High Commissioner could actually do, as provided in the core of the mandate, namely: “early warning” and “early action”. The drafters had written that the High Commissioner would be told to assess whether to provide “early warning” and/or “early action” where he suspects that “tensions involving national minority issues [...] have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States”.²⁸ It would have been natural to ask what these action-oriented expressions imply. But OSCE participating States did not bother so much about what the HCNM would actually do – what a “warning” should contain or achieve, and what the “action” should consist of.

The first part – issuing an “early warning” – was indeed not difficult to accept, because it had already been on the agenda in earlier OSCE forums. The more complicated part was the second one – “early action”. The notion that the High Commissioner would promote dialogue, confidence, and co-operation with a view to finding solutions in a confidential manner and independently of all parties directly involved in the tensions seemed to be satisfactory to most OSCE countries. No further definition of what all these provisions imply or leave out was demanded – “dialogue” about what? And what about parties not directly involved? Could they participate in “finding solutions”? These words and what remained unsaid were never seriously questioned. In other words, the essence of what conflict prevention is supposed to be was not taken up by any objector to the mandate.

Finally, a concern that was particularly sensitive for the drafters of the mandate and its original supporters was how to identify a candidate for the post of High Commissioner. This seemed a simple task at first, but became a serious worry as the negotiations drew to a close. No candidate was found, even though many requests had been made by the Dutch to other delegations to suggest suitable individuals. Shortly before the start of the Helsinki Summit, the Netherlands MFA made a formal request to OSCE delegations to

28 CSCE Helsinki Document 1992: *The Challenges of Change*, cited above (Note 19), p. 716.

help find a candidate, but none was proposed, and it was only after the Summit that Max van der Stoep was approached by the Netherlands MFA.

In conclusion, it is perhaps no wonder that all the principal objections during the negotiations challenged the autonomy of the High Commissioner. More than anything, it was the pressure stemming from the perceived need to do something to ensure that the upheavals in the former Yugoslavia were never repeated that pushed the diplomatic teams and their ministries to reach an agreement. It took great negotiating skill to make full use of the opportunity that the Balkan conflict provided to gain support from OSCE States for a proposed mandate that challenges multilateral traditions by giving such wide autonomy to this new conflict-prevention instrument.

Conclusion

The High Commissioner on National Minorities became a reality when the final version of the mandate was formally adopted at the Summit held in Helsinki on 9 and 10 July 1992. All OSCE Heads of State or Government signed the *Helsinki Document 1992: The Challenges of Change*.²⁹

Two countries that strongly objected to the proposed mandate from the start eventually accepted it and then endorsed it at the highest level. Thus, shortly before the Helsinki Summit opened, US President George Bush sent a letter to all the capitals of the OSCE participating States in which he expressed his hope that Helsinki would achieve agreement on procedures for “addressing the root causes of conflicts, such as the important Dutch initiative for a CSCE High Commissioner on National Minorities”.³⁰ At the Helsinki Summit, John Major, the newly elected British Prime Minister, fully endorsed the HCNM. Emphasizing the importance of conflict prevention, Major said that the OSCE “should not be a watching bystander, a hand-wringing on-looker to Europe’s quarrels. The CSCE must develop the means and the will to act before fighting begins. We welcome the important decision to establish a High Commissioner on National Minorities.”³¹

It was clear from the beginning of the negotiations process, however, that conflict prevention is by its very nature a complicated and often very

29 The mandate is contained in Chapter II of the Helsinki Document, cf. *ibid*. This Summit Document is the final version of the negotiated text of the Helsinki Follow-up Meeting. It consists of two main parts, the “Helsinki Summit Declaration” and the “Helsinki Decisions”, the latter which includes the mandate.

30 Archive of the Netherlands Ministry of Foreign Affairs, US President Bush, *letter to Netherlands Prime Minister Ruud Lubbers and all heads of CSCE participating governments in advance of the CSCE Summit in Helsinki*, Fax from USA embassy, The Hague, to MFA/DAV (Atlantic Co-operation and Security Affairs Department), The Hague, 6 July 1992.

31 Conference on Security and Co-operation in Europe (CSCE), *Speech by the Prime Minister, the Rt Hon. John Major MP, at the CSCE Helsinki summit*, Prague, Archive of the Office of the Secretariat of the Organization for Security and Co-operation in Europe, Friday 10 July 1992.

subtle affair. Critical here is how interpersonal relations between the parties are perceived and the key role played by negotiators in facilitating dialogue and in making use of external preconditions and internal influences to move the process forward. The quality of inter-personal relations can affect things for the better or the worse. By extension, we can conclude that for each of the HCNM's involvements in minority-related issues, he also will need to pay careful attention to identifying suitable external preconditions to refer to, and to make use of internal contextual influences to achieve his objective – a clearly dependent variable. The diplomats in Helsinki no doubt knew that once the High Commissioner began his work, he would also have to find creative ways to overcome intervening objections to his own conflict prevention negotiations and that the effort he would need to make to achieve peaceful dialogue and change would contribute to solidifying agreements between minorities and governance structures. To do so successfully, he would, once again, need to be aware of external and internal influences and make the best use of them in the process.

Creating a multilateral conflict prevention mechanism such as the HCNM was a remarkable accomplishment for many reasons, but a few stand out. Obtaining the approval of all OSCE participating States for such a major institutional change was only possible because specific preconditions and contexts were present in 1992. These included, first, an amenable disposition on the part of national diplomatic teams to support the proposed mandate; second, their ability to push the creation of the HCNM forward as a way to avoid minority-related crises of the kind that were present in the Balkans at the time; and third, their ability to realize that the crisis in the Balkans provided the pressure needed to move the process to a rapid conclusion.

The final mandate of the HCNM was the dependent variable – a clear final objective towards which the entire process was geared. The negotiation process was shaped and moulded by internal independent variables composed of the objectives the drafters had originally introduced and the manner by which they proceeded to garner support from other OSCE participating States. But the process was greatly influenced by the objections – a large number of intervening variables that demanded immense effort on the part of the supporters of the proposed mandate to overcome through negotiations. However, the challenge these objections posed was not an insurmountable problem but rather a useful part of the process. The struggle to overcome them through negotiations actually helped to solidify and anchor the HCNM's mandate in the OSCE framework as well as in the minds of the many stakeholders – the participating countries who ultimately approved the initiative and still today continue to support the High Commissioner well beyond the 1992 agreement in Helsinki.

Twenty Years of Conflict Prevention: Reflections on the Work of the OSCE High Commissioner on National Minorities

Twenty years have passed since the establishment of the High Commissioner on National Minorities (HCNM) by the participating States of the then Conference on Security and Co-operation in Europe (CSCE). The decision to create the institution was taken formally at the Helsinki Ministerial Council Meeting in 1992. A year later, the institution began to function under the leadership of the former Dutch foreign minister Max van der Stoep. The HCNM was conceived as a security instrument whose aim was prevention of conflicts at the earliest possible stage. It was the international community's response to the violent dissolution of the former Yugoslavia and the proliferation of ethno-national conflicts throughout the post-communist space. In the Helsinki Document 1992, the participating States acknowledged that aggressive nationalism and intolerance, coupled with economic decline, social tensions, and gross violations of human rights, including those related to national minorities, represented a clear threat to the peaceful development of society, particularly in new democracies.¹ For this reason, the participating States identified the need for an international instrument that would "mediate between the parties concerned in order to reduce the tension before it led to open, armed conflict between them".²

The purpose of this contribution is twofold. One aspect is to reflect on the evolution of the HCNM as an institution over the past twenty years, while the second is to discuss, using the example of the HCNM, the limits and opportunities of conflict prevention in today's political environment. In doing so, this contribution will address three broad questions: What were the origins of the HCNM (and are they still relevant today)? What are the main elements of the HCNM's approach to conflict prevention? And what does the HCNM's experience tell us about the prevention of inter-ethnic conflicts in general?

1 Cf. CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, Helsinki Summit Declaration, para. 12, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 701-777, here: pp. 703-704.

2 Rob Zaagman/Hannie Zaal, The CSCE High Commissioner on National Minorities: Pre-history and Negotiations, in Arie Bloed (ed.), *The Challenges Of Change: The Helsinki Summit of the CSCE and its Aftermath*, London 1994, pp. 95-113.

The HCNM, as described by the Helsinki Document, is an “instrument of conflict prevention at the earliest possible stage” and will, according to the mandate, provide

“early warning” and, as appropriate, “early action” at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating States, requiring the attention of and action by the Council or the CSO.³

The HCNM’s preventive mandate thus tasks him with becoming involved in situations of potential conflict as early as possible. In doing so, he is authorized to assess the nature of tensions and the parties involved, making direct contact not only with state authorities but also with non-state actors. According to the mandate, the HCNM should make on-site visits to gather first-hand information from all parties concerned and from a variety of sources “including the media and non-governmental organizations”.⁴ This is to enable him to make a well-informed judgement on “the potential consequences for peace and stability within the OSCE area”⁵ of a specific conflict. He is further tasked with engaging with various actors and promoting dialogue between them to facilitate the resolution of disputes before they flare up into violent confrontations. Where the HCNM concludes that a situation is escalating beyond control and that his preventive efforts have been exhausted, the mandate specifies that he can issue an early warning to the Permanent Council via the Chairperson-in-Office.

To enable him to effectively perform his function, the mandate also states that the High Commissioner should be an eminent person with long-standing international experience “from whom an impartial performance of the function may be expected”.⁶ Former Dutch foreign minister Max van der Stoep was appointed the first High Commissioner in 1992 and served in that capacity until 2001. He was succeeded by the Swedish diplomat Rolf Ekéus, who held the office until 2007. The current HCNM, former Norwegian foreign minister Knut Vollebæk, took up his post in August 2007. As a rule, the HCNM is to serve a three-year term with a possibility of extension for another three years.

3 *Helsinki Document*, cited above (Note 1), Helsinki Decisions, Section II, para. 3, p. 716.

4 *Ibid.*, para. 23a, p. 719.

5 *Ibid.*, para. 11b, p. 717.

6 *Ibid.*, para. 8, p. 716.

The HCNM's mandate was very much a child of its times. For one thing, it reflected growing unease about the spread of ethno-national violence and the apparent upsurge of aggressive political nationalism. The failure to reconcile the needs and interests of different ethno-cultural communities within one state was threatening the integrity and viability of multiethnic countries. There was a real fear that the experiences of the Balkans and the Caucasus would be repeated throughout Eastern Europe, ushering in a new era of instability and warfare. Furthermore, despite violence and the proliferation of low- and high-intensity conflicts, the 1990s was a decade of great political optimism, increased confidence in multilateral diplomacy, and significant normative progress. One example is the weakening of the absolutist understanding of the principle of non-intervention and the concomitant acceptance that human rights are matters of international concern and not merely the domestic affairs of individual states. The OSCE participating States made a forceful declaration to this effect in what is known as the Moscow Document, which states that commitments undertaken in the human dimension "are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned".⁷ This allowed for the creation of an "intrusive" instrument such as the HCNM, which is mandated to get involved in highly sensitive internal matters of a state and expect a degree of co-operation from the host authorities.

The political environment in which the HCNM was to operate was characterized by the fragmentation of multinational states (and the consequent formation of new states); democratization and the transition from one system of governance to another; and the dual legacy of communism and ethnic nationalism. All the above factors have contributed to the emergence of the type of conflict that the HCNM was set up to address, namely conflicts expressed in ethno-national terms, involving majority and minority communities, and displaying territorial as well as inter-state dimensions. The collapse of states is often associated with anarchy, fear of a Hobbesian "war of all against all", and the return of primordial loyalties and attachments. Animosities between groups resurface, and are often expressed in ethno-national and cultural terms. This makes the subsequent project of state-building an extremely difficult task, especially when trust in civic institutions is shaken and people have come to rely on family and kin for their basic security and survival. Many minorities in Eastern Europe had a kin group who formed a majority across the border in a neighbouring state. This increased fears of irredentism and further fragmentation of newly established states along ethnic lines, turning the minority question into a fundamental issue of national security.

7 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, in: Bloed (ed.), cited above (Note 1), pp. 605-629, here: p. 606.

It was under these circumstances that the HCNM was set up to assist OSCE participating States to normalize majority-minority relations, avoid conflicts, and build inclusive, democratic systems of governance based on respect for human rights, including those related to minorities. From the very outset, the High Commissioner had to navigate between upholding the rights and interests of minority communities and showing due respect and understanding for the national security concerns of sovereign states. In doing this, the HCNM has promoted a more inclusive and pluralistic approach to nation-building in countries with a difficult dual legacy of communism and ethnic nationalism. It is evident that the institution of the High Commissioner was an instrument created in and for a specific historical and political context. Nevertheless, this contribution argues that it has retained its relevance and has been able to adjust to a changing political environment and to respond to new challenges. In order to illustrate this point, the next section discusses various aspects of the HCNM's approach to conflict prevention, tracing their evolution in relation to the changing political realities.

The HCNM's Approach to Conflict Prevention

The HCNM's approach to conflict prevention, as developed and refined over time, consists of three main elements – operational, structural, and normative. On the operational side, the High Commissioner relies on quiet diplomacy and engages in individual countries with the aim of preventing the escalation of conflicts at the earliest stage. This often requires numerous country visits, targeted policy recommendations, the facilitation of dialogue between conflicting parties, and, if all else fails, the issuing of an early warning to the participating States about an impending crisis. The HCNM has only ever issued two early warnings: One relating to the former Yugoslav Republic of Macedonia (FYROM) in 1999 and the second in 2010 during ethnic clashes in the south of Kyrgyzstan. In both cases, the High Commissioner remained involved after the formal issuing of the early warning, mobilizing international support and facilitating the reduction of tensions through continuous and persistent engagement.

At the same time, the HCNM has provided states with timely legal and political advice on highly sensitive and contested matters affecting state-minority relations. This can be considered a form of “structural prevention”. Recommendations have been issued in areas such as language legislation, power sharing, citizenship policies, and education reform. These aim at creating structural conditions for lasting peace and the development of multi-ethnic societies and, in contrast to operational prevention, have a more long-term focus. For instance, the current HCNM, Knut Vollebæk, has been actively involved in a number of states on questions of language legislation, most prominently in Ukraine and Slovakia. In FYROM, he has been pro-

moting a “Strategy for Integrated Education” while in Kyrgyzstan and Moldova, he has supported the elaboration and adoption of comprehensive integration policies that would reduce the alienation and marginalization of minority communities and create a basis for social cohesion and overall stability in these multiethnic states. In order to illustrate his policy recommendations and show how they can be translated into practice, the HCNM has also supported specific projects implemented by local NGOs. Examples include language classes for minorities to improve proficiency in the state language, training of civil servants in inter-ethnic relations, and teaching sensitive reporting to journalists or aspects of multiethnic policing to police officers. A particular good illustration of structural prevention by the HCNM is a comprehensive Conflict Prevention Programme for Georgia that was initiated by High Commissioner Rolf Ekéus and has been continued by Knut Vollebæk.⁸

Finally, all successive High Commissioners have been involved in enhancing and clarifying norms of minority protection by means of what have come to be known as “thematic recommendations”.⁹ The tradition began with Max van der Stoep, who realized from the very outset that his mandate of upholding security and preventing conflicts was closely linked with the protection of minority rights and interests. This required the development of minority rights standards and guarantees of recognition and respect for minority culture and identity. The events of the 1990s demonstrated that the most violent of conflicts are often sparked by such basic issues as the ability to use one’s mother tongue, practise one’s religion, and participate in public and political life on the basis of respect and equality. The HCNM therefore found it essential to complement his operational, country-specific work with these more general normative recommendations, in which he could focus on some of the most contested issues in state-minority relations. As a result, he has been characterized as “a normative intermediary”, who integrates and relies on norms in his conflict prevention activities and seeks to induce compliance by states through the process of close engagement and persuasion.¹⁰

⁸ See the contribution by Manon de Courten in this volume, pp. 325-340

⁹ In reverse chronological order, the recommendations are *The Ljubljana Guidelines on Integration of Diverse Societies* (7 November 2012), *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations* (2 October 2008), *the Recommendations on Policing in Multi-Ethnic Societies* (9 February 2006), *the Guidelines on the use of Minority Languages in the Broadcast Media* (10 October 2003), *The Lund Recommendations on the Effective Participation of National Minorities in Public Life* (1 September 1999), *The Oslo Recommendations regarding the Linguistic Rights of National Minorities* (1 February 1998), and *The Hague Recommendations Regarding the Education Rights of National Minorities* (1 October 1996). All recommendations and guidelines are available to view or download at: <http://www.osce.org/hcnm/66209>. On this topic, see also the contribution by Hans-Joachim Heintze in this volume, pp. 249-265.

¹⁰ Cf. Steven R. Ratner, Does International Law Matter In Preventing Ethnic Conflict? In: *New York University Journal of International Law and Politics* 3/2000, pp. 591-698, here: p. 668.

In practice, all three dimensions of conflict prevention described above are closely intertwined and complementary. The operational involvement of the HCNM often results in significant structural changes, which are underpinned by international norms and standards. For instance, High Commissioner Vollebæk played an active role in reducing tensions between Slovakia and Hungary, which developed when Slovakia adopted a controversial state-language law. The High Commissioner shuttled between the two capitals, encouraged and facilitated bilateral consultations, and contributed to the eventual modification of the law in accordance with international standards.

The close interconnection between the three aspects of conflict prevention, however, does not mean that they all have to play an equally prominent role at all times. If, in the 1990s, the emphasis was on operational prevention, from the beginning of 2000 the HCNM considerably expanded and developed structural aspects of prevention. The 1990s was a time when many conflicts erupted as newly established states found it difficult to manage their inherent ethno-cultural diversity. Tensions were high, and the HCNM had to act quickly and persistently to prevent their escalation. Good examples are the involvement of the first High Commissioner, Max van der Stoep, in Latvia and Estonia, Crimea, and FYROM. As the nineties drew to a close, the political scene began to stabilize and there were fewer instances of new conflicts erupting. However, it was still necessary to create structural conditions that would make the peace sustainable. Consequently, the HCNM shifted his emphasis, to a certain degree, onto long-term structural prevention aimed at promoting inclusive state-building and nation-building processes.

A detectable shift also occurred within the specific dimensions of conflict prevention. The HCNM's normative work as represented by the thematic recommendations provides a good illustration of this. The first three sets of recommendations deal with the rights of minorities in the spheres of education, language, and the participation in public life. At the time when the HCNM was established, very few minority rights standards existed. Contributing to their development and ensuring they became an integral part of participating States' domestic and international obligations was thus a key early task for the HCNM. The next three sets of thematic recommendations dealt with specific issues rather than rights: policing in multiethnic societies, broadcasting in minority languages, and national minorities in inter-state relations. There had thus been a shift from standard-setting to a problem-solving approach. In this respect, the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations have proven to be particularly timely. They filled an obvious lacuna in international law, which detailed states' obligations towards minorities at home but remained silent about their obligations with regard to minorities abroad.

In November of 2012, the HCNM issued The Ljubljana Guidelines on Integration of Diverse Societies. This new set of thematic recommendations reflects a growing emphasis in the High Commissioner's country-specific

work on the promotion of integration as an essential element of sustainable peace and stability in the context of ethno-cultural diversity. The HCNM has long advocated supplementing the protection and promotion of minority rights with well-designed integration policies. In the Ljubljana Guidelines, he demonstrates that the protection of identity rights does not run contrary to the goal of integration and social cohesion. In fact, the opposite is true: The protection of rights – including, where relevant, minority rights – should be a constitutive element of good integration policies.

In sum, the HCNM has been evolving as an institution and refining its approach to conflict prevention in response to new challenges and new opportunities. This has helped the institution to retain its relevance and vitality. At the same time, it should be noted that despite significant changes over the past twenty years, some of the fundamental challenges the HCNM was set up to address have remained the same. Aggressive nationalism in its various manifestations remains a political force to be reckoned with. Furthermore, it can be argued that against the background of increasing migration and economic downturn, populist nationalism is spreading and growing in strength across Europe. In some areas, such as Central Asia, the revival of nationalism that was characteristic of many post-communist states in the immediate aftermath of the Soviet collapse is only now emerging. This often includes a growing emphasis on the ethnically defined “titular nation”, the promotion and revival of state languages, and decreasing opportunities for minority participation. Despite improvements in safeguards for the protection of minorities in domestic legislation, kin-state activism is on the rise, and minority issues continue to strain bilateral relations between states. The basic challenge of ensuring peaceful *modi vivendi* for different ethno-cultural communities within the framework of a single multiethnic state remains as acute as ever. The inability to reconcile the needs and interests of ethnic communities is a threat to both internal and international peace and stability that the HCNM is mandated to address. The next section summarizes some of the lessons learned from the HCNM’s experience and looks at limits and opportunities for the prevention of inter-ethnic conflicts.

Lessons Learned: Limits and Opportunities of Conflict Prevention

What does the experience of the HCNM tell us about prevention of inter-ethnic conflicts? Firstly, as envisaged by the mandate of the HCNM and demonstrated by his practice, effective prevention has to combine early warning and early action. For this combination to succeed, it is essential to understand the context and nature of a given conflict and to be able to foresee how it may escalate should circumstances change. While the specific triggers that may ignite violence are hard to foresee, the trends and political developments that allow these triggers to take effect can and should be understood

and adequately addressed. In an environment where there is widespread mistrust between majority and minority communities, where one group perceives itself the victim of another, where the police are ineffective and discrimination on the basis of ethnicity is widespread, a simple brawl in a shop may take on an ethnic dimension and potentially escalate into a large-scale conflict.

The key risk factors that may contribute to the escalation of ethnic conflict can be roughly grouped into three categories: grievances, institutions, and geopolitics. Popular grievances linked to systemic or systematic exclusion and discrimination, a lack of access to decision-making structures, a feeling that basic rights are being denied, unaddressed questions of justice, and failures of reconciliation can be exploited by political actors and used to mobilize popular opinion. Grievances may also relate to patterns of wealth distribution, access to economic activities, and political privilege. As a rule, minorities occupy a marginalized position, but sometimes the opposite is true. Representatives of minority communities may have well-established political privileges or may be better off due to traditional economic activities such as trade or craft. This fuels the feeling of victimization among the majority who do not like to see somebody else being better off in “their” country and generates resentment that may make a specific minority a target of popular anger. An example is Uzbeks in Kyrgyzstan, who were seen as entrepreneurial and wealthy compared to the majority Kyrgyz. The Soviet legacy further contributed to the sense of Kyrgyz victimization, since the Kyrgyz language was practically driven out of the public sphere and education in the Soviet period while the local elite consisted mainly of representatives of minorities or Russified members of the majority. Hence, grievances on the side of both majority and minority groups may contribute to the breakdown of co-operation between communities or between the state and minorities.

Experience shows, however, that the mere existence of grievances is rarely an immediate cause of conflict. It is their politicization by certain politicians or “ethnic entrepreneurs” that leads to the escalation of tensions. Such politicization in turn often occurs against a background of political transformation. Ethnic violence does not necessarily require life to be utterly intolerable, it happens when the possibility of an alternative appears and change seems possible.¹¹ This is why ethnic conflicts have often been associated with the early stages of democratization. It is precisely at this stage that old, suppressed grievances are allowed to come to the fore but democratic institutions capable of managing them are weak and under-developed.

This highlights the importance of institutions in managing diversity and promoting integration in multiethnic societies. Effective institutions determine the effectiveness and viability of the state as a whole. It can be argued

11 Cf. Anna Matveeva/Igor Savin/Bahrom Faizullaev, Kyrgyzstan: Tragedy in the South, *Ethnopolitics Papers*, No. 17, April 2012, p. 13.

that state-building is an important aspect of conflict prevention. Failed states are not capable of providing basic security for their citizens and fulfilling their obligations with respect to the protection of human rights, including minority rights. They also tend to be a source of instability, affecting their neighbours and regional security as a whole. Much of the HCNM's legal and policy advice is directed at strengthening the capacity of states to deal with their own diversity in a democratic and sustainable manner.

In addition to domestic factors, broader geopolitical considerations also play a role in escalating or, conversely, dampening the conflict potential of domestic tensions. Kin-states across the border often play a role in turning minority questions from domestic human rights matters into issues that are contested in bilateral relations with implications for national as well as regional security. It is essential that states support minorities abroad in a way that does not undermine the integration efforts of the states in which they live and does not jeopardize friendly, good-neighbourly relations. The HCNM addressed this question in great detail in his Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations. In addition to neighbouring states, the presence and influence of international organizations in the states concerned is also important. It creates a kind of security architecture on the ground that can be used effectively to support conflict prevention efforts within a multilateral framework. It also helps create an incentive system to encourage compliance by local authorities and increase domestic political benefits from their greater co-operation and commitment.

Given the variety and complexity of factors that could contribute to the escalation of tensions, conflict prevention can only be effective if it is comprehensive. In other words, conflict prevention is more than early warning. Many among the international community, including the OSCE, are trying to refine early warning methodology in order to be able to better predict and prevent the eruption of violent conflicts. These efforts are important, but the early-warning mechanisms only make sense if there are also mechanisms for early response. Such responses should be varied, context sensitive, and should combine short-term and long-term approaches.

Furthermore, conflict prevention is often associated with "high" politics and "hard" security, but in reality it is often achieved by such arguably "soft" measures as education reform, targeted development programmes, institution building, training programmes, and so forth. Education has been one of the key areas for the HCNM and ministers of education have been among his key partners in many states in which he has been active. In highly divided and/or post-conflict societies, education systems are often set up in a way that perpetuates divisions along ethnic lines instead of creating an inclusive environment and fostering a sense of shared belonging. This is why the HCNM has, in several cases, supported the introduction of integrated education models using bilingual and multilingual methodologies.

The example of education also demonstrates that sustainable conflict prevention often requires a long-term commitment and perseverance on behalf of both the international community and local authorities. Such long-term efforts rarely generate high returns for domestic political actors who are often most concerned with delivering quick results before they next have to stand for election. Yet international actors also need successes and visibility, and conflict prevention, especially of the long-term variety, offers neither. It does not generate attention, since it is basically a non-event; it is about conflicts that did not happen, and success can rarely be claimed by a single actor or institution. In many respects, therefore, conflict prevention goes against the very logic of doing politics today.

If conflict prevention is to be effective, it requires both greater international attention and a credible set of incentives. Resolving disputes involving national minorities inevitably requires a compromise that has to be upheld. The HCNM's preference for "quiet diplomacy", which aims at achieving compromises behind the scenes, has been an important factor in reducing the costs involved for local political actors in making concessions publicly. It also generates trust among all the parties involved in the process. In many instances, external incentives such as the prospect of accession to the EU have been lacking, and the HCNM has had to rely on persuasion, appealing to the self-interest of states in maintaining stability and security through accommodation as opposed to alienation of minority communities.

Conclusion

Twenty years ago, the HCNM was created as an instrument to prevent conflicts involving national minorities. In many respects, his mandate was designed to address challenges specific to the early post-Cold War period. Over time, however, the HCNM developed a comprehensive approach to the prevention of ethno-cultural conflicts combining operational, structural, and normative aspects of conflict prevention. This approach has proven effective, and it remains relevant today, even though political circumstances have changed and the institution has had to adapt and respond to new challenges and constraints. Conflict prevention now generates considerable international attention, not least in the context of the UN. This creates more opportunities for the sharing of experiences as well as methods used in various contexts and within the framework of different multilateral institutions.

To this day, the office of the HCNM remains the only international institution entirely and exclusively dedicated to the task of preventing conflicts. As this contribution has tried to demonstrate, it aims at the promotion of peace and stability through the protection of human rights, including minority rights, and by finding a sustainable accommodation of the interests of all communities residing in a multiethnic state. In other words, the HCNM's ap-

proach is to achieve stability and security through justice and the promotion of co-operation between majority and minority groups. It is quite possible that an approach of this kind could be replicated in other parts of the world, where an HCNM-type mechanism could play a role in reducing tensions and decreasing the probability of violence.

The Significance of the Thematic Recommendations of the OSCE High Commissioner on National Minorities

The OSCE and its predecessor the CSCE are known for their icebreaking function. They have always turned their hand to issues that seemed intractable. Thus, the CSCE was able to voice an opinion on Europe's borders in 1975 at a time when West Germany was unwilling to recognize Germany's eastern frontier. The dispute over the recognition of the Oder-Neisse line (the post-War German-Polish border) was an intractable conflict, and politicians were unable to solve this fundamental problem of European security. The CSCE could not resolve it either, but by applying the principle of "agreeing to disagree", it could at least cut a channel through the Cold War ice to tackle practical issues and facilitate human contacts despite ongoing fundamental differences of opinion.

Flexibility – The Legacy of the CSCE

Another issue of European security that was taboo during the Cold War was the question of minority protection. The unwillingness of European states to deal with this topic is only superficially surprising. Minority protection is an important aspect of efforts to secure human rights under international law, a branch of international law that received a huge boost after 1945, with its first formal establishment in the Charter of the United Nations. By adopting the Universal Declaration of Human Rights in 1948, the UN General Assembly established a list of rights to be protected. However, minority rights are not included in this catalogue, despite the fact that the UN's predecessor, the League of Nations, had operated a whole system of minority protection. The cause of this inconsistency is simple. The League of Nations conceived of minority rights as group rights, and this approach was abused by Nazi Germany in the 1930s.¹ In the aftermath of the First World War, the Sudeten German Party used the pretext of minority rights to undermine the already weak Czechoslovak Republic, effectively leading to the collapse of this state following the 1938 Munich Agreement. This cautionary tale explains the hesitancy of not only the UN, but also the Council of Europe to take on the issue of minority protection. The topic next came up in connection with the codification of the UN Covenant on Civil and Political Rights (ICCPR) in 1966. This time, it was decided to take an approach based on human rights.

1 Cf. Sebastian Bartsch, *Minderheitenschutz in der internationalen Politik* [Minority Protection in International Politics], Opladen 1995, pp. 35ff.

Article 27 of the Covenant stipulates that the bearer of rights is not the minority itself, but the individual person who is a member of an ethnic, religious, or linguistic minority. The Covenant grants such individuals the right to cultivate their identity, practise their religion, and use their language in community with other members of this minority. Minority rights are thus individual rights, however they have a collective dimension, for they entitle individuals who belong to ethnic, religious, or linguistic groups the right to enjoy their rights in community with the other members of the group.²

Yet even this minimal catalogue of individual minority rights was not accepted by all states. Thus, on acceding to the Covenant in 1980, France issued the following reservation: “In the light of Article 2 of the Constitution of the French Republic, the French Government declares that Article 27 is not applicable so far as the Republic is concerned.”³ France based its position on its domestic legal order, which does not recognize the concept of minorities and views minority protection as a form of discrimination against the majority.⁴ It is easy to understand why a state which opposes the establishment of minority protection at the universal level would do so even more strongly in a regional context, where its influence is necessarily greater. As a consequence, there is no reference to minorities in the European Convention on Human Rights (ECHR) of 1950.

If politico-legal considerations – the fear of collective rights that could be politically abused and the fear of discrimination – were one reason for rejection, a second applied to states that faced powerful demands for secession from minorities. Here one need refer only to the Basque country, Northern Ireland, and South Tyrol. In these cases, Spain, the United Kingdom, and Italy were wary of interference by other states. They wanted to solve these problems themselves.

Because of these vested interests, for decades little was achieved in the area of minority protection, despite the development of a comprehensive set of human-rights norms in the UN and Council of Europe frameworks. What was needed was a more flexible institution than the established organizations, one that was willing to grasp such “hot potatoes”. The CSCE had shown during the Cold War that it possessed the necessary dynamism to deal with taboo topics. Against the backdrop of escalating ethnic problems in the successor states of the former Soviet bloc, it broached the issue of minorities in the 1990 Copenhagen Document. This Document linked minority protection to the values of a democratic society and called for a comprehensive concept of security that combines peace and security directly with democracy and

2 Cf. Sabine Riedel, *Minderheitenpolitik in der EU-Erweiterungsperspektive* [Minority Policy in the Context of EU Enlargement], SWP-Studie S 24, Berlin 2001, pp. 15f.

3 Full details of all signatories and their reservations are available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en#EndDec.

4 Cf. Gilles Despeux, *Die Anwendung des völkerrechtlichen Minderheitenrechts in Frankreich* [The Implementation of Minority Rights under International Law in France], Frankfurt am Main 1999, p. 180.

human and minority rights.⁵ This standpoint can be partly accounted for by the fact that the suppression of minorities in a state leads to tension that prevents the formation of an active civil society. This was why support for this approach was initially euphoric, particularly in the post-socialist states. The Western states, however, were unable to achieve a unified position on this; while Germany, for instance, was in favour of establishment of minority rights, France spoke against.

The opponents of further enhancing minority-rights commitments in the CSCE context were unsuccessful, as the escalation of ethnic conflicts in the Balkans and the former Soviet Union made it all too clear that conflicts of this kind develop a momentum of their own that is almost impossible for external actors to stop. Hence, the goal had to be to establish minority rights in order to ensure that all members of society could enjoy the rights to which they are entitled and that no one was subject to discrimination on grounds of race, language, or religion. At the same time, every citizen had to be granted the right to participate in the state. In view of military developments in the Balkans, the CSCE felt a particular urgency to prioritize efforts to prevent the escalation of ethnic conflicts. This is expressed clearly in CSCE documents from the early 1990s, and reached its pinnacle in the 1990 Charter of Paris, a document that played a major role in the establishment of the CSCE. Admittedly, CSCE documents are political statements and do not represent legal norms. However, the fact that they are agreed in consensus is not only an expression of their political character but also gives them some political weight.

The Office of the High Commissioner on National Minorities (HCNM)

Every legal or political agreement is only as effective as the enforcement mechanism that lies behind it. One can assume that the institutionalization of the organs of enforcement is the most effective mechanism. Consequently, a number of states called for the creation, within the CSCE, of an office responsible for the implementation of the stipulations of the Charter of Paris concerning minorities. The establishment of an organ of this kind was thus proposed by the Netherlands at the CSCE Helsinki Follow-Up Meeting in April 1992, and Max van der Stoep was named the first holder of the office late that same year.⁶

However, this did not meet with the full approval of all CSCE States, as van der Stoep candidly admitted: "Frankly, I am not sure whether some participating States were very keen on the idea of having a High Commissioner

5 Cf. Max van der Stoep, *Principles and Pragmatism: Twenty-Five Years with the Helsinki Process*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 25-33, here: p. 27.

6 Cf. *ibid.*, p. 28.

on National Minorities.”⁷ Nonetheless, the states with minority problems could not prevent the establishment of this office without losing face. They therefore shifted their approach to framing the mandate of the office as restrictively as possible. The effects of these efforts could already be felt in the naming of the office itself: It was not a High Commissioner *for* National Minorities that was created but a High Commissioner *on* National Minorities. This distinction is not merely linguistic, but has significant consequences. The title itself already indicates that the HCNM does not have the right to take up individual complaints from persons belonging to minorities. This sets the office apart in a fundamental way from human-rights enforcement mechanisms in Europe, such as the European Court of Human Rights, which primarily deals with individual complaints of human-rights infringements. A second restriction lies in the fact that the HCNM may only concern himself with “national minorities”. Although the mandate of the HCNM does not contain a legal definition of the term, it restricts the office’s activity to minorities that possess a “kin state”, i.e. that for each minority group, there exists another state in which this group is the “titular nation”. This applies, for instance, to the Hungarian minorities in Romania or Slovakia.

The restriction to national minorities was a necessary precondition for acceptance of the Dutch proposal by many states, as it made clear the international dimension of minority protection. The fact that two states are always involved guarantees that the HCNM will not interfere in the domestic affairs of the CSCE States. One consequence of this proviso is that discrimination against Roma and Sinti in individual CSCE States does not come under the mandate the HCNM. This focus on the interstate dimension of minority protection can be attributed to the office’s early-warning function. The aim of monitoring the situation of minorities is ultimately to enable the HCNM to intervene when things escalate, offering to mediate in confidence between the relevant states and minorities. This construct is a consequence of the experiences that the international community went through with regard to the conflicts in Yugoslavia: After the floodgates of ethnic enmity had burst, there was little the external world could do to stop the conflicts. It follows that the international community needs to intervene in a mediatory capacity as early as possible; the HCNM is an institutionalized mechanism for this.

Admittedly, the Western states with minority problems created a further barrier to ensure that the HCNM did not receive a mandate to take action on their sovereign territory. This was achieved by prohibiting the HCNM from becoming involved in minority conflicts in which organized acts of terrorism are carried out. Cases such as Northern Ireland were thus expressly excluded. As a consequence, the HCNM’s area of activity was effectively restricted to the successor states of the former Eastern bloc. This created the impression of double standards, by which the young states were subject to an ever-growing

7 Ibid.

set of commitments and control mechanisms, while the West, despite facing similar problems, had managed to place itself beyond any international intervention.⁸ The first HCNM, Max van der Stoep, was aware of the impression this created, and found a way to make statements on general minority issues in all OSCE States despite the restrictions of his mandate. The results of his considerations became the thematic recommendations. It is most welcome that his successors in the office have also adopted this approach.

Status of the Thematic Recommendations

As van der Stoep never ceased to remind us, the office of the HCNM, though created by the OSCE, was provided with only very limited resources by the Organization. That was why he established the Foundation on Inter-Ethnic Relations as an independently funded NGO that could operate outside OSCE control.⁹ Its aim is to support the work of the HCNM by engaging in research and collaborating with experts in relevant areas.

One result of the foundation's work are general recommendations on specific aspects of minority protection, which are built on best practices drawn from work carried out in various states. The drafting of general recommendations of this kind is a common practice among organs charged with the enforcement of treaties under international law. The UN Human Rights Committee, for instance, which is responsible for monitoring the implementation of the ICCPR, has so far issued 34 General Comments dealing with the interpretation of the obligations on the States parties to the ICCPR arising out of the Covenant.¹⁰ The States parties to the Covenant are required to comply with these interpretations, though the extent to which they are legally binding is disputed. If this can be a matter of dispute with regard to a treaty, it is doubly the case with respect to general recommendations on potential measures in the broad field of minority protection. In this context, however, it should be borne in mind that the HCNM himself is not an organ of enforcement, but only an independent, impartial, and co-operative actor, since "he employs the international standards to which each State has agreed as his principal framework of analysis and the foundation of his specific recommendations".¹¹

The HCNM's thematic recommendations, which are under consideration here, were drafted by expert groups consisting of academics and repre-

8 Cf. Hans-Joachim Heintze, Minorities in Western Europe – (Not) a Subject for the OSCE? in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 215-226.

9 Cf. van der Stoep, cited above (Note 5), p. 29.

10 The Comments can be accessed online at: <http://www2.ohchr.org/english/bodies/hrc/comments.htm>.

11 This is the wording of the 1996 Hague Recommendations Regarding the Education Rights of National Minorities, reprinted in: *International Journal on Minority and Group Rights* 2/1997, pp. 199-213, here: p. 199; available at: <http://www.osce.org/hcnm/32180>.

sentatives of minority organizations, assembled to take into account the geographical balance of the OSCE States. The experts were also chosen to enhance the legitimacy of the recommendations and ultimately increase their acceptance, by linking the HCNM's authority with the international expert group: "It is due to this dual legitimacy that the HCNM recommendations play such a powerful role as instruments of persuasion, as practical guides, as compilation of standards and practices, as authoritative sources and integral part of international soft law."¹² The recommendations thus advance the development of existing standards. They go beyond the relatively static obligations set down in international treaties and therefore have a greater degree of contemporary relevance.¹³ The thematic recommendations thus fit into the catalogue of the HCNM's working methods, as they offer participating States a means of dealing with problems more effectively rather than "forcing" them upon them. The recommendations generalize from the individual experiences that the HCNM has gathered in his involvement with various individual states. It can therefore be said that a number of the concrete recommendations have already been tested in the field, making the recommendations a fusion of theory and practice. As Krzysztof Drzewicki notes, "experts draw up, Commissioner endorses"¹⁴

The thematic recommendations are therefore not considered merely "printed matter" destined to land on the enormous piles of unread documents produced by any active international organization. They are an expression of the spirit behind the creation of the HCNM as an organ for the consolidation of international security. The recommendations not only address the rights of minorities, as is the case of organizations that concentrated entirely on human rights, but also address the duties of individuals who belong to these minorities. Thus the very first set of recommendations, on the education rights of national minorities, already set out their obligation to integrate in the majority society by learning the majority language.¹⁵ Minority problems do have existential significance for many states, which therefore look for ways to manage conflicts. One way for them to do this is to involve the HCNM, and how much more force do his recommendations carry when he can demonstrate that they have been successfully applied in other states? The thematic recommendations are thus above all a collection of best practices for a variety of situations.

12 Charlotte Altenhoener/Francesco Palermo, Civil Society Contributions to the Work of the OSCE High Commissioner on National Minorities, in: *International Journal on Minority and Group Rights* 2/2011, pp. 201-218, here: p. 215.

13 Cf. Asbjørn Eide, The Oslo Recommendations Regarding the Linguistic Rights of National Minorities: An Overview, in: *International Journal on Minority and Group Rights* 3/1999, pp. 319-328.

14 Krzysztof Drzewicki, The Lund Recommendations on the Effective Participation of National Minorities in Public Life – Five Years After and More Years Ahead, in: *International Journal on Minority and Group Rights* 2-3/2005, pp. 123-131, here: p.126.

15 Highlighted by Altenhoener/Palermo, cited above (Note 12), p. 216.

In practice, this is also how the thematic recommendations are used. In his consultations with states, the HCNM refers to the recommendations without the need for them to be official OSCE documents. Thanks to the confidential nature of the discussions between the HCNM and the states, these references are not included in official records, though they do appear in reports. For instance, the recommendations on the linguistic rights of persons belonging to national minorities were cited in a report on the situation in the OSCE area, alongside a number of treaties under international law, customary international law, and the UN Declaration on the Rights of Minorities.¹⁶ The report in question put it the following way: “Although these Recommendations are formally non-governmental in origin and have not been accepted by states through the mechanisms of the OSCE, they nonetheless have been presented to participating states by the High Commissioner as a point of reference and have generally been received positively by them.”¹⁷

This is how the first HCNM made use of the thematic recommendations in his daily work. His successors have followed the same pattern. Rolf Ekéus presented the Recommendations on Policing in Multi-Ethnic Societies, whose writing he had commissioned, to the OSCE Permanent Council, noting that the document was relevant for all OSCE States.¹⁸

Finally, the HCNM’s recourse to the thematic recommendations was a clever move to avoid double standards in OSCE practice arising through a one-sided focus on the new democracies in the successor states of the former Eastern bloc. This also helped to demonstrate the impartiality of his office.¹⁹ Now that the “new” states are no longer new, the question of how to ensure that large states and less powerful and influential countries are treated equally remains. The thematic recommendations therefore continue to be a key instrument for the holder of an office that aims to prevent the outbreak of ethnic conflict. There can be no doubt that this approach is justified by his mandate, which, with the exception of the terrorism clause, grants him the discretion to decide which issues to pursue and which documents to refer to.²⁰

16 *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, 18 December 1992, A/Res. 47/135.

17 Organization for Security and Co-operation in Europe (ed.), *Report on the Linguistic Rights of Persons Belonging to National Minorities in the OSCE Area*, The Hague 1999, p. 7.

18 Cf. Vincent de Graaf/Annelies Verstichel, Recommendations on Policing in Multi-Ethnic Societies, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2006*, Baden-Baden 2007, pp. 317-330, here: p. 317.

19 Cf. van der Stoep, cited above (Note 5), p. 29.

20 Cf. Jakob Haselhuber, Der Hochkommissar für nationale Minderheiten der OSZE [The OSCE High Commissioner on National Minorities], in: Erich Reiter (ed.), *Grenzen des Selbstbestimmungsrechts* [Limits of the Right to Self-Determination], Graz 1996, pp. 109-117, here: p. 110.

The Thematic Recommendations in Detail

The heart of minority protection is the right of persons belonging to a minority to preserve their identity. This can and must be accomplished via a range of means, as there is no universal panacea. The seven sets of thematic recommendations published so far can serve to show the way.²¹

The Hague Recommendations on Education Rights

The first set of recommendations, published on 1 October 1996, concerned the rights of national minorities to education, and bore the title “The Hague Recommendations Regarding the Education Rights of National Minorities and Explanatory Note”. The HCNM turned to this issue because education is of paramount importance in the preservation and consolidation of the identity of individuals who belong to national minorities. As a consequence, the document considers the object of discussion to be a fundamental human right. However, human-rights instruments do not have anything to say about the rights of minorities to education. In contrast, the Council of Europe Framework Convention for the Protection of National Minorities calls for minorities to receive adequate access to education.²² This is the point of origin for demands for minority rights in this area, which, however, must be “reasonable”, i.e. they must be proportionate to the number of affected persons and the demographic concentration in a region, and contribute to the sustainability of the relevant services and facilities. A precondition for the realization of the interests of minorities is the creation of organizations that can represent these interests. Consequently, section 5 calls upon states to create conditions that allow representatives of minorities to participate effectively in the development and implementation of educational programmes. Particularly important in this regard is the involvement of regional and local authorities, when these have responsibility for education. The recommendations are directed at public and private institutions (sections 8-10), cover both primary and secondary levels (sections 11-14), and urge states to take account of the rights of minority rights in the development of curricula (sections 19-21).

The Oslo Recommendations on Linguistic Rights

The Hague Recommendations were followed on 1 February 1998 by the Oslo Recommendations regarding the Linguistic Rights of National Minorities. They started from the premise that ethnic conflicts tend to erupt when national minorities feel that their existence is threatened, because they are pre-

21 All the thematic recommendations and guidelines can be accessed online at: <http://www.osce.org/hcnm/66209>.

22 Cf. Council of Europe, Framework Convention for the Protection of National Minorities, Strasbourg, 1 February 1995, Article 12 (3), at: <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=157&CM=1&CL=ENG>.

vented from practising their linguistic and cultural traditions. Minority communities must therefore be granted the opportunity to speak their languages in both the public and private spheres. Given Europe's linguistic diversity, the collapse of the Eastern bloc led to many conflicts with a linguistic dimension that required the intervention of the HCNM.²³ These experiences encouraged him to take the topic as a subject for general recommendations drawn up by experts. The jumping off point was the fact that the use of one's own language is a human right, as set down in Article 27 of the ICCPR.²⁴ This right should be seen in connection with Article 19, which concerns the right to freedom of expression. Both rights have been reaffirmed by numerous human-rights agreements, as well as treaties and political declarations specifically relating to minorities. Consequently, it was not the HCNM's aim to engage in standard setting, which is not surprising, as he has no mandate to do such a thing. His concern was rather to assemble language-related recommendations on naming laws, religion, community life and NGOs, the media, economic life, administration, and the treatment of prisoners.

A particular focus in the discussion emerged around the question of the delineation of the public and private spheres. The private sphere is protected by human rights, and the state is obliged to uphold these rights in public space. However, the use of public space can be restricted when it poses a threat to public safety. This raises the question of the circumstances under which it is legitimate for the state to interfere in the private sphere. The authors of the Oslo Recommendations also felt obliged to deal with this issue. Initially, they tended towards the view that the linguistic rights of national minorities should not be subject to any restrictions imposed by the legal system of a democratic state in order to protect public safety, public order, public health, national security, and public morals. However, this would have meant a departure from the conventional approach to human rights by granting these minority-related rights absolute status. Since very few human rights have the character of absolutes – namely only those that are non-derogable, a category that does not include freedom of expression – the experts decided not to address the problem of derogation in the document.²⁵ Instead, the recommendations authorize persons belonging to national minorities to use names in their traditional languages and in accordance with their own traditions. Public authorities are called upon to recognize and make use of these names. Private entities, cultural institutions, and commercial enterprises should also enjoy this right. In areas where national minorities live

23 Cf. John Packer/Guillaume Siemienski, *The Language of Equity: The Origin and Development of the Oslo Recommendations Regarding the Linguistic Rights of National Minorities*, in: *International Journal on Minority and Group Rights* 3/1999, pp. 329-350, here: pp. 329-330.

24 Cf. International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, at: <http://www2.ohchr.org/english/law/ccpr.htm>.

25 Cf. Packer/Siemienski, cited above (Note 23), p. 341.

in concentrated numbers and where demand exists, local authorities should display town, village, and street names in the local language (section 3).

Other recommendations address local authorities in a similar way. For instance, in areas where there is a high concentration of a minority population, and where the desire exists, civil documents and certificates should be made available in both the language of the state and the minority language (section 13). The same should apply to civil registers. Members of minorities should also be allowed to use their own language in communications with local authorities, as should elected members of local governing bodies, again dependent on numbers and desire.

In sum, a number of recommendations underline existing standards, but reformulate them as recommendations. The “Explanatory Note” attached to these recommendations, as to all the HCNM’s thematic recommendations, specifies the goals of the document and formulates the principles of equality and non-discrimination with regard to linguistic rights.

The Lund Recommendations on Minority Participation in Public Life

The inclusion of minorities in public life is a core issue of democratic societies. Nonetheless, it throws up complex questions about issues including:

- the framing of the right to participation in public life as a group or an individual right,
- positive discrimination, and
- self-government.

These issues are addressed by the Lund Recommendations, which were published on 1 September 1999.²⁶ The recommendations include an annex with an explanatory note that sets out clearly the broad extent to which existing commitments already require states to allow the effective participation of minorities. OSCE documents, in particular, contain many relevant stipulations that have a “politically” binding character.²⁷

The Lund Recommendations assume that minority rights are human rights, which means that, in the last analysis, this is a discourse of individual rights. This approach is valid from a legal point of view, as all the documents in this area stress the individualist understanding.²⁸ It is nonetheless surpris-

26 Cf. Hans-Joachim Heintze, The Lund Recommendations on the Effective Participation of Minorities in Public Life, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 257-270.

27 Cf. Rob Zaagman/Arie Bloed, Die Rolle des OSZE-Hochkommissars bei der Konfliktprevention [The Role of the OSCE High Commissioner on National Minorities], in: *OSZE-Jahrbuch 1995*, Baden-Baden 1995, pp. 225-240.

28 For further discussion of this issue, see: Hans-Joachim Heintze, Maßnahmen zum Schutz von Minderheiten. Eine Bilanz nach zehn Jahren Minderheitenpolitik in Europa [Minority Protection Measures. Taking Stock of Ten Years of European Minority Policy], in: Irene

ing, as the HCNM's mandate is precisely not focused on the individual rights of persons belonging to minorities. He is, for instance, forbidden from receiving individual complaints. Instead of this, he negotiates with government representatives and minority organizations behind closed doors, so that his work rather shows evidence of a group-rights approach.

Nonetheless, the human-rights dimension of minority protection opens the possibility for individuals to decide for themselves whether they belong to a given minority. This is underlined in Chapter I section 4 of the Lund Recommendations. Chapter II of the recommendations focuses on elections, which are considered as the basis of government authority and legitimacy. The right of minorities to self-organize is understood as an aspect of the freedom of association, legitimizing the establishment of political parties representing minorities. However, it must be ensured that this does not involve discrimination against other groups.

The form of the electoral system is of crucial importance for the political participation of minorities. States are therefore called upon to find the most representative form of government for their situation and to frame their electoral systems accordingly. This may make it necessary to privilege a minority, for instance by lowering election thresholds for certain parties. This should help to ensure adequate participation of minorities in the public life of a state. This demand appears appropriate to the extent that anti-minority gerrymandering has often led to underrepresentation in the past. The significance of the Lund Recommendations with regard to electoral law is also evident in the fact that they provided the basis for co-operation between the HCNM and the Venice Commission of the Council of Europe, Europe's leading think-tank in this regard.²⁹

The significance of citizenship in the context of election law cannot be overstated. However, it remains a matter of controversy whether the legal concept of minority protection applies only to citizens or to all minorities in a state. General Comment No. 23 (50) of the UN Human Rights Committee from 1994 assumes that the rights of minorities are not restricted to citizens of the state.³⁰ However, many states do not share this view, as the interpretative declaration of the German federal government on the occasion of its accession to the Council of Europe Framework Convention made clear.³¹

Wiegand/Sabine Riedel (eds), *Die Minderheitenpolitik im EU-Erweiterungsprozeß* [Minority Policy in the EU Enlargement Process], German Institute for International and Security Affairs (SWP), June 2002, pp. 8-10.

29 Cf. Krzysztof Drzewicki, OSCE Lund Recommendations in the Practice of the High Commissioner on National Minorities, in: Marc Weller (ed.), *Political Participation of Minorities*, Oxford 2010, pp. 265-285, here: p. 272.

30 Cf. United Nations, Human Rights Committee, General Comment No. 23 (50) (Art. 27), adopted by the Committee at its 1314th meeting (fiftieth session) on 6 April 1994, UN-Doc. CCPR/C/21/Rev.1/Add.5, para. 5.1.

31 Cf. Deutscher Bundestag, 12. Wahlperiode, *Unterrichtung durch die Bundesregierung, 2. Menschenrechtsbericht der Bundesregierung*, Drucksache 12/6330, 2 December 1993, p. 8, available at: <http://dipbt.bundestag.de/dip21/btd/12/063/1206330.pdf>.

Against this background, it is regrettable that the Lund Document did not address this question. However, this is understandable, as the question of statelessness was a major issue in many Eastern European countries – such as the stateless Russians in Estonia.³²

Given the OSCE's orientation, it appears only natural for the Lund Recommendations to address the call for democracy in the context of minority protection. This requires states to ensure the participation of minorities. The Lund Recommendations thus advocate measures to overcome discrimination where it has previously existed. Measures to achieve this can include self-governance. Chapter III of the document is thus dedicated to autonomy arrangements that grant certain territories within a state competencies in specific areas of governance. This does not grant these territories the status of states, but enables their populations to manage their own affairs in accordance with the principle of subsidiarity. Functions that are usually reserved for central government include defence, foreign policy, macroeconomic affairs, monetary and fiscal policy, immigration, and customs. However, precisely which functions are devolved to autonomous territories is always decided on a case-by-case basis, as the final aim is always to realize the internal right to self-determination of the population of a given territory – and especially the locally settled minorities. Since the situation varies from place to place around the world, autonomy arrangements vary accordingly.³³ Generally, however, they encompass education, culture, language, environment, local planning, natural resources, economic development, police, housing, health, and social policy. The fact that the Lund Recommendations address the question of autonomy at all can itself be seen as major progress, since the OSCE States long rejected any and all discussion of territorial autonomy. They tended to see it as a step towards independence and the resulting loss of territories.³⁴ They were slow to recognize – though the Lund Recommendations helped – that locally contained minorities cannot easily be served by any other kind of minority rights. If states respect these rights, they can in turn expect to receive the loyalty of citizens that belong to minorities.

Guidelines on the Use of Minority Languages in the Broadcast Media

The HCNM has been confronted with numerous situations in which members of minorities were refused permission to establish a broadcasting service or were unable to access radio and television programming in their own lan-

32 Cf. Margit Sarv, *Integration by Reframing Legislation: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Estonia, 1993-2001*, Core Working Paper 7, Hamburg 2002, pp. 19ff.

33 For an overview, see Markku Suksi, Legal Foundations, Structures and Institutions of Autonomy in Comparative Law, in: Jorge Oliveira/Paulo Cardinal (eds), *One Country, Two Systems, Three Legal Orders – Perspectives of Evolution*, Berlin 2009, pp. 495-520.

34 Francesco Palermo, When the Lund Recommendations are Ignored. Effective Participation of National Minorities through Territorial Autonomy, in: *International Journal on Minority and Group Rights* 4/2009, pp. 653- 663, here pp. 655f.

guage. In a number of states, legally established broadcasting quotas can restrict the use of minority languages. The prescription of broadcasting times in the majority language can also reduce the opportunities for programmes in the minority language. Restrictions on access to foreign broadcast media can also have negative effects on relations between a national minority and its “kin state”. Frequently, the law makes no distinction between state and privately owned radio stations.

Given that access to media is of existential importance to minorities – it is the only way they can preserve their cultural identity, exercise their right to freedom of expression on an equal basis, and receive information that is relevant to them regardless of national boundaries – a number of OSCE States expressed interest in this subject. In 2001, therefore, the OSCE Permanent Council called upon the HCNM to address the subject.³⁵ In response, he drew up an overview of state practice and invited experts to develop guidelines on this topic. These were published on 10 October 2003 and comprise four sections: General Principles, Policy, Regulation, and Promotion of Minority Languages. The key role of the media for the functioning of an open and democratic society is indisputable, and has been stressed by the OSCE States in key documents on many occasions. At the Cracow Symposium on Cultural Heritage of the OSCE participating States in 1991, they stressed that a diversity of private broadcasters helps to promote pluralism and the freedom of artistic and cultural expression.³⁶

There is widespread consensus among the OSCE States on the significance of the media. As a basic principle, states may only regulate the activity of the media to the extent allowed by law in the context of a democratic society. In practice, however, the extent to which the state can interfere is often disputed. The issue of minority languages is one area where state interference may be necessary and justified. One of the key aims of the guidelines is therefore to define parameters for acceptable regulation of language use in broadcasting. Although states may step in to encourage the use of specific languages, this legitimate interest may not cause minority languages to be neglected. The goal must rather be a fair and balanced relationship to the benefit of all groups in society. The guidelines contain a range of proposals on how states can encourage the use of minority languages in broadcasting. Ultimately, however, they note that every case is different, and there is no formula that will apply in all situations.

35 Cf. John Packer/Sally Holt, The use of minority languages in the broadcast media: Introducing new guidelines, in: *Helsinki Monitor* 2/2004, pp. 103-126, here: p. 105.

36 1991 Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States, para. 6.2, available at: <http://www.osce.org/library/24396>.

The Recommendations on Policing in Multi-Ethnic Societies were presented by HCNM Rolf Ekéus on 9 February 2006. He had commissioned them because in the course of his work it had become clear that the police can (and must) have a key role in the de-escalation of tension and the promotion of harmonic inter-ethnic relations. In his talks with governments and minority representatives, the role of the police had been a regular topic of discussion. He expressed concern that some states possessed no institutional standards for the promotion of interaction and co-operation between the police and national minorities. The mono-ethnic composition of police forces has often led to discriminatory practices and the escalation of conflicts.³⁷

The 23 recommendations assume the need for a broad consensus on the integration of minorities within a multi-ethnic society. The value of cultural, linguistic, and religious diversity must be acknowledged. This should be the foundation for a police concept of operations that ultimately amounts to a revolution in policing by transforming police forces from law-enforcement organs into guardians of equal treatment, integration, and social cohesion.³⁸ Other recommendations concern general principles of modern policing, which should be based on respect for human rights. The document points out the need for a long-term shift in policing culture and policies for policing in a multi-ethnic society – something that cannot be accomplished overnight. Action plans should therefore be developed, describing step by step the progress that needs to be made. An independent oversight body (e.g. an ombudsperson institution) should be established to monitor the reforms. An institution of this kind, which could initially face opposition, would ultimately also benefit the police by showing up weaknesses and raising acceptance.

Police forces are encouraged to employ persons belonging to national minorities. This would ensure that this organ of the state reflects the composition of society while allowing the police to draw on the extensive knowledge and experience of minority groups. It would also improve relations to minority communities while promoting integration. At the same time, however, the recommendations stress strongly that police officers recruited from minorities should not be responsible exclusively for minority issues, but must perform the full range of policing tasks throughout society.

The recommendations also address the criteria used to select applicants for positions with the police and the need to increase the recruitment of underrepresented minorities. At the same time, they stress that a multi-ethnic police force is not sufficient to promote the equality and integration of minorities. In practice, police officers who are members of minorities are often subject to discrimination and do not enjoy the same career opportunities as their colleagues. They therefore frequently leave the police service after a

37 Cf. de Graaf/Verstichel, cited above (Note 18), p. 320.

38 Cf. *ibid.*, p. 324.

short time, which is why it is recommended that positive steps be taken to encourage their career development. Other recommendations refer to the training and professional development of police personnel, engagement with ethnic communities, and operational practices in a multi-ethnic environment. Stress is laid on the need for the police to avoid paying disproportionate attention to law enforcement in minority communities. “Over-policing” based on ethnic stereotypes needs to be avoided. This can come about, for instance, when a specific group of persons is singled out for vehicle inspections or stop and search operations, giving the impression of discriminatory practice. This should be countered by means of a code of conduct. Finally, the recommendations maintain that the police should not only become involved when conflicts have already broken out, but also have a preventive role to play.³⁹

This list alone shows that the recommendations on policing are fairly detailed. Commentators have therefore voiced the criticism that a shorter and less academic document would have been more useful for the practical work of the HCNM. Ultimately, political decision-makers were said not to have the time to “consume” such a detailed document, which reduced their level of interest.⁴⁰

The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations

The Bolzano/Bozen Recommendations were adopted on 2 October 2008. Their controversial character stems from the fact that they deal directly with the relationship between the national minorities and their kin states. This immediately brings up questions concerning the interdiction of interference in domestic affairs and national sovereignty. Particularly in the young states of the former Eastern bloc, which are currently involved in transformation and democratization processes, conflicts often arise that the democratic institutions can only respond to imperfectly.⁴¹

The Bolzano/Bozen Recommendations begin by underlining state sovereignty, but go on immediately to point out that this includes an obligation to respect human rights – precisely in the spirit of the responsibility to protect. At the same time, they warn against infringements of state sovereignty,

39 Cf. Krzysztof Drzewicki, Introducing Recommendations on Policing in Multi-Ethnic Societies – a new tool for the OSCE High Commissioner on National Minorities, in: *Helsinki Monitor* 2/2006, pp. 175-183, here: pp. 181ff.

40 Cf. Arie Bloed, Comments on the new set of recommendations on policing in multi-ethnic societies, in: *ibid.*, pp. 184-189, here: p. 188.

41 Cf. Natalie Sabanadze, States, Minorities and Regional Hegemons in the South Caucasus: Whose Responsibility to Protect? In: Francesco Palermo/Natalie Sabanadze (eds), *National Minorities in Inter-State Relations*, Leiden 2011, pp. 167-183, here: p. 167; cf. also Natalie Sabanadze, States and Minorities in the South Caucasus: A Test Case for the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2010*, Baden-Baden 2011, pp. 291-300, here: p. 291.

which can lead to danger for minorities. For this reason, the principle of territorial integrity must not be called into question. Actions that undermine the integration and social cohesion of multi-ethnic states can pose a threat to regional and international peace. States should therefore refrain from supporting both separatist movements and non-state actors. The recommendations therefore warn against the funding of political parties and movements from abroad, as this may lead to the politicization of minority issues. The recommendations are also critical of developments in the conferral of dual citizenship, which can lead to problems of loyalty. They further note that states have limited competencies with regard to citizens abroad. This is particularly true of dual citizens, who can generally claim no rights accruing from foreign citizenship as long as they are under the jurisdiction of a state of which they are also citizens.

While states are entitled in principle to determine criteria for the conferral of citizenship, the Bolzano/Bozen Recommendations correctly point out that the rights of other states must be respected in this. At the same time, states are obliged to respect minority rights as a means of avoiding conflicts. Chapter II deals with these obligations in detail, drawing extensively from the Framework Convention for the Protection of National Minorities of the Council of Europe.

On the whole, the Bolzano/Bozen Recommendations reiterate well-known principles of international law, respect for which increases a state's legitimacy in the eyes of its minorities.⁴² The stipulations concerning citizenship deserve particular attention, as they address a fundamental problem of national minorities, namely the question of who is responsible for what. This is increasingly becoming a problem in many contiguous states in the OSCE area. It appears to be questionable whether the Bolzano/Bozen Recommendations can give a sufficient answer to this question. However, the fact that this challenge to modern minority protection has been addressed and placed in the context of the much-discussed concept of the responsibility to protect should be welcomed.⁴³

The Ljubljana Guidelines on Integration of Diverse Societies

Adopted on 7 November 2012, the Ljubljana Guidelines deal with the problem arising from the fact that simply recognizing and accommodating minority cultures, identities, and political interests, and promoting the participation of all may not be sufficient to build sustainable and lasting peace. As a result, the High Commissioner has recommended that states adopt measures and implement policies aimed at promoting the integration and cohesion of di-

42 Cf. Sabanadze, *States and Minorities in the South Caucasus: A Test Case for the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations*, cited above (Note 41), p. 300.

43 Cf. Tom Ruys, *The "Protection of Nationals" Doctrine Revisited*, in: *Journal of Conflict & Security Law* 2/2008, pp. 233-271.

verse, multi-ethnic societies. Otherwise “there is the danger that different communities, particularly large and territorially concentrated ones, may become increasingly separate, with few or no common interests and no shared sense of belonging”.⁴⁴ Separation poses a risk to the stability of multi-ethnic states, and the guidelines therefore recommend that states ensure communication and interaction between ethnic groups. National minorities should not only enjoy the legal right of effective participation in the overall governance of a state but should also be encouraged to exercise this right. States should adopt policies aimed at creating societies in which diversity is respected and all individuals, whatever ethnic, linguistic, cultural, and religious groups they belong to, may contribute to building and maintaining a common and inclusive civic identity. There is thus a need both for equal opportunities and for the conditions that allow everybody to take on their share of responsibility. However, at the end of the day, the states always have to apply solutions on a case-by-case basis, and no general advice could ever be given that is equally applicable to all states. The Ljubljana Guidelines recognize the responsibility of states to support the integration process under their jurisdiction in accordance with the principles of human rights and minority protection. The document provides policy makers with some practical advice on how to elaborate and implement policies to facilitate integration.

Concluding Remarks

In general, the thematic recommendations should be considered a unique contribution by the HCNM to the evolution of minority protection under international law. Because they are conducive to conflict prevention, they are a working instrument that is consistent with the mandate of his office. According to Article 6 of his mandate, the HCNM is required to examine whether democratic means are available and whether applicable international instruments have been fully taken into account by the parties involved. Since these international instruments leave a great deal of room for manoeuvre, particularly in the area of minority protection, and binding interpretations are often not available, the HCNM has found, in the form of the thematic recommendations, a way to draw OSCE States’ attention to possible means of improving the situation of minorities. This has also enabled him to contribute to the interpretation and implementation of international instruments in this area. This is a contribution by the OSCE to human rights protection under international law that should be held in high regard.

44 OSCE High Commissioner on National Minorities, *The Ljubljana Guidelines on Integration of Diverse Societies*, The Hague 2012, p. 3.

The HCNM's Engagement in Macedonia: From Independence to the Ohrid Framework Agreement

Introduction

For a whole decade after Macedonia gained independence in 1991, it was considered a “success story”. The view long prevailed that, in contrast to other countries in the region, no major inter-ethnic tensions would develop, despite the fact that minorities represent approximately one third of Macedonia’s population. The fact that the largest minority – the ethnic Albanians – had been represented in every cabinet formed since independence, and were well represented in parliament seemed to be a guarantee of stability. In reality, however, there were far more inter-ethnic tensions than was often assumed. There was an alarming shortage of contacts, a lack of trust, and segregation between the two communities. Many Macedonians feared that the real objective behind Albanian demands to improve their rights was, following the example of Kosovo, to create parallel structures as a first step towards separation. Albanians, for their part, often felt that they were treated as second-class citizens, who did not have sufficient constitutional guarantees for their position. They also faced problems in using their language in public life and were heavily under-represented in public services and education, particularly at university level.

Against this background, few actors were actively involved in conflict prevention efforts in the country in the early years of its independence. Among them was the OSCE High Commissioner on National Minorities (HCNM) who fully realized the complexity of the situation in Macedonia and the existing conflict potential, and therefore singled out the country as one of the priorities in the implementation of his mandate. In this way, Macedonia serves as a perfect example to illustrate how the HCNM works in practice when he deals with so many dimensions of minorities’ problems. The watershed point for the history of Macedonia and for preventive activities undertaken by the international community is represented by the 2001 conflict and the signing of the Ohrid Framework Agreement. While the HCNM was the only institution undertaking serious prevention activities in Macedonia up to 2001, the conflict in that year marked a turning point, and the US and the EU, in particular, started to realize the importance of the situation in Macedonia for the stability of the entire region. This contribution therefore focuses on

Note: Marcin Czapliński was the Senior Political Adviser to the High Commissioner on National Minorities from 1999 to 2005. This article is contributed on a personal basis. The views presented by the author are his own and therefore do not necessarily reflect the views of the organizations he has worked for.

developments between 1993, when the HCNM started his engagement in Macedonia, and 2001, when the Ohrid Framework Agreement was signed, coinciding with the end of the mandate of Max van der Stoep, the first High Commissioner.

The High Commissioner pursued his mission in Macedonia in two mutually reinforcing ways. On the one hand, he conducted quiet diplomacy in the form of numerous visits to the country – more than 50 between 1993 and 2001 – and consultations with representatives of both communities with a view to building bridges, encouraging dialogue and defusing existing tensions. On the other hand, he formulated a number of recommendations to the Macedonian authorities which were aimed at introducing necessary changes in relevant legislation and their proper implementation and, in some cases, he took concrete steps to help implement those recommendations.

Inter-ethnic Dialogue

The early years of Macedonia's independence were characterized by economic difficulties and the impoverishment of a considerable proportion of the population. This created fertile ground for growing ethnic dissatisfaction, especially among the Albanian community. Ethnic Albanians boycotted the 1991 referendum on independence, claiming that their basic human rights were not properly respected. In November 1991, Albanian members of parliament abstained from ratifying the constitution on grounds that its preamble mentioned ethnic Albanians as a minority and not as a constituent nation with rights equal to those of Macedonians. Albanians regarded this action as an attempt to create a purely mono-ethnic and not a civic state. As a response, on 11 January 1992, they organized a referendum among the Albanian population, in which 99 per cent of participants allegedly voted in favour of political and territorial autonomy for majority Albanian territories in Macedonia. That led to fears that it might be a first step to secession and the creation of a Greater Albania. Some inter-ethnic violent incidents took place, the most serious one being a riot at the uncovered market in Skopje on 6 November 1992, when three Albanians and one Macedonian were killed. As a result, inter-ethnic relations were characterised by unease and deep mistrust.

In his letters to the Macedonian minister of foreign affairs of 1 November 1993 and 16 November 1994, the High Commissioner advocated more effective use of a constitutional body – the Council for Inter-Ethnic Relations – as an instrument for inter-ethnic dialogue. The HCNM believed that the Council could play a more active role in promoting inter-ethnic harmony and, when necessary, could even initiate an investigation of events triggering inter-ethnic tensions. On a number of his visits, the HCNM encouraged leaders of the country to pursue a dialogue on issues dividing the two main communities. Among other initiatives, the High Commissioner organized a

round-table discussion on “building harmonious inter-ethnic relations in Macedonia” in The Hague on 17-18 December 1996, thereby bringing together representatives of the political parties, the academic community, and local NGOs in order to discuss the most relevant inter-ethnic issues facing the country, among them the role of local self-government, the participation of minorities in public affairs and minorities’ education.

Census

In the early years of Macedonian independence, one of the main issues on the inter-ethnic agenda was the planned census of population and households in the country. At that time Albanians claimed that the real number of ethnic Albanians in the country’s population was actually higher than that indicated by official statistics from the period of the former Yugoslavia. They believed that a more accurate reflection of their numbers would help to enhance their rights in fields such as education, the use of language, and participation in public services. Given the controversies surrounding the conduct of the census, including the number of enumerators belonging to national minorities, specific questions to be asked and the general lack of trust in the integrity of the census, the High Commissioner formulated a number of recommendations that he communicated to the Macedonian minister of foreign affairs in a letter dated 1 November 1993. He focused, in particular, on the importance of holding a census under international supervision. The census was finally conducted in June and July 1994 with support from the European Union and the Council of Europe and was monitored by representatives of the international community. The High Commissioner paid a special visit to the country during this period in order to contribute to the international supervisory efforts. The census revealed that ethnic Albanians constitute nearly 23 per cent of the entire population, although some Albanian radicals continued to claim that the real proportion is much higher.

Employment of Albanians in Public Services

Both main communities were nurturing damaging prejudices. Albanians felt that the Macedonian policy of discrimination made them second-class citizens and cited data, in particular regarding their participation in public life, to confirm their view. Indeed, official statistics clearly indicated that Albanians had been heavily under-represented in public administration, the judiciary, the police, the army, etc. At the same time, representatives of the majority community drew attention to the fact that Albanians are predominantly rural dwellers who are traditionally not interested in badly-paid jobs in public services. Indeed, the paradox of the situation was that the Albanians were doing

better economically than others. The exclusion of Albanians from the public sector and the benefits it offered had forced them to seek out economic opportunities elsewhere – in the private sector or abroad, which had left them better equipped to survive the collapse of the communist system. Nevertheless, the problem had to be addressed. In his letter dated 1 November 1993, the HCNM recommended that the authorities should increase the number of persons belonging to minorities in public administration, the military and the police. He repeated his recommendation in his letter dated 16 November 1994. On 6 November 1998, after the conclusion of parliamentary elections, the High Commissioner issued a comprehensive statement on a number of inter-ethnic issues in Macedonia focusing, *inter alia*, on steps to increase the number of ethnic Albanians in public services.

Albanians had often referred to their substantial under-representation in public services in arguing for Albanian-language higher education. They stressed that one of the main obstacles to their increased employment in those fields was a shortage of candidates with the relevant level of education. The participation of the Albanian minority in higher education was indeed disproportionately low, and this situation had led, among other things, to the under-representation of Albanians in public services and in leading positions in society in general, which in turn resulted in increasing frustration within the community. This was another argument confirming the HCNM's assumption that the question of higher education in the mother tongues had to be treated as a matter of priority.

Local Self-Government

The High Commissioner believed that a number of problems affecting minority communities could be addressed by increasing their rights at local level. In his letter dated 1 November 1993, the HCNM advocated clarity about the role and competencies of local government and encouraged authorities to adopt the new law on local self-government as soon as possible. In his letter dated 16 November 1994, the High Commissioner recommended that the draft law on local self-government should be re-submitted to the newly elected parliament. He underlined the importance of articles concerning the official use of the languages and alphabets of the country's various ethnic groups in local self-government units where they constituted a majority or a significant part (20 per cent, according to the law) of the population. The law was finally adopted in 1995. Further enhancement of the role of local self-government was also a subject of the HCNM's recommendations of 6 November 1998.

Use of Minority Flags

Although the involvement of the High Commissioner mostly addressed the root causes of ethnic tensions and was aimed at building harmonious inter-ethnic relations in the longer term, there were cases which prompted him to act as a “fireman” in response to serious inter-ethnic incidents which were in danger of escalating further. One of the problems was the displaying of national minorities’ flags on public buildings. The problem was aggravated by the fact that the flag of the Albanian minority is identical to the national flag of neighbouring Albania. Following local elections in the country, the newly elected mayors of Tetovo and Gostivar, both ethnic Albanians, decided to fly the Albanian flag next to the Macedonian flag in front of their town halls. The question was brought to the Constitutional Court, which ruled that this was a violation of the law on flags. The law allowed various nationalities to use their flags in municipalities where more than half of the population belonged to the nationality in question, but only during sporting and cultural events. The flag of the respective nationality could also be hoisted on official public holidays. On 9 July 1997, after both mayors had refused to implement the decision of the Constitutional Court, the police tried to remove the flags by force, which resulted in clashes with the Albanian population. As a result two Albanians were killed and several policemen and civilians were wounded.

As a reaction to the disturbances, the High Commissioner undertook an emergency visit from 10-13 July 1997 in an attempt to calm the situation. During meetings with the authorities, the HCNM supported a parliamentary investigation into the alleged misuse of force by the police and also supported an internationally organized training programme for the Macedonian police. After meetings with the representatives of the Macedonian government and Albanian political parties, the High Commissioner issued a statement in which he stressed that all nationalities should strive to find a solution for inter-ethnic problems by rejecting ethnic hatred and intolerance and by seeking constructive dialogue. The HCNM also noted that the mayors of Tetovo and Gostivar had persistently refused to implement the order of the Constitutional Court to remove the flags and stressed that inter-ethnic dialogue should also be based on respect for the sovereignty and territorial integrity of the state as well as its constitutional order.

Refugee Crisis

Another “emergency” which prompted the High Commissioner to become actively involved was the Kosovo conflict in the spring of 1999 and its repercussions for Macedonia. This involvement was even at the expense of his “regular” engagement at the time when the HCNM was trying to promote his

proposed solution to the problem of Albanian-language higher education. However, the refugee crisis constituted a far more pressing issue that had to be addressed. With approximately 300,000 ethnic Albanians crossing into Macedonia between March and May 1999, the situation led to a sudden increase in tensions, as most Macedonians were afraid that this massive influx of refugees would permanently change the delicate ethnic balance in the country. In addition, cases of mistreatment of refugees on the border only exacerbated the tensions. The HCNM, supported by the OSCE's mission in the country and the UNHCR, was of the opinion that inter-ethnic relations and the stability of the country might be significantly affected if the refugees had to stay in Macedonia for a lengthy period of time. Against this background, for the first time in history, the High Commissioner issued an early warning on 12 May in conformity with Articles 13-15 of his mandate. At the same time, he called for increased international assistance to support the efforts of the UNHCR and the Macedonian authorities. He supported the humanitarian evacuation of Kosovo Albanians to third countries. Eventually more than 70,000 were airlifted to Western countries and many thousands more were transferred to Albania. Fortunately, almost all refugees returned to Kosovo within weeks after the conflict came to an end and the Serb police and military forces withdrew.

Higher Education

Higher education played a fundamental role in the position of the Albanian minority, as it clearly mirrored shortcomings in the system of minority protection. It was also a symbol around which the Albanian community could easily be politically mobilized by its leaders, which in turn could lead to emotional reactions on the part of ethnic Macedonians. It therefore became evident that a solution to this problem would contribute significantly to the strengthening of the country's stability, as it would have a dual positive impact. Firstly, it would remove one of the most serious issues dividing the two communities. Secondly, it would have a beneficial influence on other aspects of inter-ethnic relations between the Macedonian majority and the Albanian minority. Against this backdrop, the High Commissioner increasingly singled out minority-language higher education as a major priority of his involvement in Macedonia.

In many European countries, minorities with the right to primary and secondary education in their mother tongue do not claim this right in the area of higher education. The situation in Macedonia was different, however, thanks mainly to the numerical strength of the Albanian community, their strongly perceived need and right, and their history and tradition. Until 1991, Macedonia's Albanians had access to the Albanian-language University in Pristina (UP). Before the dissolution of Yugoslavia, approximately 1,200 stu-

dents at the UP were Albanians from Macedonia.¹ This was one of the main reasons why a very limited number of Albanians studied at universities in Macedonia. The suspension of teaching in the Albanian language at the UP in 1991 coincided with the break-up of Yugoslavia, which meant that this university effectively became a “foreign” institution for Albanians from Macedonia. Against this background, Albanians bitterly claimed that the right to higher education in their mother tongue had disappeared with the coming of democracy. The real situation was that the “loss” of the UP could not have been compensated for. In 1992 only 51 Albanians completed their education at two state universities in Macedonia – in Skopje and Bitola – compared with 2,862 Macedonians.²

Positive Discrimination

In order to rectify, at least partially, the serious under-representation of national minorities, and to increase the number of students from various nationalities, the Macedonian government decided as early as 1992 to introduce a special quota for enrolling members of minorities at the universities in Skopje and Bitola. From 1992 to 1995, this quota amounted to ten per cent for all minorities, with the exception of the faculties providing teacher training, where the quota was 20 per cent. However, the results proved to be far from satisfactory. Against this backdrop, the HCNM encouraged the authorities to introduce a quota system based on the numerical strength of each of the minorities, which eventually came into force at the beginning of the 1996/1997 academic year. However, the practical implementation of this principle differed from faculty to faculty. Some of them, citing their autonomy, were reluctant to admit students belonging to national minorities.

In order to support the quota system, the High Commissioner initiated the so-called Transition Year Programme (TYP) in 1997. The aim of this project was to provide Albanian secondary-school students with specialized courses in preparation for university entrance examinations, thus increasing their chances of passing them successfully.

Establishment of the University of Tetovo

The dispute about the lack of opportunities for ethnic Albanians to have access to university education in their mother tongue had led to an increase in tensions. In 1994, a group of Albanian intellectuals from Macedonia and Kosovo decided to take some unilateral steps in this regard. On 17 December

1 Cf. Vladimir Ortakovski, *Minorities in the Balkans*, New York 2000, p. 299.

2 State Statistical Office of the Republic of Macedonia, *Basic Statistical Data*, Skopje, December 1992, p. 28.

1994, representatives of Albanian political, religious, and cultural organizations in Macedonia signed the act to establish the University of Tetovo (UT). On 15 February 1995, the public ceremony for the opening of the university took place in Mala Recica (a suburb of Tetovo). When the authorities tried to prevent the first university classes from being held in a private house on 17 February 1995, one Albanian was shot dead by the Macedonian police and 26 persons were wounded. Many organizers of this initiative were arrested.

From 19-21 February 1995, the HCNM undertook an emergency visit in order to calm down tensions connected with the aforementioned developments. In his public statement after the meeting with President Kiro Gligorov, the HCNM called for restraint and dialogue and expressed the hope that the problem of Albanian-language higher education could be solved within the framework of the new law on higher education. However, although Max van der Stoep was instrumental in temporarily easing the tensions, it was made clear that the issue of minorities having access to higher education would occupy a central position in the HCNM's engagement. The Macedonian authorities decided to completely ignore the classes conducted at the UT. They continued to be held but the university's diplomas were not recognized in the country.

Pedagogical Faculty

One of the results of the substantial under-representation of Albanians in higher education was a growing shortage of Albanian-language teachers. It resulted in further deterioration in the quality of teaching in minority-language schools and affected the chances of persons belonging to minorities passing university entrance exams. The High Commissioner addressed this issue promptly in his letter to the Macedonian minister of foreign affairs dated 1 November 1993. He put it in the context of promoting greater access to secondary schools for Albanians and added that an adequate number of Albanian teachers should receive proper training up to the required level. As the government was initially reluctant to pursue this issue, the HCNM returned to it in his letter to the foreign minister dated 8 April 1994, and again on 16 November 1994, when he noted that this problem had still not been resolved. The government was finally forced to address this issue, partly because of the insistence of the international community, but mainly in order to meet the growing demands of the Albanian community which had already led to the opening of the UT. In February 1995, courses in Albanian for primary school teachers started at the Pedagogical Academy in Skopje. However, given the fact that the Pedagogical Academy was preparing teachers only for the first four grades in primary schools and the Albanian community also needed teachers for higher grades in primary schools, as well as for secondary-level education, the HCNM, in his letter to the minister of foreign

affairs dated 28 April 1995, supported the transformation of the Pedagogical Academy into a four-year pedagogical faculty with courses provided in the Albanian language. He also made a plea for the introduction of Albanian-language courses at the newly established Pedagogical Faculty of the Bitola University (which has never materialized). Government plans to create a pedagogical faculty with courses in minority languages met with strong opposition from the Macedonian academic community. Macedonian student protests and boycotts of the lectures were organized. This led to a radicalization of the Albanians and growing support for the UT. In order to break the deadlock on this issue, a new special law governing the languages in which lectures would be given at the pedagogical faculty in Skopje was adopted on 30 January 1997. After the Constitutional Court confirmed on 7 May 1997 that this law was in conformity with the constitution, a completely new Faculty of Pedagogy was created in Skopje which would also conduct curricula in the Albanian and Turkish languages.

Law on Higher Education

No comprehensive solution to the problem of Albanian-language higher education could be possible without addressing the issue of its legal basis. When Macedonia became independent, the legislation on higher education it inherited from Yugoslavia was at variance with international standards in several ways, as well as contradicting the newly adopted constitution. In his letter dated 28 April 1995, the HCNM recommended that a new law on higher education be prepared. When the Macedonian authorities entered into dialogue on the issue with the Council of Europe's Higher Education and Research Committee, the High Commissioner decided not to duplicate the efforts. However, the High Commissioner was disappointed with the approach to language provisions applied by the Council of Europe's experts, which could endanger any possible compromise on the solution to the problem of Albanian-language higher education. On 30 March 1998 he again addressed the Macedonian minister of foreign affairs and drew the attention of the government to the relevant international standards as far as the use of language and the establishment of private institutions of higher education were concerned.

The elections in Macedonia in the autumn of 1998 and the conflict in Kosovo pushed this issue down the agenda. For that reason it could not be readdressed until the end of 1999. By that time, the HCNM had already developed an initial proposal for a new private institution of higher education that would also provide teaching in the Albanian language. He therefore concentrated his efforts on "tailoring" some provisions of the law to his new proposal with the special focus on the most flexible procedures possible for establishing private educational institutions, wider use of minority languages

in higher education, no language limitation in private institutions and, last but not least, the possibility of transferring students from the UT to the legally established institutions. While the Council of Europe considered his mission to be complete with the issue of the recommendations, the High Commissioner decided to pursue a dialogue with the Macedonian authorities. Accompanied by his experts, he visited the country from 27-29 February 2000 and tried to convince the drafting Commission that the international standards should be respected and that the new law should not block the creation of a new private institution of higher education. On 18 April 2000, the High Commissioner addressed a letter to the prime minister, Ljubco Georgievski, which concerned his proposal to establish a new private institution of higher education but also underlined a need to finalize discussion on the most sensitive points of the draft new law. The reply dated 16 May 2000 from the minister of education, on behalf of the government, was the first indication of a possible breakthrough. Against this background, the High Commissioner called a meeting in Vienna on 29-30 May 2000 during which his experts discussed the draft law with the Macedonian delegation headed by the minister of education. After lengthy discussions, the key linguistic question, alongside several smaller issues, was finally resolved. The Law on Higher Education was finally adopted by the country's parliament on 25 July 2000 and entered into force on 11 August 2000. As the High Commissioner said, "the new law would not win a beauty prize". However, it was seen domestically and internationally as an important milestone towards securing political stability in Macedonia. Fears of a constitutional challenge did not materialize. After the law was adopted, the situation calmed down because parties were aware that the HCNM was already working on the implementation of his compromise formula for a new institution of higher education.

The South East European (SEE) University

The creation of the UT at the end of 1994 changed the whole perspective because other "moderate" ideas could no longer satisfy Albanian demands. In addition, the experience gained in the establishment of the Pedagogical Faculty was rather discouraging as it revealed that any, even limited, steps and concessions in this field met with significant opposition in the predominantly conservative Macedonian academic community. Against this backdrop, the HCNM began as early as 1995 to think about the concrete formula which, in order to be acceptable for the Macedonian authorities, should first of all be in conformity with the Macedonian legal order. Secondly, it should be aimed at the integration of minorities instead of their full segregation. Finally, it should benefit all ethnic groups in the country. In his letter to the Macedonian authorities dated 28 April 1995, the HCNM suggested the creation, with support of the international community, of a multilingual (English, Macedonian,

and Albanian) private Higher Education Centre for Public Administration and Business. He envisaged that all population groups ought to benefit from its creation and that the centre should work in close co-operation with the universities in Skopje and Bitola. He expressed the hope that international donors could be found to contribute to this end. In the letter of reply dated 30 June 1995, the minister of foreign affairs expressed an interest in the HCNM's proposal but insisted on following an extremely narrow interpretation of the constitution to the effect that tuition in higher education in Macedonia was conducted exclusively in the Macedonian language.

Against this background, the HCNM decided to adopt a slightly different approach and continued a confidential dialogue with the authorities and representatives of the Albanian community in order to build up understanding for a political compromise on this issue. Another important concern was to find an appropriate moment for tabling such a proposal. This came at the end of 1998 after the parliamentary elections conducted in October 1998 which resulted in a new coalition coming to power. On 6 November 1998, the High Commissioner, in a highly unusual step, issued a public statement on a number of inter-ethnic issues in Macedonia. In fact, the statement had the character of recommendations and was immediately sent to all the relevant political parties in Macedonia. He listed a number of inter-ethnic issues which, in his opinion, should be resolved in Macedonia, but the priority was clearly given to the issue of Albanian-language higher education. The HCNM recommended the creation of a new higher-education institution for training teachers in Albanian primary and secondary schools. It would be called the Albanian Language State University College for Teacher Training and, although fully independent, would be linked to Skopje University through an agreement of co-operation. The second part of the High Commissioner's recommendations concerned the establishment of a trilingual (Albanian, Macedonian, and English) Private Higher Education Centre for Public Administration and Business. The centre would be open to students of all ethnicities, and the teaching would predominantly be in English in order to underline the school's international orientation, but lectures in both the Macedonian and Albanian languages would be needed to ensure maximum access to the tuition provided. In a series of visits to Macedonia and meetings with authorities and representatives of minorities, the High Commissioner tried to explore fully the momentum that had been created and to discuss his recommendations and how they could be implemented. Virtually all parties were prepared to continue the discussion with the HCNM, subject to certain conditions. However, the Kosovo crisis affected any possibility of further progress.

Over time it became clear that while the HCNM should focus his attention on dialogue with political leaders and, at a later stage, on fund-raising efforts, he would need external expert assistance to pursue this project, in particular in deciding which specific practical steps should be taken in order

to establish a new institution of higher education. With this in mind, the High Commissioner commissioned international experts to conduct a feasibility study on the outstanding issues to be resolved and on the modalities and financial implications of the project. The High Commissioner visited Macedonia from 17 to 20 April 2000 in order to outline the main features of his proposal to the government and to representatives of the Albanian community.³ The formula suggested was based on his recommendations from November 1998, although it was further elaborated and adjusted in conformity with information gathered by educational experts. He proposed the creation of a private institute of higher education consisting of two sections: one dealing with the training of teachers for the higher age groups at primary schools and for secondary education, and the other providing training for key positions in business management and public administration. Therefore, instead of two institutions, as proposed in November 1998, the HCNM suggested amalgamating them into one.

The official response by the government came on 16 May 2000 when the HCNM received a letter from the minister of education. The main bones of contention were the structure of the new institution, its name, and the problem concerning graduates of the UT. Being obviously concerned about the creation of any precedent that might be repeated in the future, the minister of education challenged the solution to the problem of graduates of the “illegal educational institution in Tetovo” proposed by the High Commissioner, describing it as “regrettably very difficult to legally defend”.⁴ For their part, Albanians insisted on a large number of faculties being established and that this institution should be called “a university”. There were many opponents on both sides. The strongest opposition came from the Macedonian academic community, first and foremost from the Macedonian Academy of Science and Arts (MANU) – one of the most conservative and nationalistic institutions in the country – but also from some professors at Skopje and Bitola universities. They were defending the dominant position of the Macedonian language in the state, arguing that the implementation of the HCNM proposal would undermine the foundations of state. The opposition from the Albanian side was even stronger, especially in consideration of the fact that after so many years of Tetovo University’s existence, any departure from the line of promoting recognition of the UT could be considered as an act of treason. Nevertheless, the HCNM was able to obtain the agreement of the ruling Macedonian and Albanian political parties.

As the next step, which was demanded largely by potential international donors, the HCNM requested experts to prepare a descriptive and financial

3 HCNM Office, *Feasibility Study on the Albanian Language Higher Education in Macedonia*, Report Prepared by Prof. Jan de Groof, Dr Dennis Farrington and Mr Andreas Kleiser, April 2000.

4 *Letter from the Minister of Education Gale Galev*, 16 May 2000, p. 4.

business plan, which was completed in November 2000.⁵ It was proposed that the new institution would consist of five faculties: a faculty of law, a faculty of business administration, a faculty of public administration, a faculty of communication, science and technology, and a faculty of teacher training, as well as two centres: a language centre and a computer centre. The plan envisaged that the curriculum would be provided in the Albanian language and would also include teaching in the Macedonian language and other European languages (English in particular). The institution would promote the diverse and flexible use of different languages in all its activities. It was planned that a minimum of one third of the students' course work should be in English. The financial plan for this institution estimated that the cost of constructing the necessary infrastructure, providing equipment, start-up and capital investments (endowment) would amount to approximately 25 million euros. It was planned that the running costs of the university, apart from the costs of international staff, which for the initial period were to be financed by international donors, would basically be covered by fees paid by the students. The experts also suggested that the new institution might be called the "South East European University", now generally referred to in English as "SEE University". Since the very day the project was launched, however, this institution has been referred to by the local population as "Van der Stoel University". Max van der Stoel was also appointed as Chairman of the Board of the SEE University, which served as a framework for the implementation of the project. The construction of the new university campus began on 11 February 2001 in Tetovo. In addition to initial delays due to bureaucratic obstacles and procedures, the eruption of violence in Macedonia also negatively influenced the implementation of the project. Hostilities in the Tetovo region climaxed in July and August 2001 to the extent that on two occasions when the project site was shelled by Albanian rebels, the construction work had to be suspended and workers had to be sent home. Hostility from the UT leadership in connection with its close relationship with Albanian rebels made some suspect that it was a deliberate act of sabotage, especially since some UT leaders became very aggressive, even raising the possibility of "taking over" the SEE University's facilities for the needs of the UT students.

Parallel to the technical preparations for the project's implementation, the HCNM continued his fund-raising efforts through a series of meetings with potential donors' representatives in Skopje and letters sent to a number of capitals. Some general promises were made. In terms of concrete pledges, however, the project's budget was far from being covered. The decisive moment for the fund-raising efforts was the outbreak of violence in Macedonia in the early spring of 2001. Once the situation in Macedonia had hit the headlines in the world's media, the flow of funds accelerated significantly as donors started to realize the importance of inter-ethnic relations for the sta-

5 HCNM Office, SEE University Project, Business Plan (Options Analysis, System Design, Financial Evaluation, Implementation Scenario), The Hague, 23 November 2000.

bility of Macedonia and the entire region. In a relatively short period of time it proved possible to collect more than 90 per cent of the budget envisaged in the business plan.

The SEE University was officially inaugurated on 20 November 2001. Contrary to the HCNM's expectations, the participation of non-native Albanian speakers in the first enrolment was very low. Among 923 registered students, the vast majority were ethnic Albanians (867). There were also 43 Turks, one Bosnian, one Rom and only eleven Macedonians. The unrest in the Tetovo area at the time of the enrolment certainly deterred many applicants, particularly those of non-Albanian ethnicity, who could no longer feel completely safe in a majority Albanian environment. In addition, the SEE University was perceived by many of them as purely an "Albanian University". No doubt the violence in Macedonia represented additional risks for the SEE University, undermining the painstaking efforts to ensure a culturally open, multilingual and internationally-oriented environment for its students and staff. Over time the situation changed, however, and soon the number of non-Albanian students stabilized at approximately 25 per cent.

After its difficult start in 2001, the SEE University began to be widely recognized both domestically and internationally as a multiethnic institution with a solid academic spectrum. The European University Association (EUA) stressed that "the SEEU [South East European University] is clearly a model university for Macedonia and the region".⁶ This mirrored the assessment given by the OECD, which stated: "Specifically, SEEU has met, indeed exceeded, its stated aims of contributing significantly to the solution of the problem of Albanian language higher education."⁷ This success was also recognized by local experts, who in particular underlined that the SEE University "destroys" the stereotypes and that by releasing the problem from the shadow of politics, it solved the problem of higher education for Albanians in Macedonia and contributed to a relaxation of existing tensions.⁸

The 2001 Crisis

After the outbreak of violence in Macedonia, the Romanian OSCE Chairmanship decided at the end of March 2001 to appoint the US diplomat Ambassador Robert Frowick as Special Envoy with the mandate to take "an active role to facilitate efforts of indigenous leaders to intensify a political dialogue aimed at reforms". Given the High Commissioner's involvement in the country, this was a decision which totally surprised many observers. With this in mind, Max van der Stoep limited his contacts with the parties almost

6 European University Association Institutional Evaluation Programme, *South East European University in Tetovo Evaluation Report*, February 2005.

7 OECD, *Improving Access and Opportunities for Under-Represented Groups in Higher Education in the Former Yugoslav Republic of Macedonia*, March 2004, p. 11.

8 Interview with Dr. Zoran Matevski, Svedok, May 2003.

exclusively to the issue of higher education. However, Ambassador Frowick's approach and the tactics he applied proved to be very controversial, especially given the sensitivity of this issue. The final blow to his mission came on 22 May when in Prizren, Kosovo, he organized a secret meeting between Albanian political leaders and representatives of the rebels. They signed a declaration which included a number of demands to be met by the Macedonian government. This led to uproar in Macedonia, and public opinion was angered particularly by the fact that this agreement was brokered by a representative of the international community. Establishing direct contacts with persons who were perceived by the general public to be "terrorists" only contributed to the general perception of a "plot" prepared with the support of the international community. As a result, Ambassador Frowick was recalled "for consultations" with the OSCE Chairmanship and did not return to Skopje. Instead of bringing the conflict closer to resolution, he only contributed to its escalation and at the same time undermined the prestige and credibility of the OSCE in Macedonia as well as its ability to contribute to peace negotiations in the future. The OSCE, which had been an active international player in Macedonia for the whole decade, found itself almost completely marginalized and its ability to contribute directly to peace negotiations was considerably reduced. As a result, the mediation efforts were taken over by EU and US envoys appointed in June 2001. On 1 July 2001, Max van der Stoep, who had just retired from the position of the OSCE High Commissioner on National Minorities, was appointed as Special Representative of the OSCE Chairman-in-Office for Macedonia. This was an attempt to rescue the position of the Organization, relying on his long record of active involvement in Macedonia. Van der Stoep participated in the negotiations both in Skopje and later on in Ohrid and, as described, his "discreet role of facilitator and source of advice in the internationally-sponsored talks was recognised by the US and EU representatives".⁹ Despite this, the OSCE did not play the central role in those negotiations.

The year 2001 marked a complete change in the conflict-prevention strategy of the international community, not only as far as the intensity of its involvement was concerned, but also in terms of the mechanisms and instruments applied and the main actors involved. Although the Ohrid Framework Agreement envisaged a certain role for the OSCE in the implementation of the agreement, the HCNM was no longer able to play the same role as in the early years of Macedonian independence.

9 Farimah Daftary, Conflict Resolution in FYR Macedonia: Powersharing or the "civic approach"? In: *Helsinki Monitor* 4/2001, pp. 291-312, here: p. 309.

Conclusions

It is of course virtually impossible to measure the extent of the HCNM's success in Macedonia. There is no doubt, however, that a link could be observed between the HCNM's visits and recommendations, and certain policy changes which did indeed follow. Thanks to his commitment, the Macedonian government showed willingness to accommodate some of the Albanian demands and thereby to defuse tensions in the country. Although the High Commissioner addressed a wide range of issues at the beginning of his engagement in Macedonia, the issue of Albanian-language higher education totally dominated the High Commissioner's agenda in the second half of 1990s. On the one hand, the HCNM was discouraged by the inadequate progress made in the implementation of the various aspects of minority rights and the tepid support the international community provided to conflict prevention efforts in Macedonia, at least until 2001. On the other hand, he believed that the solution to the problem of Albanian-language higher education was a prerequisite for achieving progress in other aspects of minority rights in Macedonia and, after it had been addressed, it would be much easier to move on other issues. This expectation was, however, overtaken by subsequent developments in Macedonia.

The High Commissioner's engagement in Macedonia demonstrates that being an instrument of conflict prevention consists of more than just making a number of diplomatic *démarches*, preparing recommendations, and promoting dialogue. It illustrates how complex efforts in the field of conflict prevention can be and how many aspects one has to deal with in order to reach a solution. Besides constant dialogue with local stakeholders and the international community, one needs patience, persistency, flexibility, and the ability to react quickly, to use legal expertise, and sometimes even to pursue fund-raising activities. The case of Macedonia shows that in conflict prevention there is often a need to set up concrete projects which can help to contain potential crises.

The HCNM in the Baltic States: Legacies and Unfinished Business

The Baltic states of Estonia and Latvia were among the first countries where the institution of the OSCE High Commissioner on National Minorities (HCNM) became actively involved. The first HCNM, Max van der Stoep, travelled to Estonia, Latvia, and Lithuania within weeks of taking up his position in January 1993, and proceeded to become intensively involved in Estonia and Latvia in subsequent years.¹ Even though not all of the HCNM's recommendations to the Estonian and Latvian authorities were implemented, HCNM involvement at an early stage in both countries has been credited with helping to reduce both domestic and international tensions linked to the presence of large Russian-speaking minorities.²

HCNM involvement in the Baltic states continues today, although it was gradually scaled back in the second decade of the institution's existence. This can be explained in part by the general improvement in the level of integration in Latvian and Estonian societies, and by the consolidation of democracy in the Baltic states which has provided mechanisms for national minorities to address concerns through domestic channels. The direct security threat was reduced after Russian troops withdrew from the Baltic states in 1994, and the countries were firmly within the NATO alliance ten years later. Institutional factors have also played a role: As a relatively small institution, the HCNM must prioritize its work, and has inevitably focused greater attention on other situations in the OSCE region with more severe tensions and a higher risk of conflict.

While Estonia and Latvia have avoided violent conflict in relation to national minorities, it cannot be said that inter-ethnic tensions do not persist or that there are no problems related to minorities in the two countries' foreign relations. Monitoring reports produced by the OSCE, the UN, and various Council of Europe bodies continue to draw attention to various issues related to minority rights. National minorities' organizations continue to make appeals to the HCNM and other international organizations. The Russian Federation periodically calls on the Estonian and Latvian authorities to

Note: The views contained in this contribution are the author's own and do not necessarily reflect the positions of the HCNM.

1 The HCNM determined that there was no need for close engagement in Lithuania, although the HCNM has had some involvement there since 2011, which is covered separately in this article.

2 For a detailed analysis of early HCNM engagement in the Baltic States, see Rob Zaagman, *Conflict Prevention in the Baltic States: The OSCE High Commissioner on National Minorities in Estonia, Latvia and Lithuania*, European Centre for Minority Issues, Flensburg, Germany, April 1999.

address what it calls gross violations of the rights of Russian-speaking minorities and demands stronger action by the international community. During visits to Estonia and Latvia in recent years, the HCNM has expressed praise for the progress made in some areas, while also noting longstanding concerns and new challenges. What, then, remains for the HCNM to address in these countries, and what are the constraints on doing so? This article will explore these questions by looking more closely at several key areas of HCNM engagement and at how recent developments reflect HCNM legacies, as well as unfinished business, in the Baltic states.

Issues of HCNM Involvement in Latvia and Estonia: Taking Stock

As the Baltic states re-emerged as independent states in 1991, they struggled with raw and painful memories of Soviet domination, as well as anxiety about the changed demographic situation that had resulted from Soviet migration policies. Actions on the part of Moscow contributed to concerns that Russia harboured intentions to eventually reassert its influence in the Baltic states. The unstable security environment was exacerbated by the continuing presence of Russian troops, and by events that included proposed referenda on autonomy in the Russian-majority Estonian cities of Narva and Sillimäe in 1993, and an energy embargo imposed by Russia on the Baltic states the same year. Developments in Russia's domestic political situation in subsequent years led to Moscow stepping up its information campaign on the situation of Russian-speaking minorities in Estonia and Latvia. These factors played a role in shaping the decisions made by Baltic leaders concerning their resident Russian-speaking minorities. The nationalist rhetoric of some Estonian and Latvian politicians fuelled fears among the non-Estonian and non-Latvian populations that they would be excluded permanently from society or even expelled. In keeping with the HCNM mandate, the HCNM took up issues in Estonia and Latvia that were deemed the most urgent in terms of improving interethnic relations and addressing international and domestic tensions. Decisions by new state leaders in Latvia and Estonia set the stage for the issues of citizenship and language (including the language of instruction in schools) to feature prominently in the HCNM's work in the two countries.

Citizenship

Large numbers of people resident in Estonia and Latvia, mostly ethnic Russians who had settled in the country during the Soviet period and their children did not receive Estonian or Latvian citizenship automatically upon the restoration of independence in 1991. In both countries, citizenship was offered automatically only to those who had been citizens prior to 1940 and to

their descendants. The HCNM regarded non-citizens' sense of security about their future and their loyalty to and participation in Estonian and Latvian societies as critical to those countries' stability and democratic legitimacy, as well as being important for preventing a situation where these individuals took up another country's citizenship, thereby providing potential grounds for other states' intervention. While not contesting the legitimacy of putting some basic requirements for naturalization in place, the HCNM keenly advocated measures in both Estonia and Latvia to implement legislation in such a way that those who wanted to obtain citizenship, especially vulnerable groups such as the elderly, did not face undue obstacles to doing so. In addition to emphasizing that language and residency requirements should be reasonable and naturalization examinations not overly difficult, the HCNM also stressed the need for the Estonian and Latvian authorities to provide non-citizens with adequate information about naturalization requirements and procedures. Particularly in view of the fact that naturalization numbers stagnated in later years, the HCNM called for the authorities to make more robust efforts to accelerate the naturalization rate.

As a sub-issue within the topic of citizenship, the HCNM was extremely concerned about the vulnerable situation of children born to non-citizens and drew attention to this issue while key citizenship legislation was under discussion. Making reference to obligations under the Convention on the Rights of the Child and the right of children to a nationality, the HCNM urged that children born in Estonia or Latvia to non-citizens who would not otherwise receive another citizenship should be granted citizenship of Estonia or Latvia, respectively. The HCNM also argued that this group would in any case learn the state language via the educational system. In both Estonia and Latvia, provisions were ultimately put in place that provided for children born to non-citizens since the restoration of independence to receive citizenship upon application by their parents.³ However, the HCNM has continued to recommend that an approach by which citizenship would be provided unless parents explicitly refused it would help protect the best interests of the child.

Today, still quite large numbers of non-citizens remain an integration challenge for both Estonia and Latvia. Non-citizens number more than 300,000 in Latvia, approximately 14 per cent of the population.⁴ More than one-third of ethnic Russians, and more than half of ethnic Belarusians and

3 In Estonia, the Estonian Citizenship Act, which came into force in 1999, provided that children born in Estonia since 1992 to non-citizens could be granted Estonian citizenship through a simplified naturalization procedure upon application by their parents if the parents had at least five years of legal residence in Estonia prior to making the application. In Latvia, the Citizenship Law as adopted in 1998 provided for children born in Latvia to non-citizens after 21 August 1991 to be recognized as Latvian citizens upon application by their parents. However, by introducing various additional conditions on parents in the application process, the provision departed from the HCNM recommendation that no further conditions be imposed beyond a reasonable residence requirement.

4 Information from the Office of Citizenship and Migration Affairs the Population Register as of 1 July 2011, obtained from <http://www.am.gov.lv/en/policy/4641/4642/4649/structure>.

Ukrainians, are non-citizens. In Estonia, there are more than 90,000 “persons with undetermined citizenship” (the term used by the government) who make up almost seven per cent of the population.⁵ Naturalization rates in both Estonia and Latvia have dwindled after spiking in the years surrounding EU accession. After 2008, the number of persons acquiring citizenship through naturalization in Estonia has not exceeded 2,000 per year, while in Latvia the number has dropped to fewer than 2,500 per year. Despite declining numbers and recommendations by the HCNM and other international organizations to consider further ways to speed up the process, the general attitude of authorities in both Estonia and Latvia seems to be that enough has been done to facilitate naturalization for those who have an interest. In the press conference during the HCNM’s visit to Estonia in June 2011, for example, Foreign Minister Urmas Paet stated that the requirements for acquiring Estonian citizenship were transparent and feasible and that Estonia planned to continue with its current citizenship policy.⁶

There are various reasons why remaining non-citizens do not naturalize, including difficulties with the examinations and lack of time or interest. Some choose to take up citizenship of another country, often Russia. Some non-citizens prefer to maintain the ability provided by their non-citizen passports to travel visa-free to Russia and European Union countries. Visa requirements within the EU for Latvian and Estonian non-citizens were lifted in 2007. In 2008, Russia waived visa requirements for non-citizens of Estonia and Latvia, a move that Latvian and Estonian authorities criticized as undermining the naturalization process and which indeed seems to provide a disincentive for some potential naturalization applicants. Resentment at having to go through the naturalization process is also a factor for some non-citizens. In 2012 in Latvia, a signature campaign was launched for a referendum on a proposal to amend the Law on Citizenship to grant citizenship to all non-citizens on 1 January 2014. The Central Election Commission decided on 1 November 2012 not to proceed with the second stage of the signature campaign, citing expert assessments that the draft amendments were not fully elaborated and were in contradiction with the Latvian constitution, even though the legal basis for the election body to issue such a stipulation is unclear. The Central Election Commission decision is in the process of being challenged in court. The prospect of a possible referendum on the citizenship issue had already generated significant and sometimes acrimonious media and political debate.

Meanwhile, children continue to be born in Estonia and Latvia who do not receive any country’s citizenship if their non-citizen parents do not utilize the procedures for obtaining Estonian or Latvian citizenship for their chil-

5 Information from the Ministry of the Interior as of 1 September 2012, available at: <http://estonia.eu/about-estonia/society/citizenship.html>.

6 Cf. Estonian Foreign Ministry press release, *Paet: Ensuring Protection of National Minorities and Promoting Their Cultures is Government’s Priority*, 9 June 2011.

dren. There have been some developments in this area, however. Cabinet of Ministers Regulations adopted in Latvia in July 2011 provide that parents may submit the application for a new-born child's citizenship at the same time as birth registration. The Latvian parliament is currently discussing amendments to the Law on Citizenship that may simplify the process further.⁷ However, the "opt-out" approach advocated by the HCNM and other international organizations – whereby a child would be registered as a citizen unless parents decline the option – seems unlikely to be adopted. This also seems to be the case in Estonia, where, in October 2011, members of parliament rejected a proposal by the Social Democratic Party to provide Estonian citizenship to children born to non-citizens unless the parents explicitly refused. The HCNM has argued that an "opt out" system would help to prevent non-citizen status from continuing in future generations, and has pointed to the consistent recommendations of various UN and Council of Europe bodies which support this approach.

While Estonia's non-citizens have the right to vote (though not to stand) in local elections, such a right has not been extended to non-citizens of Latvia, and has become a focus of recommendations of the HCNM and other organizations including the European Commission against Racism and Intolerance (ECRI). This issue does not appear to be on the agenda of Latvian politicians, however. During the most recent HCNM visit to Latvia in February 2011, Foreign Minister Ģirts Valdis Kristovskis commented that providing the right to vote in municipal elections to non-citizens would remove an incentive for naturalization.⁸

Language

Given the historical and political context in the Baltic states and the relatively small numbers of native speakers of the Baltic languages, it is not surprising that policies have been moving in the direction of strengthening the position of these languages. Acknowledging the painful legacy of Russification policies, the HCNM never suggested that the designation of a single state language was inappropriate, and consistently stressed the importance of national minorities learning the state language. The HCNM also urged authorities to ensure adequate language learning opportunities for those whose first language was not Latvian or Estonian. However, language policies in the Baltic states had both intended and unintended effects on the language rights of Russian speakers and contributed to interethnic tensions that drew the close

7 Changes adopted in the second reading on 6 September 2012 would, *inter alia*, enable only one non-citizen parent to apply for a child to be recognized as a Latvian citizen, as opposed to the limited exceptions for an application by both parents provided for in the current legislation.

8 Cf. Alla Petrova, OSCE High Commissioner: Latvia must allow non-citizens to vote in municipal elections, in: *The Baltic Course*, 16 February 2011, at: <http://www.baltic-course.com/eng/legislation/?doc=37358>.

attention of the HCNM. In the area of language policy, HCNM recommendations probably had some countervailing effect but did not significantly influence the overall direction of policy.

For example, Estonian and Latvian authorities have generally resisted arguments made by the HCNM and other international organizations regarding the use of inspections and sanctions to enforce language policies and concerning the scope of language-related regulations in the private sector. The HCNM has argued that inspections and fines related to the enforcement of language regulations tend to trigger resentment rather than encouraging minorities to learn and use the state language. However, the Latvian State Language Inspectorate continues to be active in its “control” functions; the head of the control department announced in October 2012 that it carried out 4,000 inspections concerning insufficient state-language usage in the first nine months of 2012, finding 3,000 violations of the State Language Law and issuing fines to 816 persons.⁹ The list of private-sector professions to which language requirements apply has gradually lengthened and administrative fines for language-related violations have also gradually increased. Amendments to the Latvian Labour Law in July 2012 prohibit employers from including unreasonably high foreign-language requirements in job advertisements – a measure aimed at addressing perceived disadvantages of Latvian speakers who do not speak Russian. While not quite as active as their Latvian counterparts, Estonian language inspectors recorded more than 1,700 violations in 2011; the vast majority of inspections result in a recorded violation, according to the Language Inspectorate’s statistics.¹⁰ The Inspectorate’s testing of teachers has led to feelings that such inspections are used as a way of putting additional pressure on Russian-language schools. In March 2012, the Language Inspectorate tested the language skills of nine school directors in Narva and found four to be deficient, even though two had reportedly completed master’s degrees in Estonian.¹¹ During the most recent HCNM visit to Estonia in June 2011, Estonian Foreign Minister Paet stated that “Language requirements for certain positions are justified and the work of the language inspectorate is transparent and legal”.¹²

Concerns similar to those raised by the HCNM with regard to aspects of the Estonian and Latvian language policies have been noted by other international bodies. The thematic commentary on language rights by the Advisory Committee on the Framework Convention for the Protection of National Minorities, published in July 2012, notes that “promotional and incentive-based measures are a much more effective approach towards strengthening knowledge and use of the official language(s) by all members of the popula-

9 Latvian media reports as cited in: *Latvian Centre for Human Rights Integration Monitor*, 26 October 2012.

10 Reported in: *Baltic News Service*, 1 March 2011.

11 Cf. Steve Roman, *Narva School Directors Threatened With Sacking Over Language Skills*, in: *ERR News, Estonian Public Broadcasting*, 22 March 2012.

12 Estonian Foreign Ministry press release, cited above (Note 6).

tion than any form of coercion". The commentary also points to incompatibility of the imposition of language inspection systems in the private sector with the Framework Convention.¹³

In February 2012, in perhaps the most dramatic recent development related to language issues in the Baltic states, Russian-language activists in Latvia succeeded in bringing about a nationwide referendum on the question of whether to amend the constitution to give Russian the status of a second official language. The vote was approximately 25 per cent in favour of the proposal and 75 per cent against. While it was clear from the beginning that the initiative would not succeed, its polarizing effect on society served as a reminder of the sensitivities surrounding language. On the positive side, however, the referendum prompted calls by the prime minister and other officials for renewed efforts to address divisions in society. Discussions about a new integration strategy document adopted in Latvia in October 2011 had already highlighted some of these divisions, with some minority representatives and experts expressing concerns about the emphasis put on the Latvian language as the basis for integration.

Education

Compared to his engagement on citizenship and language issues, the HCNM was not as closely involved when it came to the development of the legislative framework for education in minority languages; instead, he called on the authorities to take concerns of national minorities into account and to closely monitor education quality as education reforms were undertaken. The position of the HCNM was grounded in The Hague Recommendations Regarding the Education Rights of National Minorities from 1996, and focused on promoting multilingual education as a means of supporting the integration of society as well as the maintenance of minority identities.

As Latvia proceeded with a controversial education reform in minority schools based on the Law on Education adopted in 1998, the HCNM, while voicing support for the government's right to implement the reform, noted concerns about the feasibility of the target date for implementation, urging a flexible approach and improved dialogue with stakeholders. Domestic opposition to provisions in the law that introduced 100 per cent Latvian-language education in upper secondary grades in state schools erupted into protests in 2003-2004, influencing the authorities' decision to amend the law to provide for 60 per cent of subjects in grades ten to twelve to be taught in Latvian. There have not been any significant tensions surrounding minority-language education in recent years, but there is potential for the issue to again become

13 Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, *Thematic Commentary No. 3: The Language Rights of Persons Belonging to National Minorities Under the Framework Convention*, Strasbourg, 5 July 2012.

contentious. Indeed, the referendum on Russian as a second official language in February 2012 was a response to an unsuccessful initiative by the right-wing National Alliance (“All for Latvia! – For Fatherland and Freedom/LNNK”) party to gather enough signatures for a referendum on a proposal to switch all publicly-funded schools to Latvian-only instruction.

In Estonia, the transition to increased instruction in Estonian in minority schools, which had been envisaged as early as 1993, was delayed several times and did not begin until 2007. In an arrangement similar to that in Latvia, the proportion of the curriculum that could be taught in other languages in upper secondary grades was set at 40 per cent. In Estonia today, education appears to be the issue that is causing the sharpest tensions between national minorities and the authorities. The process of gradually increasing the amount of Estonian-language instruction was scheduled for completion in the 2011-2012 school year, but the reform ran into resistance as a number of Russian-medium schools in Tallinn and Narva asked to be given additional time to prepare or to be exempted from the requirement. The Cabinet of Ministers turned down most of the requests, and local authorities are pursuing appeals in the courts. Tensions appear likely to continue as local authorities continue to explore ways of maintaining Russian-language instruction in upper secondary grades. During his most recent visit to Estonia in June 2011, the HCNM raised concerns about the readiness of schools and teachers to make the transition to 60 per cent instruction in Estonian and reminded authorities of their obligation to provide adequate opportunities for education in and of minority languages, particularly in the light of fears that the reform would lead to further erosion of opportunities for Russian-language instruction.

Is Unfinished Business Becoming Harder to Finish?

Numerous positive trends are evident when one looks at the overall situation of integration in Estonia and Latvia. State-language proficiency among minorities, particularly young people, has continued to grow: In Latvia, the percentage of Russian speakers who claimed not to know the Latvian language at all shrank from 22 per cent to seven per cent between 1996 and 2008, while the percentage in the 15-34 age group who rated their knowledge of Latvian as good went from 40 per cent in the late 1990s to 73 per cent in 2008.¹⁴ Integration monitoring in Estonia in 2011 revealed that the majority of non-Estonians considered themselves integrated, while three-quarters considered Estonia to be their only native land. The proportion of non-citizens,

14 Cf. Baltic Institute of Social Sciences, *Language Report*, Riga, March-April 2008.

and even Russian citizens in Estonia, who shared this sentiment also increased between 2008 and 2012.¹⁵

At the same time, recent developments reflect the fact that various issues in the HCNM's sphere of engagement are still contributing to simmering tensions, divisions within society, and vulnerability to "kin state" criticism, even if these tensions are unlikely to lead to violence. Recommendations that the HCNM has highlighted publicly have not changed significantly in recent years, such as the proposal that authorities take efforts to stimulate the naturalization rate, adopt the "opt-out" approach in providing citizenship to children of non-citizens, and curtail the use of inspection systems in relation to state-language policy. Similar recommendations by other international organizations have also been repeated over the years. This situation points to ongoing challenges, attributable to both external and internal factors, that the HCNM faces in addressing remaining problems.

One obvious challenge for the HCNM in the Baltic states since the 1990s has been the fact that HCNM recommendations can no longer be tied to European Union accession criteria, an element which formed an important part of the early HCNM strategy. In 2010, the current HCNM spoke rather longingly of the loss of this lever of influence:

"I often say that my predecessors had an easier time than I do in convincing States to follow their advice, since during their tenures many of the States were in the pre-accession stage to the EU. This was no doubt an important element in the success of the HCNM's diplomacy vis-à-vis the Baltic States."¹⁶

Unfortunately, since the EU accession processes were completed, further scrutiny of Estonian and Latvian policies by the EU itself has not been forthcoming due to a lack of willingness and absence of clear mechanisms to address the issues in question.

Paradoxically, one legacy of the involvement of the HCNM and other international organizations may have been assistance in internationalizing issues related to national minorities in Estonia and Latvia. The Latvian Ministry of Foreign Affairs website and Estonia's official country information website both feature information about integration, citizenship, and national minority education issues, and both make reference to the success of integration policies.¹⁷ The presentation of the information is not entirely without

15 Cf. Estonian Ministry of Culture, *Monitoring of Integration in the Estonian Society in 2011*, at: http://www.kul.ee/webeditor/files/integratsioon/Monitooring_2011_EN.pdf.

16 Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, *Preventing Conflict through Quiet Diplomacy: HCNM Experience*, address by Knut Vollebæk, OSCE High Commissioner on National Minorities, to the Workshop on Preventive and Quiet Diplomacy, Dialogue Facilitation and Mediation – Best Practices from Regional Organizations, Vienna, Austria – 6 December 2010, p. 5, at: <http://www.osce.org/hcnm/74833>.

17 *Society Integration in Latvia*, at: <http://www.am.gov.lv/en/policy/4641/>, and *Integration in Estonian Society*, at: <http://estonia.eu/about-estonia/society/integration-in-estonian-society.html>.

political undertones, of course, and reveals efforts to portray an image of full compliance with international recommendations. This does not necessarily translate into receptiveness to further advice, however, and sometimes seems to indicate the opposite. When HCNM letters about proposed amendments to the Citizenship Law sent to the speaker and the head of the legal affairs committee in the Latvian parliament were leaked by unknown sources in September 2012, the legal committee's chairperson commented as follows in the press: "These recommendations are not binding for us. We act as an independent European Union member state."¹⁸

The role of the Russian Federation is also critical when we consider the attitude of Estonian and Latvian authorities to taking further steps towards the implementation of HCNM recommendations. Russia shows no signs of becoming less vocal when it comes to publicly criticizing the Estonian and Latvian governments for policies affecting Russian and Russian-speaking minorities. For instance, Foreign Minister Sergei Lavrov's address to students of international relations in Moscow in September 2012 included a reference to the problem of statelessness, which he called the biggest problem in Russia's relations with the Baltic states, accusing Estonia and Latvia of rejecting appeals by the OSCE, the Council of Europe, and the UN. The Baltic states received extensive coverage in the Russian Foreign Ministry's first "Report on the Situation with Human Rights in Certain States" that was released in December 2011. While Russian criticism helps to draw attention to outstanding issues, the lack of any public acknowledgement of progress and the sometimes disproportionate focus on Estonia and Latvia compared to other international human rights problems seems more likely to undermine the credibility of, and receptivity to, such criticism. As a consequence, HCNM recommendations that are perceived as sharing points in common with Russian critiques may still provoke some degree of recalcitrance.

Estonia and Latvia may have become somewhat inured to Russia's attempts to name and shame, but Russian "soft-power" policies, such as supporting media and non-governmental organizations and youth groups to influence the situation of Russian-speaking minorities, may trigger greater sensitivities in the Baltic states. In January 2012, Russia launched the Foundation for Supporting and Protecting the Rights of Compatriots, which provides legal assistance in cases when ethnic and cultural rights of Russians living in other countries are violated. In his speech to the Fourth World Congress of Compatriots in St. Petersburg in October 2012, President Vladimir Putin mentioned that a concept called "The Russian School Abroad" is being drafted; its relevance to the situation in Latvia and Estonia remains to be seen, but no doubt the development will be followed closely by the relevant authorities.

18 Ilma Cepane, Saeima Legal Affairs Committee Chairwoman, cited in: Alla Petrova, OSCE to Latvia: Citizenship Law amendments should be altered, in: *The Baltic Course*, 11 September 2012, at: <http://www.baltic-course.com/eng/legislation/?doc=62667>.

Irrespective of the underlying intentions of Russian policies or their actual impact on the internal situation in Estonia and Latvia, they provide Estonian and Latvian authorities with convenient material for casting suspicion on the activities of minority activists, and this has a counterproductive effect on interethnic relations. In Estonia, the national security police annual review for 2011 implied a link between Russian compatriots' policy and the activities of a deputy mayor of Tallinn and two members of parliament on behalf of Russian schools. (Two of the officials responded by filing lawsuits against the security police.)

Domestic political factors also impact on the HCNM's efforts to address unfinished business. While persons belonging to national minorities serve in the Latvian and Estonian parliaments and in local government, the parties that enjoy the strongest support among national minorities and advocate changes in relevant policies remain in the parliamentary opposition. In the case of Latvia, in particular, this situation has contributed to internal discord within moderate minority parties and strengthened radical movements on both sides of the ethnic divide. Fractured political parties and unstable ruling coalitions have characterized Estonian and Latvian politics in the past two decades, a fact which has also contributed to difficulties in achieving consensus for changes to minority policies and in overcoming interethnic divides in the political arena. The HCNM welcomed the establishment of consultative councils for national minorities in both Estonia and Latvia in the 1990s, but these did not entirely develop the credibility or independence that was required to significantly improve levels of dialogue or for minority representatives to influence decision-making. And of course it cannot be overlooked that a significant part of the population in both countries faces barriers to political participation due to their lack of citizenship.

Finally, institutional factors related to the HCNM may also have contributed to difficulties in achieving support for the remaining HCNM recommendations. While it is understandable that the HCNM made fewer visits to Estonia and Latvia as situations in these countries improved and priorities shifted, less frequent contact may have made it more difficult to establish the personal rapport with political leaders that could help increase the level of receptiveness to advice. In addition, the closure in 2001 of the OSCE Missions to Estonia and Latvia, with which the HCNM co-operated on various issues, took away valuable "eyes and ears" on the ground and generally reduced the profile of the OSCE in the Baltic states.

The HCNM in Lithuania

The situation in Lithuania provides an interesting counterpoint to HCNM involvement in the other Baltic states. Lithuania became a focus of the HCNM's work for the first time in 2011. The situation of national minorities

in Lithuania was quite different from the situation in Estonia and Latvia, in that Lithuania offered Lithuanian citizenship to all persons resident on its territory at the time of the restoration of independence. National minority communities in Lithuania are smaller compared to the ethnic Lithuanian population and, in the case of the Russian-speaking minority, more geographically dispersed. However, a series of events in 2010-2011 led to an increase in tensions related to the Polish minority and aggravated long-standing disputes about minority issues with Poland. In January 2010, a Soviet-era law on national minorities ceased to be in force while a new law was still being developed (and has not yet been adopted); at the same time, a separate government department on minorities was abolished. In the spring of the same year, the Lithuanian parliament voted down a draft law that would have addressed demands of the Polish minority to spell their names in official identity documents using non-Lithuanian characters. In 2011, a new Law on Education, which Polish minority representatives viewed as undermining the situation of Polish schools and Polish-language education, came into force; among the most controversial changes was a provision that students graduating from Polish-language schools should take the same Lithuanian language and literature examination as students in Lithuanian-language schools as of 2013. The law prompted protests and a threatened school boycott. Against this backdrop, the HCNM visited Lithuania (as well as Poland) in late 2011 and made recommendations regarding issues such as education and the legal framework for minority-language rights.

Of course it is impossible to do anything more than speculate as to whether HCNM involvement in Lithuania at an earlier stage might have helped to address issues related to the situation of national minorities which later resulted in domestic and international tensions. While the Lithuanian context is certainly different, some of the same challenges that the HCNM pointed to in the other Baltic states are relevant to the situation in Lithuania as well, for example the need for adequate consultation with minorities and for an appropriate balance between promotion of the state language and minority-language rights. One could also argue that the lack of an HCNM legacy in Lithuania, compared to the sometimes negative perception that clung to the HCNM in Estonia and Latvia, may have actually helped to facilitate HCNM engagement. In a bilateral meeting in July 2012, the Lithuanian and Polish prime ministers referred to the HCNM's involvement and its potential to help resolve problems.¹⁹

Conclusion

At a time when international organizations such as the OSCE must assess activities carefully to justify the use of increasingly limited resources, one

19 Cf. Chancellery of the Prime Minister of Poland press release, July 18, 2012.

might ask whether there is any good reason for the HCNM to remain engaged in the Baltic states. Certainly some domestic politicians might welcome a cessation of visits and recommendations. However, the HCNM continues to bring added value in the region as the only institution with both a specific mandate to address national-minority-related tensions and institutional knowledge about some of the remaining sources of interethnic tension and their evolution since the early 1990s. Issues related to national minorities in the Baltic States are unlikely to be subject to close scrutiny or forceful statements by other countries, with the exception of the Russian Federation; in such a context, the HCNM helps to give due credit to progress that has been made while keeping unresolved issues on the agenda and also complementing the work of organizations such as the Advisory Committee to the Framework Convention, ECRI, and the UNHCR. The HCNM has judged that continued involvement in the Baltic states is warranted; at the same time, building further on the HCNM legacy will not be easy and will depend on an array of domestic and international factors. These are some of the challenges that will face the HCNM institution as it enters its third decade.

The HCNM in Ukraine: Conflict Prevention in a Divided Society

Ukraine's post-Soviet transformation, which has taken place in a difficult foreign-policy environment and despite complex ethnopolitical divisions and tensions, has so far not been marred by violent conflict. This achievement of the country and its people is deserving of great respect. The OSCE High Commissioner on National Minorities (HCNM) has been active in Ukraine since 1994. His ongoing work has sought to support the largely peaceful management of ethnopolitical problems and conflicts and to help in avoiding the escalation of existing tensions.

On the whole, the political leadership in Ukraine, both central and regional, has tended to co-operate constructively with the HCNM while respecting the autonomy of this OSCE institution, even if there have been radically different points of view on numerous specific issues. The High Commissioner's written recommendations – the heart of his political work – have been taken note of by Kyiv, and have occasionally triggered wide-ranging political discussions. As is only to be expected, Ukrainian politicians and diplomats have at times attempted to instrumentalize the HCNM for their own foreign or domestic political goals and to interpret his recommendations in a partial or distorted way. Furthermore, there is occasionally a sense in Ukraine that the HCNM's engagement, and the presence of the OSCE in general, carry a stigma. This has, however, not restricted the High Commissioner's freedom of action.

While the HCNM has been continually active, Ukraine is a remarkable and rare case of a country where two conflict issues have been largely resolved over time to the extent that the High Commissioner could end his engagement with them. The first of these is the key political dispute of the 1990s on the status of the Crimean peninsula. A comprehensive analysis of the role of the first holder of the office, Max van der Stoep, undertaken as part of an international research project, concluded that the active engagement of the HCNM, which was expressed in, for instance, numerous visits, written recommendations, and the organization of confidential round tables, had a crucial impact on events in the conflict between Kyiv and Simferopol. The final regulation of the status of Crimea was largely based on the recommendations of the High Commissioner.¹ The second issue that was largely re-

Note: The views contained in this contribution are the author's own.

¹ Cf. Volodymyr Kulyk, *Revisiting a Success Story: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Ukraine, 1994-2001*, Centre for OSCE Research, Institute for Peace Research and Security Policy at the University of Hamburg, Working Paper 6, 2002, p. 69.

solved in the second half of the 1990s with the support of the HCNM was that of securing Ukrainian citizenship for Crimean Tatars returning to the peninsula. The close collaboration between the HCNM and the UN High Commissioner for Refugees (UNHCR), whose Ukrainian office continues to work on this issue, proved particularly fruitful.

In recent years, the High Commissioner has been actively involved in three areas, in particular: language policy and minority rights in Ukraine, interethnic relations in Crimea, and, to a limited extent, minority issues in Ukrainian-Romanian relations. These topics are dealt with in detail below. The HCNM has also monitored other ethnopolitical questions, such as the situation of the Hungarian minority, the Roma, and the Ruthenians, but has done little to actively intervene.

Language Policy and Minority Rights in Ukraine

In Ukraine there is no “classical” conflict between the Ukrainian majority and the Russian minority. Ukrainian society is highly heterogeneous, with overlapping ethnic, linguistic, cultural, regional, and political distinctions. Overall, the country is deeply divided, as was particularly evident in the Orange Revolution of 2004. National elections during the last decade have well documented this divide, which is unusual on account of the stable and clearly defined geographic split it reflects: Voters in the west and centre of the country regularly voted for one political camp; voters in the east and south supported the other; close results were almost unknown. It appears that the populations of the two halves of the country have different beliefs and values. Ethnicity and language play a role in this but are not by themselves decisive.

The divided nature of Ukraine can be schematized as follows:

- In the largely Ukrainian-speaking west and centre, ethnicity is highly significant. Ukraine is considered to be the national state of the ethnic Ukrainians. After the suppression of Ukrainian language and culture during Tsarist and Soviet times, the strengthening of the national language and achieving a cultural renaissance are seen as important goals for both the Ukrainian nation and the state. This goes hand in hand with the desire to reduce the dominance of Russian. Politically, Ukraine is viewed as a European state that should aim for closer ties with the EU and keep its distance from Russia.
- In contrast, the largely (but by no means exclusively) Russian-speaking east and south of Ukraine considers the country to be a multicultural state in which Ukrainians and Russians are twin constituent nations with fundamentally equal rights. There is an imperative to preserve the close historical links between the two cultures (“Slavic brotherhood”). While the Ukrainian language and Ukrainian culture should be strengthened,

this should by no means be to the detriment of Russian. Slavic brotherhood also makes demands on foreign policy, namely in maintaining close friendship with Russia.

This divide produces a fundamental tension in Ukrainian society and creates a considerable potential for conflict, not least in view of Ukraine's difficult relations with its giant neighbour. So far, however, it appears highly unlikely that Ukraine could break up, especially since the two competing mentalities apply to the country as a whole and not to the two halves, to which there are effectively no special bonds or loyalty.

For many years, a certain balance was maintained between the two camps. However, this left both sides dissatisfied: the one because there was little progress towards Ukrainization in public administration, the media, and the private sector, the other because they feared precisely such Ukrainization, following the partial reversal of the Russification that the education sector had been subject to in Soviet times. Under President Viktor Yushchenko, this balance was severely damaged by a number of measures and initiatives that aimed at broad Ukrainization and a loosening of bonds with Russia. These excessively anti-Russian policies probably played a decisive role in securing victory in the presidential election for Viktor Yanukovich, whose presidency has seen Ukraine take an equally excessive pro-Russian turn.

As High Commissioner, Max van der Stoep recognized the countrywide conflict potential in Ukraine, while concentrating his attention largely on the conflict over Crimea. On the language question, he issued a set of recommendations in 1994, and only returned to this topic towards the end of his term in office: After carrying out a survey, in collaboration with independent experts, of the rights of the Russian minority in Ukraine and the Ukrainian minority in Russia in the field of education in 2000, van der Stoep gave separate detailed recommendations to both the Ukrainian and the Russian governments on this question.

In recent years, the language question and legislation relating to minorities in Ukraine have become central to the HCNM's political work. As well as holding confidential discussions and writing letters, the current High Commissioner, Kurt Vollebæk, presented his general assessments and recommendations on these issues in a speech made in November 2008.² Here he made the case for the HCNM's usual approach of integration with respect for cultural and linguistic diversity. Specifically he stressed, on the one hand, the right of Ukraine to promote the long-suppressed Ukrainian language and culture in public life and to strengthen its role as an instrument for the inte-

2 See: Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, *Integration with Respect for Diversity: A Prerequisite for a Nation's Progress*, Opening Address by Kurt Vollebæk, OSCE High Commissioner on National Minorities, to the Conference on Ukrainian Ethnic Policy, organized by the State Committee on Nationalities and Religion, Kyiv, 5 November 2008, at: <http://www.osce.org/hcnm/34904>.

gration of the whole society, as well as the right – and the responsibility – of minorities to learn the official state language, thereby to facilitate their equal participation in social, political, and economic life. At the same time, the High Commissioner warned against using forceful means to squeeze out minority languages and issued a reminder of the need to protect the rights of minorities. The first part of this message was clearly directed primarily at the pro-Russian camp, which at times regards the compulsory teaching of Ukrainian as less a sensible integration mechanism than an injury to the rights of Russian speakers. The second message, by contrast, addressed above all Ukrainian nationalists who would like to ban or strictly limit the use of Russian in as many public spheres as possible.

The HCNM's engagement has concentrated on the adoption of a new law on languages (1), on the general legislative framework for minority protection (2), and on the area of education (3). He has also given recommendations on regulations concerning the use of languages in electronic media and in the judicial system (4).

1. During Yushchenko's presidency, various efforts were made to replace the obsolete law on languages of 1989 with a comprehensive amendment. Drafts were prepared both by members of the *Verkhovna Rada* (Ukrainian parliament) and the executive. However, a number of political actors and experts spoke out against any new legislation, which they believed would further politicize the sensitive language question. The High Commissioner advocated modernization of the languages law in principle, yet differences of opinion and unstable majorities made legislative progress impossible.

This changed with the election of Viktor Yanukovich: In September 2010, three parliamentarians introduced a comprehensive draft law on languages, which was believed to have a good chance of being adopted. The Chairman of the *Verkhovna Rada*, Volodymyr Lytvyn, a critic of the proposed law, officially requested the High Commissioner to prepare an opinion on it. The HCNM's comprehensive and, as always, confidential opinion, issued in December 2010, was rapidly leaked to the public.³ This led to a major public debate, as he described the draft law as lacking balance. He justified his opposition on the basis that the draft law would strengthen the role of Russian in far-reaching ways, effectively granting it a dominant position over both Ukrainian, which would remain the official language in name only, and other minority languages. According to the HCNM, this endangers the goal of integrating the whole society and the long-term stability of the country. Not long afterwards, a statement by the Venice Commission of the Council of Europe backed up this position by making very similar arguments.⁴ These

3 A Ukrainian translation is available on the website of the *Verkhovna Rada*, at: http://portal.rada.gov.ua/rada/control/uk/publish/article/news_left?art_id=235755&cat_id=37486.

4 Cf. European Commission for Democracy through Law (Venice Commission), *Opinion on the Draft Law on Languages in Ukraine*, Strasbourg, Opinion no. 605/2010, CDL-

statements were heavily criticized by the Party of Regions camp, yet two members of that party's group in parliament introduced a new draft of a "Law on the Principles of the State Language Policy" in August 2011, claiming that they had taken on board nearly all the comments of the High Commissioner and the Venice Commission. Nonetheless, the new draft, identical in large parts with the old one, was not approved by either international institution. As a consequence, the pro-Russian camp mobilized 120 "non-governmental" organizations, who, in an open letter of April 2012 – obviously written by the authors of the draft law itself – called for the dismissal of Knut Vollebæk from his office as High Commissioner.⁵ In the meantime, without consideration of the national and international criticism, the law was adopted by the *Verkhovna Rada* after its second reading in July 2012 and signed by the president on 8 August 2012. The High Commissioner had issued a press release on 26 July, in which he warned that the law was likely to increase the polarization of Ukrainian society and could undermine the integrity of the country.⁶

2. The High Commissioner's involvement in the area of minorities legislation took fewer dramatic turns. This is another case where Ukraine faces the need to overhaul an obsolete and multiply contradictory legislative framework and adapt it in line with international standards. The High Commissioner has issued several opinions on various drafts of a new minorities law and has called for the rapid adoption of new legislation as a matter of urgency. From the point of view of the HCNM, the law should create a framework for the totality of minority-related legislation, including provisions concerning the use of minority languages in public life. For that reason, the High Commissioner has recommended that laws on minority protection and minority languages be passed as near to simultaneously as possible and co-ordinated with each other. Nonetheless, almost no progress has been made in the last ten years, as neither of the main political camps considers minority law to be a priority. It appears that the politically loaded language question stands in the way of an objective discussion of minority rights and minority integration.

3. The high point of the Ukrainization efforts of President Yushchenko's governments coincided with the low point so far in bilateral Ukrainian-Russian relations. In these circumstances, the High Commissioner resolved to follow up the above-mentioned survey of Ukraine and Russia by re-examining the situation of the Russian minority in Ukraine and the

AD(2011)008, 30 March 2011, available at: <http://www.venice.coe.int/docs/2011/CDL-AD%282011%29008-e.pdf>.

5 The text of the letter is available in Russian and English at: <http://www.r-u.org.ua/akt/7058-news.html>.

6 Cf. Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, *OSCE High Commissioner on National Minorities urges dialogue and compromise on 'divisive' language law in Ukraine*, Kyiv, 26 July 2012, at: <http://www.osce.org/hcnm/92418>.

Ukrainian minority in Russia in the field of education. This was intended to clear the way for constructive and fact-based dialogue between the two states on this topic. As a result of the survey, which was again put together with the help of international experts and carried out in the spring of 2009, the HCNM presented separate detailed findings and numerous concrete recommendations to each government. The key areas it dealt with were language and intercultural teaching in curricula, external final examinations in language subjects, the choice of language of instruction, and information provision and consultation with minorities in the area of education. In principle, the recommendations were received positively by both governments and commented on in detail. Parts of the two 16-page reports were published on various websites in Russia and Ukraine, including intentional⁷ and unintentional errors. Vollebæk himself released a ten-minute video message with comments summarizing the survey.⁸

However, the discussion and dialogue on the two surveys that the High Commissioner had planned never took place, as the change of government following the presidential election in Ukraine in early 2010 fundamentally altered relations between Ukraine and Russia, and considerably reduced the potential for bilateral conflict over the minorities question. Nonetheless, most of the problems with the implementation of minority rights in the field of education in Russia and Ukraine that the HCNM detailed in his reports remain. The High Commissioner's 2009 recommendations have lost little of their relevance and urgency.

4. As in education, efforts promoting Ukrainization of the media sector under President Yushchenko also objectively and subjectively threatened minority language rights and increased the potential for conflict. These included the disproportionately strict language requirements imposed on private broadcasters, who were required to programme a majority of their output in Ukrainian, as well as the requirement that cinemas dub or subtitle all non-Ukrainian-language films. The High Commissioner watched these developments carefully and issued written recommendations to the Ukrainian leadership on several occasions. Here, too, the change of government led to fundamental changes in the corpus of laws, their application, and the political context.

Interethnic Relations in Crimea and the Integration of the Crimean Tatars

The political and social integration of the Crimean Tatars in Ukrainian society on the Crimean peninsula remains one of the greatest challenges facing

7 For instance, the Russian website Materik replaced the expression "Russian minority" with "Russian-speaking minority" throughout, see "Sekretnye materialy" ["The X-Files"], 21 December 1009, at: <http://www.materik.ru/rubric/detail.php?ID=8113>.

8 See Organization for Security and Co-operation in Europe, *Address by the High Commissioner on National Minorities*, at: <http://www.youtube.com/watch?v=HbCuYWjfgVA>.

the country. In view of the domestic and foreign policy context, this issue contains considerable potential for conflict and has thus rightly been one of the High Commissioner's priorities for almost two decades.

Since the late 1980s, some 260,000 Crimean Tatars, together with a smaller number of members of other formerly deported ethnic groups, have returned to Crimea. The region not only had to deal with the difficult economic transformation that followed the break-up of the Soviet Union, but was also far from ready for such a large and rapid wave of immigration. Conflicts over resources, jobs, and vested social and political rights were played out against a background of deeply rooted stereotypes about Crimean Tatars and prejudice cultivated over decades. Many inhabitants of the peninsula feel themselves to be the victims of discrimination and injustice. Crimean Tatars tend to be particularly disappointed at the lack of progress in resolving pressing problems such as the allocation of building land, the promotion of the Crimean Tatar language and culture, regulation of the legal status of formerly deported peoples, economic opportunities, and the representation of the Crimean Tatars in politics and public administration. Impatience and dissatisfaction are growing among the Crimean Tatar population. Extremism, including pan-Russian nationalism, and Islamic fundamentalism are fringe occurrences so far, but contain additional conflict potential.

The land issue is one of the most intractable problems, and a solution has been sought for years in vain. The lack of a legal framework, economic mismanagement, and corruption mean that the Crimean Tatars have suffered long-term disadvantages in terms of the allocation of land, which itself increases the trend towards illegal occupation. Although Ukraine has undertaken a political obligation to accept the Crimean Tatars and members of other formerly deported peoples, there has still been no legal ruling on the status and rights of formerly deported persons and their descendants. The Crimean Tatars have been particularly badly affected by the arbitrariness and nepotism that are widespread among local and regional authorities.

However, the rest of the population of the region have a very different view of the Crimean Tatars, seeing them as a group that receives unjustifiably preferential treatment from the Ukrainian government. Organized pro-Russian forces such as the Russian Community, "Cossacks", and others increase the tension and cultivate anti-Muslim sentiment in an effort to sustain the cultural, political, and economic dominance of ethnic Russians in the region. Radical pro-Russian organizations often receive financial, political, and media support from the motherland. Finally, the refusal of many Russians to integrate into Ukrainian society and their latent separatist tendencies contribute to Crimea's dangerous "cocktail of problems". Separatist aspirations grew during Viktor Yushchenko's presidency in particular, but do not currently pose an acute threat.

Relations between the political leadership of the Crimean Tatars, whose key formal manifestation is the *Mejlis*, an elected permanent governing body

of the Crimean Tatar People, and regional powers are prone to fluctuation and hence often fraught with tension. The Crimean Tatars are a largely independent power bloc that cannot easily be controlled by the ruling factions and oligarchs. Their relatively tight-knit nature and organizational discipline are a political resource that the *Mejlis*'s leadership frequently deploys with skill.

The High Commissioner has visited Crimea regularly in recent years. He has discussed the full range of pressing unanswered questions relating to interethnic integration both there and in Kyiv. It may be assumed that the mere presence of the HCNM and his intensive monitoring of developments have a certain moderating effect on the conflict parties in the region and deter them from taking certain radical measures. The High Commissioner is convinced that the conflicts and other problems can only be resolved if the governments take a strategic approach, whose key pillars would be protecting the minority rights of all groups in Crimea, supporting the formerly deported peoples who have returned to their historical homeland, and integrating the peninsula into Ukrainian society. As well as holding numerous confidential discussions, the High Commissioner has also made several assessments and recommendations in public lectures and interviews,⁹ which have generally been widely reported in the Crimean media.

The High Commissioner has paid a great deal of attention to the issue of language teaching and language use in the field of education. The above-mentioned 2000-2001 survey included a detailed analysis and recommendations for action for the Crimean government on the role of the Ukrainian and Russian languages at all levels of education. With the help of independent experts, the High Commissioner also undertook a detailed examination of the situation and problems in the development of Crimean Tatar language teaching and discussed various aspects with those responsible. Further key areas of the High Commissioner's work were questions concerning the construction of a Grand Mosque in Simferopol, the political representation of the Crimean Tatars in public administration and elected offices, and the land question. In November 2008, the HCNM organized a conference in Simferopol dedicated to the challenges of policing the multiethnic Crimea. The High Commissioner used this opportunity to present his "Recommendations on Policing in Multi-Ethnic Societies".

The HCNM believes that there is an urgent need for the adoption of a legal framework for the formerly deported peoples, whose definition, status, and rights require immediate clarification. An act to officially recognize the injustice they have suffered, their rehabilitation, and to grant symbolic and – where practical and reasonable – material reparations is also urgently re-

9 See, for instance, the following speech: Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, *The Power of Partnership: Police and Minorities in Crimea*, Opening Address by Knut Vollebæk, OSCE High Commissioner on National Minorities to the conference "Modernizing Police and Promoting Integration: Challenges for Multi-Ethnic Societies", Simferopol, Ukraine, 6 November 2008, at: <http://www.osce.org/hcnm/34901>.

quired. During the more than twenty-year history of the return of formerly deported peoples to Crimea, there have already been several unsuccessful attempts to introduce legislation on “restoring the rights of formerly deported persons”. In 2004, after a difficult process of compromise, the *Verkhovna Rada* succeeded in passing a law – introduced by the *Mejlis* – to this effect on the second reading, but President Leonid Kuchma blocked it with his veto. Perhaps this was an attempt by the president to avenge himself on the leaders of the *Mejlis*, who had already signalled their support for Yushchenko at the start of the campaign for the 2004 presidential election.

In 2008, the Ukrainian government presented a new draft law seeking to resolve these matters. However, not only did it strongly water down the original intentions, it was also likely, in the HCNM’s view, to endanger what had been achieved so far and to increase tensions in Crimea. Against this background, the HCNM convened a confidential round-table discussion in Kyiv in July 2009, with the participation of representatives of the government, the presidential secretariat, the *Verkhovna Rada*, the Crimean Tatars, and a number of independent experts. The EU Delegation, the Council of Europe, and the United Nations High Commissioner for Refugees (UNHCR) were also represented, not least for their ability to explicate existing international standards in the areas of minority protection, rehabilitation, and restitution/compensation. Building on the results of this round table, the High Commissioner presented the Ukrainian government with detailed recommendations on the key principles and detailed content of legislation to restore the rights of formerly deported persons and their descendants. Shortly thereafter, the government withdrew its draft law, thus clearing the way for a legislative fresh start. In early 2010, Mustafa Jemilev, a member of the *Verkhovna Rada* and Chairman of the *Mejlis*, submitted a new draft law, which was more closely modelled on the bill that had already been adopted in 2004 and on the HCNM’s recommendations, and which the High Commissioner supported in principle. A key partial success was achieved on 20 June 2012, when the *Verkhovna Rada* adopted a revised version of this bill after a single reading.

The HCNM’s engagement in Crimea does not only consist of his political work, but also encompasses concrete projects. For several years, he has supported a highly successful project that focuses on training members of local and regional administrations, elected officials at all levels, and representatives of NGOs, religious communities, and cultural organizations to master the challenges of interethnic coexistence. Particular attention has been paid to enabling intercultural awareness and tolerance in the participants’ specific areas of activity. One series of modules within the project focused on the special situation of the police and interior ministry officials, thus, in a way, applying the HCNM’s recommendations on policing to concrete situations. The overall goal of the project is to “immunize” key actors in society against the perennial tendencies towards intolerance, radicalization, and extremism.

Another project that the High Commissioner has supported for many years is a course developed by local experts from various disciplines on the “Culture of Good Neighbourhood”, which aims to encourage tolerance and interethnic understanding among the younger generation. Here, too, a key consideration is to counter xenophobia and intolerance and, in this way, to make a lasting contribution to conflict prevention. Within the scope of this project, teaching materials were developed for all stages of primary and secondary school, preschool, and university. The course is offered as an optional subject at numerous schools in Crimea and has been enthusiastically taken up. The projects’ instigators received the Max van der Stoep Award in 2009.

Minority Issues in Romanian-Ukrainian Relations

In 2006, the governments of Romania and Ukraine agreed to carry out joint monitoring of the Ukrainian minority in Romania and the Romanian minority in Ukraine. The HCNM and the Council of Europe – in the form of the Secretariat of the Framework Convention for the Protection of National Minorities – were invited to participate in this monitoring project as observers. The background to this initiative were increasing tensions in bilateral relations and, in particular, allegations by Romania that Ukraine had violated the rights of its Romanian minority.¹⁰ The intention was to send joint missions of experts for one week each to three areas in each country, where they would visit centres of administration, key facilities such as schools and universities, and villages with a high concentration of minorities. The plan was for the delegations to interview representatives of both the authorities and minority communities, as well as independent experts. Both sides were to have a say in selecting which villages to visit. The monitoring missions were also to complete a comprehensive questionnaire drawn up by a bilateral government commission. This questionnaire was to enable the qualitative and quantitative evaluation of the satisfaction of the rights of the respective minorities in each country. It was based on the catalogue of rights of the Council of Europe’s Framework Convention.

The High Commissioner praised the agreement to carry out joint monitoring on several occasions as a good example of bilateral co-operation, encouraging both sides to carry out the project constructively. Two advisors from the HCNM and one representative of the Council of Europe participated in each mission. It rapidly became clear, however, that the two sides would not only act on the basis of good intentions, but would use the monitoring to pursue their own interests and impose their respective points of view. During

10 Tadeusz Iwański is one of the few scholars to study this conflict, cf. Tadeusz Iwański, *Ukraine – Romania: a sustained deadlock*, OSW Commentary No. 68, 30 December 2011, at: <http://www.osw.waw.pl/en/publikacje/osw-commentary/2011-12-30/ukraine-romania-a-sustained-deadlock>.

the first two monitoring missions to Chernivtsi (Ukraine) and Suceava and Botoșani (Romania) in the autumn of 2006, the co-operation between the two sides was still largely constructive. Yet already in the next set of missions, to Maramureș (Romania) and Transcarpathia (Ukraine) in 2007, the atmosphere deteriorated noticeably. Finally, in the autumn of 2008, the joint mission to Ukraine's Odessa Oblast was abandoned before it could be completed, when the Romanian delegation left the country; the planned final monitoring mission to the Romanian district of Tulcea did not take place.

One factor that is damaging to the dialogue is the view, pervasive in Ukraine, that Romania should grant its Ukrainian minority the same rights and opportunities enjoyed by the Romanian minority in Ukraine. Holders of this view cite the large number of Romanian-language schools in Ukraine compared to the general lack of equivalent establishments in Romania. This "quid pro quo" perspective ignores the principle of minority protection, according to which every state is obliged to protect minorities present on its territory and to ensure that their circumstances are adequate – regardless of the situation in neighbouring countries. In reality, the historical and ethno-demographic context of Ukrainians in Romania – low absolute and relative population levels, marginalization and assimilation during the socialist dictatorship – is not comparable with the situation in Ukraine, where a large, self-confident, and well-organized Romanian minority enjoys extensive opportunities for linguistic and cultural development.

However, the central minority-related problem in Ukrainian-Romanian bilateral relations is Romania's categorical refusal to recognize the existence of a separate Moldovan ethnic group or identity. In Bucharest's view, Moldovans are part of the Romanian nation. Romania believes that it has the responsibility to protect the human and minority rights of this community, and accuses Ukraine of continuing the Soviet policy of manufacturing a Moldovan nation. This position evidently reflects the desire for a unified Greater Romanian nation. The logic of this view rests upon the possibility that official recognition by Bucharest of a Moldovan nation independent of the Romanian nation could be misconstrued as "de-romanianizing" the population of the historical region of Romanian Moldavia, which is located within eastern Romania. Irrespective of this, this position clearly contradicts both the basic principles of minority rights and the self-identity of significant numbers of people, particularly in Odessa Oblast, where only 700 Romanians lived according to the 2001 Ukrainian census, but nearly 124,000 Moldovans. Abandoning the monitoring mission to Odessa Oblast was the only way for Bucharest to ensure that the local population were not granted quasi-official recognition of their separate Moldovan identity by the international observers. In August 2010, the Romanian government also declared that the work of the bilateral government commission for minority questions had failed.

Ukraine, by contrast, accepts the existence of a separate Moldovan minority, which, while it might have linguistic and cultural links to the Roma-

nian people, resists being appropriated as Romanian. This position is largely approved of by experts from the Council of Europe and is consistent with the principles of minority rights. One problem in this regard is that most Romanians consider the entire Romanian- and Moldovan-speaking population to comprise the reference group for their own ethnic identity. Indirectly, the recognition of these Romanians as a national minority also strengthens the claims of those who wish to see the creation of a Greater Romanian nation. Because Ukraine recognizes both groups as separate minorities, Ukrainian nationalities policy almost inevitably strengthens the differences between the two groups and leads to a de facto de-romanianization of the Moldovans: At schools in Moldovan villages, Kiev funds the teaching of Moldovan instead of Romanian, while Moldovan history and culture are interpreted in line with Soviet-era anti-Romanian stereotypes.

The HCNM has dealt intensively with the complex question of Moldovan identity, and his work in this regard has benefited from his experiences during his engagement in the Republic of Moldova. Neither Kyiv's nor Bucharest's positions do justice to the complex reality of this sensitive question. Neither census data, nor the activities of the various minority organizations, nor historical arguments can provide sufficient evidence to prove or disprove the existence of an independent Moldovan nation. It appears that the widespread self-identification as Moldovans cannot always be interpreted as implying a commitment to an independent ethnic Moldovan nation, but can also be seen as a matter of regional-cultural identity that is not incompatible with a sense of allegiance to the Romanian culture and nation, and the two often go hand in hand among young people and the educated.

Despite the tension in relations between the two states, there have fortunately been no serious conflicts at the level of the population in either Romania or Ukraine. Nevertheless, the freeze in bilateral diplomatic cooperation may have negative consequences for the minorities. For instance, the Romanians in Transcarpathia are increasingly hostage to this dispute: Issues such as the mutual recognition of qualifications, the opening of a Romanian consulate, and the establishment of local border traffic remain unresolved because of the dispute between the states.

Against this background, the High Commissioner has called on both sides several times to resume the dialogue over these difficult questions and to revive the monitoring initiative. He promised to lend his support and discussed various settlement options. Nonetheless, the stalemate continues.

The HCNM in Ukraine: No End in Sight

Although the High Commissioner has – within the scope of his powers – dedicated considerable resources to his engagement in Ukraine, his efforts have had only limited success. The ethno-demographic legacy is too difficult,

the political culture too polarized, and the foreign-policy environment too filled with tension for the underlying ethnopolitical problems of the country to be solved in a few years. In addition, the growing authoritarianism that can be observed in Ukraine under President Yanukovych makes the search for balanced solutions and social consensus increasingly difficult. It is unlikely that there will be progress on the integration of the society as a whole and overcoming its divisions for the foreseeable future. On the contrary, the particularly tricky language question is threatening to escalate further. The intensive engagement of the HCNM is more necessary than ever.

In Ukraine, as in every country, the High Commissioner bases his work on international minority-rights standards. However, the population structure of Ukraine is considerably more complex than can be captured by the concept of minority rights, which tends to be rather schematic and focus on clearly identifiable minority groups. Does Ukraine even have a “Russian minority”, or a (much larger) minority of “Russian-speakers”? Can Russian-speaking Ukrainians, Bulgarians, or Gagauz claim a minority right to native-language school instruction in Russian? Should Moldovans and Romanians be treated as two different national minorities in Ukraine? The statements by the Council of Europe on these questions tend to be rather evasive.¹¹ The High Commissioner needs to make full use of all his political expertise to develop original conflict-prevention approaches for Ukraine’s divided society. Above all, patience and an unflagging appeal to reasonableness, good will, and the willingness to compromise are the most promising instruments for long-term conflict prevention.

¹¹ See, for instance, the *Second Opinion on Ukraine* by the Advisory Committee on the Framework Convention for the Protection of National Minorities of 2008, at: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_Ukraine_en.pdf, Section 42.

The Activities of the OSCE High Commissioner on National Minorities in Central Asia (1994-2001)

Background: Ethnic Issues in the Period Prior to the Involvement of the HCNM

Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan emerged as independent states in Central Asia after the dissolution of the Soviet Union in 1991. The following year they also became participating States of the Organization for Security and Co-operation in Europe (OSCE). The collapse of the Soviet Union left them with a host of challenges, some of which concerned relations between ethnicities. They are diverse societies with a significant share of ethnic minorities, which, to a great extent, is the result of Russian colonial and Soviet nationalities policies.

During the 1920s, Soviet nationalities policy underpinned the creation of administrative borders between the Central Asian republics. At the core of this policy was the designation of republics for the largest, so-called “titular”, ethnic groups. At the same time, these republics were crafted to encompass large minorities from neighbouring states. This was partly a precautionary measure put in place by Moscow to counter the risk of separatism (effectively using the old Roman principle of *divide et impera*), partly it satisfied the demands of a highly centralized economy, and, in some cases, it was a product of trade-offs with local elites.¹ Consequently, many ethnic groups in the region are “kin minorities” whose “kin state” usually borders the state where they reside.²

The diversity of the region was also due to Tsarist colonization policies, which had triggered mass migration from the European part of the Russian Empire. This trend continued under Soviet rule into the 1960s.³ The deport-

Note: The views expressed in this article are the author’s own and are not necessarily shared by the HCNM or the OSCE.

- 1 Cf. *Central Asia: Border Disputes and Conflict Potential*. ICG Asia Report No 33, 4 April 2002, p. i, available at: <http://www.crisisgroup.org/~media/Files/asia/central-asia/Central%20Asia%20Border%20Disputes%20and%20Conflict%20Potential.pdf>.
- 2 The Uzbeks, the most numerous ethnic group in Central Asia, illustrate this point. Uzbekistan has borders with all the other four countries of Central Asia, each of which has a significant Uzbek population, predominantly in the areas bordering Uzbekistan. There are 493,721 Uzbeks in Kazakhstan (official estimate, 2012), 796,300 in Kyrgyzstan (official estimate, 2012); no recent official data for Tajikistan and Turkmenistan is available, but CIA data for 2012 projects that Uzbeks make up 15.3 per cent and five per cent, respectively, in each country. See: <https://www.cia.gov/library/publications/the-world-factbook/geos/tx.html>, <https://www.cia.gov/library/publications/the-world-factbook/geos/ti.html>.
- 3 For an overview, see Sebastien Peyrouse, *The Russian Minority in Central Asia: Migration, Politics, and Language*. Kennan Institute Occasional Paper 297, 2008, available at:

ation of entire ethnic groups as practised under Stalin in the late 1930s and 1940s added another element to a complex ethnic mosaic of the region.⁴ As long as opposition to Soviet nationalities policy remained virtually unimaginable in totalitarian Soviet society, issues of ethnicity were rarely a source of open conflict.

The slackening of Moscow's grip at the end of the 1970s and in the 1980s led local elites to indulge, with almost total impunity, in corrupt activities on a scale unknown in the Soviet Union. Failures of economic and social policy created an illegal economy, triggered environmental degradation, and generated growing social divisions and competition for scarce economic resources between various ethnic groups, especially in the Ferghana Valley.

The inability of the Soviet apparatus to deal with rapidly growing unemployment and other social problems within the population was compounded by rapidly rising birth rates among all major ethnic groups except the Slavic population. All these factors strained the fabric of inter-ethnic relations and contributed to growing, but as yet unexpressed, ethnic tensions.

Everything changed when Soviet rule gradually began to crumble. Serious signs of resentment against Soviet nationalities policy emerged during the *Jeltoqsan* ("December") events in Almaty in 1986. A decision by the Politburo to dismiss the long-serving First Secretary of the Communist Party of Kazakhstan, an ethnic Kazakh, and replace him with an ethnic Russian from outside Kazakhstan triggered large-scale protests by Kazakh youth. Demonstrations were violently suppressed by the Soviet Army. In 1989, inter-ethnic riots took place in the city of Novyi Uzen (known as Zhanaozen since 1992), in western Kazakhstan, where Kazakh youth clashed with youth from the Caucasus.

In 1989 and 1990, the region witnessed two bloody conflicts in the Ferghana Valley, which is shared by Kyrgyzstan, Uzbekistan, and Tajikistan. One took place in June 1989 in the Uzbek SSR, where ethnic Uzbeks engaged in a series of pogroms against Meskhetians residing in Ferghana Oblast, leading to their subsequent organized resettlement to other parts of the Soviet Union. The second conflict took place in June 1990, when the cities of Uzgen and Osh (Kyrgyz SSR) sank into deadly inter-communal violence, involving the Kyrgyz and the Uzbek population of the Osh region.⁵

As in the case of the *Jeltoqsan* events, all the conflicts that raged across Soviet Central Asia in the late 1980s and early 1990s were suppressed, often

http://mercury.ethz.ch/serviceengine/Files/ISN/55099/ipublicationdocument_singledocument/d0ca2186-e30b-4399-a282-da59b1018ed3/en/OP297.pdf.

4 For an overview, see Nikolai Bougai, *The Deportation of Peoples in the Soviet Union*, New York 1996.

5 Lesser-known ethnic pogroms also took place in other Soviet republics of Central Asia: In May 1989 in Ashgabat in the Turkmen SSR (mostly against Armenians) and in February 1990 in Dushanbe in the Tajik SSR (mostly targeting Armenians, but also other non-Tajik residents of Dushanbe).

violently, by the Soviet army and special units from across the Soviet Union. Apart from the indiscriminate use of force, the Soviet Union in its death throes could offer nothing else to the ethnic communities of Central Asia: The structural roots of the conflicts remained unaddressed. Minorities had started to feel insecure and unwelcome in the region, and “titular” ethnic groups were being pushed towards the adoption of a more nationalistic rhetoric, although calls for full independence were still rare, and the dissolution of the USSR took Central Asia largely by surprise.

The disintegration of the USSR in 1991 led to even further drastic deterioration of the economic situation, resulting in almost total disruption of the economy. The new governments looked feeble. Unsure about their future in the new states of Central Asia, and fearful of ethnic conflicts, minorities started to leave Central Asia for their historic motherlands (Russians, Germans, Chechens) or to move to their kin-states in Central Asia (mostly ethnic Kazakhs).⁶ Indeed, the conflicts that had taken place before the break-up of the Soviet Union were a sinister reminder that the building of new states in the region might not be an easy task. Some analysts had even predicted the immediate and bloody disintegration of the countries of Central Asia.⁷ Many deep-seated controversies, mutual suspicions, and grievances had the potential to rapidly throw the region into the pandemonium of all-out ethnic conflict. The civil war that broke out in Tajikistan in 1992 and continued until 1997 seemed to confirm these fears, although this conflict was not based on ethnicity as such. Furthermore, the Soviet administrative borders between the newly independent states were not automatically recognized. The process of border delimitation and demarcation was seen as an almost insurmountable task.⁸

Involvement of the High Commissioner on National Minorities

The post of OSCE High Commissioner on National Minorities (HCNM) was established in 1992 with a mandate to identify and seek early resolution of ethnic tensions that might endanger peace, stability, or friendly relations between OSCE participating States. Max van der Stoep, former minister of for-

6 However, for a number of complex reasons, these out-migration flows did not include indigenous, “rooted minorities” of Central Asia, such as Uzbeks and Uighurs.

7 See, for example, a brief review of such forecasts in: Rafis Abazov, *Practice of Foreign Policy Making: Formation of Post-Soviet Politics of Kazakhstan, Kyrgyzstan, and Uzbekistan*, 1998, p. 23, available at: <http://www.nato.int/acad/fellow/96-98/abasov.pdf>.

8 The process has still not been finalized. The only country in the region to complete the land border delimitation process is the Republic of Kazakhstan. Cf. Alima M. Auanasova/Arman M. Suleimenov, *Iz istorii delimitatsii gosudarstvennykh granits Respubliki Kazakhstan* [From the History of the Delimitation of the State Borders of the Republic of Kazakhstan], in: *Evrasijskij yuridicheskij zhurnal* [Eurasian Law Journal] 4/2010, available at: http://www.eurasialaw.ru/index.php?option=com_content&view=article&id=652%3A2010-06-03-09-21-06&catid=99%3A2010-06-02-08-56-30&Itemid=124.

eign affairs of the Netherlands and a well-known champion of democracy and human rights, was appointed by the participating States to be the first High Commissioner on National Minorities.

The HCNM started to work in the region soon after the institution was established and long before OSCE missions were established in all five countries of the region.⁹ The HCNM was thus at the forefront of OSCE engagement in the region. As early as 1994, the HCNM identified Central Asia as one of the geographic areas where he reckoned preventive diplomacy and timely policy advice could play a significant role in calming tensions and avoiding ethnic conflicts in the future. As mentioned earlier, the countries of Central Asia became participating States in 1991, which opened the way for a series of initial missions to the region by the HCNM in the mid-1990s, which were followed up by regular visits and other activities.

The following issues were recurrent topics in the HCNM's discussion with authorities in the region during that period: the establishment of dialogue between minorities and majorities; language policies; minority rights, particularly representation; citizenship issues; and the specific situation of particular minority groups. The HCNM was preoccupied with two broad priorities: first, monitoring, early warning, and prevention of ethnic conflicts that might have resulted from the collapse of the Soviet Union;¹⁰ and second, offering advice to inform new policies being formulated in this context that could impact on minorities.

Building Mechanisms for Dialogue and Consultation on Minority Issues

One of the first challenges that the HCNM identified during his initial visits to the newly independent countries of Central Asia was that all of them lacked structural mechanisms and experience for open and constructive dialogue between minorities and majorities. In the opinion of Max van der Stoep, "disputes involving minorities frequently arise because of insufficient mechanisms for dialogue at the national level" and "the important thing is

9 The OSCE established its first field presence in the region in 1994, when the OSCE Long-Term Mission to Tajikistan was opened. In 1995, the OSCE opened the Central Asian Liaison Office (CALO) in Tashkent (Uzbekistan). OSCE Centres were created in Astana (Kazakhstan), Ashgabat (Turkmenistan), and Bishkek (Kyrgyzstan) in 1998. Cf. Victor-Yves Ghebali, OSCE Regional Policy in Central Asia: Rationale and Limits, in: Farian Sabahi/Daniel Warner, *The OSCE and the Multiple Challenges of Transition. The Caucasus and Central Asia*, Aldershot 2004, pp. 4-5.

10 As well as citizenship and efforts to deal with the specific situation of particular minorities, this heading also covered the delimitation and demarcation of borders. The HCNM also closely followed the rise of Islamic fundamentalism and radical religious extremism in the region in the second half of the 1990s, especially in the Ferghana Valley. Max van der Stoep was of the opinion that the ideological void that had emerged after the collapse of the USSR might quickly be supplanted not only by excessive nationalism, but also by Islamic fundamentalism and radical religious extremism, further increasing tensions in the region. For an overview of the situation in Central Asia, see: Walter A. Kemp (ed.), *Quiet Diplomacy in Action – The OSCE High Commissioner on National Minorities*, The Hague 2001, pp. 273-285.

that the representatives of minorities get the possibility to present their views to the authorities, which can help the authorities to understand minorities' concerns and take these into account when developing policies".¹¹

Identification of this important area led the HCNM to focus on facilitating the creation of such mechanisms or improving the function of existing structures in the sphere of promoting inter-ethnic dialogue. This aspect of his involvement can be illustrated by the active role the HCNM played in promoting the idea of consultative bodies on minority issues in Kyrgyzstan and Kazakhstan.

For example, during his early visits to Kyrgyzstan in 1995, the HCNM developed an interest in the work of the Assembly of the People of Kyrgyzstan, a non-governmental association of 26 national cultural centres that was created at the First Kurultai of the People of Kyrgyzstan¹² in January 1994.

In August 1995, the HCNM presented a number of his recommendations with a view to restructuring the Assembly and entrusting it with broad advisory competencies, including in the legislative sphere, as he felt that the Assembly "has not yet reached its full potential".¹³ The HCNM also advised that implementing these reforms would require the creation of a suitable normative and institutional framework for the Assembly. On the whole, the government was positive about the HCNM's recommendations and drafted a number of proposals changing the Assembly's structure.¹⁴

The HCNM's main recommendation was to create within the Assembly a compact Executive Council composed of representatives of the various national cultural centres and representatives of ministries whose competences affected the interests of the various minorities in Kyrgyzstan. The Council was to meet at least once a month; it should also have incorporated commissions to deal with specific subjects. The HCNM further recommended that one of the departments of the office of the President should be assigned to

11 Max van der Stoep, *Preventing Ethnic Conflict and Building Cohesive States. Memorable Words of Max van der Stoep, First OSCE High Commissioner on National Minorities from His Speeches 1992-2001*. Compiled and edited by Marianna Merrick Yamamoto, Carmichael, Ca., 2007, p. 8. See also Victor-Yves Ghebali, The High Commissioner on National Minorities after 15 Years: Achievements, Challenges and Promises, in: *Security and Human Rights* 2/2009, pp. 111-122. Ghebali argues that a "first step towards the diffusion of ethnic tensions should normally be the establishment of an institutionalized structure of communication between the parties [...] conducive to a regular dialogue and confidence-building". Ibid., p. 115.

12 The Kurultai is a body specially convened by presidential decree and purported to represent the people of Kyrgyzstan. The Kurultai used to be a historic form of representation among the Kyrgyz.

13 Letter of Max van der Stoep, OSCE High Commissioner on National Minorities, to H.E. Roza Otunbaeva, Minister for Foreign Affairs of the Republic of Kyrgyzstan, of 7 August 1995, Ref. No. 897/95/L, HCNM Archive.

14 Cf. Letter of Kubanychbek Zhumaliev, First Deputy State Secretary of the Kyrgyz Republic, to Max van der Stoep, OSCE High Commissioner on National Minorities, of 3 October 1995, Ref. No. 16-640, HCNM Archive. See also: Foundation on Inter-Ethnic Relations, *The Role of the High Commissioner on National Minorities in OSCE Conflict Prevention. An Introduction*, The Hague, June 1997, p. 65.

concentrate exclusively on questions related to minorities and support the work of the Executive Council.¹⁵

In a letter of 10 March 1996, the authorities of the Republic of Kyrgyzstan informed the HCNM that his recommendations had been taken into consideration during the reorganization of the Assembly that had been put before and approved by the Second Kurultai of the People of Kyrgyzstan.¹⁶ In 1997, the Council of the Assembly was given a consultative and advisory function under the President of the Kyrgyz Republic.¹⁷

The Assembly of the Peoples (now known as the Assembly of the People) of Kazakhstan was set up in Kazakhstan in March 1995. The idea of such a body had been put forward by President Nursultan Nazarbayev as early as 1992 in his speech at the First Forum of the Peoples of Kazakhstan.¹⁸ The HCNM, during his second visit to the country in 1995, paid close attention to the workings of the newly established Assembly, which had also acquired a consultative and advisory status under the President. The HCNM's concern was how to transform it into an effective mechanism for regular consultations between authorities and minority representatives.¹⁹

During visits to other countries in the region, the HCNM also proposed the setting up of similar consultative bodies. In Uzbekistan, the HCNM familiarized himself with the work of the Republican Inter-Ethnic Cultural Centre. In Tajikistan, he kept a close eye on the Public Council, which met regularly under the aegis of the Tajik President and included representatives of minorities.

Overall, the assemblies and similar bodies in Central Asia played an important role in the 1990s as established venues for communication between authorities and minorities. They contributed to the creation of an environment of confidence building on minority issues as well as to the overcoming of existing tensions by giving minorities access to decision makers at the very highest level. The interest of the authorities was also genuine, since in times of complex transformation they wanted to keep channels of communication open with minorities. The discussions at events organized by the assemblies and similar bodies were vibrant and open. They touched upon the protection of minority rights, language policy, the representation of minorities in public bodies, development of national human rights institutions, religious extremism, and broader issues of democratization and rule of law. In the period

15 Cf. Letter of Max van der Stoep to Roza Otunbaeva, cited above (Note 13).

16 Cf. Letter of Emilbek Kaptagaev, Adviser to the Prime Minister of the Kyrgyz Republic, to Max van der Stoep, OSCE High Commissioner on National Minorities, HCNM Archive.

17 See *Ukaz Prezidenta Kyrgyzskoi Respubliki "O statuse soveta Assamblei naroda Kyrgyzstana" ot 14 yanvarya 1997, No 13* [Decree of the President of the Kyrgyz Republic "On the status of the Council of the Assembly of the People of Kyrgyzstan" of 14 January 1997, No 13], HCNM Archive.

18 Cf. *Assambleya naroda Kazakhstana* [The Assembly of the People of Kazakhstan], at: http://akorda.kz/ru/page/page_assambleya-naroda-kazakhstana_1352453861.

19 Cf. Foundation on Inter-Ethnic Relations, cited above (Note 14), p. 63.

under review, the HCNM worked actively with such dialogue mechanisms to demonstrate how they could be enhanced and used in practice to mitigate tensions and prevent conflict. He also made recommendations on how they could be anchored in a more comprehensive normative and institutional framework that would allow them to develop into genuine mechanisms for consultations between governments and minorities.

Balanced Language Policy

From 1989 to 1992, all the countries of Central Asia made the languages of their “titular” ethnic groups their new state languages, downgrading Russian to the role of a language of inter-ethnic communication. During his early visits to Central Asia, the HCNM recommended that the governments of the region should take a flexible and gradual approach to the introduction of state languages. In some countries in the region, the HCNM supported the idea that Russian should continue to be used in the public sphere, particularly to allow representatives of minorities to use it in communication with state bodies providing various services, including in the court system.²⁰ He contended that such an approach, coupled with gradual introduction of the state language, would ease tensions between majorities and minorities²¹ while stabilizing the region’s massive out-migration flows.²² On the whole, the new governments in these countries reacted positively to this recommendation. The HCNM also paid attention to the use of other minority languages in Central Asia, especially in view of “The Oslo Recommendations regarding the Linguistic Rights of National Minorities” that were developed under his auspices during his tenure as HCNM (1 February 1998). In sum, for various reasons, the majority of Central Asian countries, the exception being Turkmenistan, adopted new language policies that were – at least in theory – more nuanced than those of other post-Soviet countries and which remained in place until the end of the last decade.²³

20 Although the status of the Russian language was indeed changed in Kazakhstan (1995) and Kyrgyzstan (2001) from a language of inter-ethnic communication to a language that can be also used in official communications on a par with the state language, it would be simplistic to imagine that the HCNM was solely responsible for this change. It was rather a complex combination of political and other factors that led to the change of the status of the Russian language in both republics at the start of the last decade.

21 Cf. Letter of Max van der Stoep, OSCE High Commissioner on National Minorities, to H.E. Kanat B. Saudabayev, Minister for Foreign Affairs of the Republic of Kazakhstan, of 29 April 1994, Ref. No. 2357/94/L, HCNM Archive.

22 Max van der Stoep was also of the opinion that creating links between ethnic groups in the field of education could counteract emigration from the region following the break-up of the Soviet Union. This was the rationale behind the HCNM’s visit to the Kyrgyz-Russian (Slavic) University in Bishkek, which was opened in 1993 under the patronage of the governments of Kyrgyzstan and Russia. Cf. Foundation on Inter-Ethnic Relations, cited above (Note 14), p. 65.

23 For an overview, see Birgit N. Schlyter, Language Policies in Present-Day Central Asia, in: *International Journal on Multicultural Societies*, 2/2001, pp. 127-136.

Throughout the second half of the 1990s and into the 2000s, the HCNM organized a wide range of seminars and conferences in Central Asia on various aspects of minority rights and social integration. The discussions were also aimed at highlighting three thematic recommendations – relating to education, linguistic rights, and the effective participation of minorities in public life – that were developed by the HCNM in the second half of the 1990s.²⁴ The HCNM also paid significant attention to the representation of minorities in public administration and the development of national human rights mechanisms in the region, including capacity building efforts, with the aim of addressing issues of ethnic discrimination. For instance, in one of his letters from that period, the HCNM wrote:

The question of job distribution amongst ethnic groups in public administration is usually a highly sensitive one in a multi-ethnic society. In order to end such complaints one could, at least in theory, think of a system of quota in strict proportion to the percentage of the total population of each ethnic group. However, the creation of such a system would imply that ethnicity might prevail over ability, which should in my view remain, at any rate in principle, the primary criterion in the process of selection of candidates. On the other hand, it is clearly undesirable that in state administration, or in the regional or local level of the administration, one ethnic group would be represented much more strongly, or much less so, than the percentage of the population would suggest.²⁵

In this particular case, the HCNM suggested studying this issue with representatives of various minorities and taking appropriate action, if serious imbalances were found to occur. He also urged that a special board to deal with complaints in this field should be established, in addition to existing human rights institutions. The task of such a board, comprising members of different ethnic groups, would be to deal with job discrimination and discrimination concerning access to higher education.

24 The Hague Recommendations Regarding the Education Rights of National Minorities, 1 October 1996; The Oslo Recommendations regarding the Linguistic Rights of National Minorities, 1 February 1998; The Lund Recommendations on the Effective Participation of National Minorities in Public Life, 1 September 1999. Available at: <http://www.osce.org/hcnm/66209>.

25 Letter of Max van der Stoep to Kanat Saudabayev, cited above (Note 21).

One of the recurring issues that the HCNM had to deal with during his early visits to Central Asia was citizenship. This complex problem was directly related to the collapse of the Soviet Union and was particularly acute in Kazakhstan and Kyrgyzstan. For example, during his first visit to Kazakhstan, which took place on 18-21 April 1994, almost all those he spoke raised this issue as a matter of concern. Nineteen ninety-four saw the highest number of people emigrating from Kazakhstan of all the years between independence in 1991 and the present day.²⁶ Although the Kazakhstani government made it clear that it would regret their departure, a considerable number of persons belonging to minorities left the country. This wave of migration was driven by a combination of economic and psychological factors: People were looking for better economic prospects and were unsure about their place in the new state. Some who had been contemplating such a move but had remained in the country were concerned that change of citizenship would not be available to them in the future. The scale of migration, which had a considerable negative effect on the economy, also alarmed the authorities.

Following his first visit to Kazakhstan in 1994, the HCNM presented his recommendations to the authorities on this issue. He expressed the hope that an arrangement would be worked out with the Russian Federation, which is the major destination for emigrants, whereby a simplified procedure for the acquisition of citizenship in another state might be introduced for persons wishing to move from one state to another.²⁷ In January 1995, such an agreement between Kazakhstan and Russia was signed. It provided a simplified procedure for granting Russian citizenship to citizens of Kazakhstan while also enabling visa-free travel between the two countries for their citizens. This had a twofold effect: First, it made it easier for ethnic Russians and members of other ethnic groups to obtain Russian citizenship; second, it had a stabilizing influence by providing a mechanism that could be used at any time in the future by Kazakhstani citizens contemplating a move to Russia.²⁸

The HCNM paid his first visit to Kyrgyzstan on 22-24 April 1994. As in the case of Kazakhstan, he then presented his recommendations, which also focused on the issue of citizenship. He expressed the hope that Kyrgyzstan would follow Kazakhstan in negotiating the simplified citizenship-acquisition procedure for Kyrgyzstani citizens who wish to move to Russia. This would

26 Cf. Elena Sadovskaya. Kazakhstan v Tsentral'noaziatskoi migratsionnoi subsisteme [Kazakhstan in the Central Asian Migration Subsystem], in: Zhanna A. Zaionchkovskaya/Galina S. Vitkovskaya (eds), *Postsovetskie transformatsii: otrazhenie v migratsiyakh* [Post-Soviet Transformations: Reflection in Migration, Moscow 2009, pp. 279-321, here: p. 281.

27 Cf. Letter of Max van der Stoep to Kanat Saudabayev, cited above (Note 21).

28 Cf. Foundation on Inter-Ethnic Relations, cited above (Note 14), p. 62.

encourage Russians to remain in Kyrgyzstan, as they would know that they could obtain Russian citizenship should the need arise.²⁹

The Specific Situations of Particular Minority Groups

The first country that the HCNM travelled to in Central Asia was Kazakhstan. He visited it 1994 and 1995, engaging in a wide-ranging exchange of opinions with the Kazakh authorities and representatives of national minorities. While articulating his support for the development of Kazakh as the state language, he also called for this not to be done at the expense of other languages. The mass exodus of Russians and Germans from Kazakhstan struck him particularly. He saw this emigration process largely as an economic phenomenon and hoped that the economic upturn would create favourable conditions for these minorities to stay in Kazakhstan. At the same time, the HCNM saw some worrying signs in the field of inter-ethnic relations. In his view, if Kazakhstan is to achieve stable development, a range of policies affecting the sphere of inter-ethnic relations need to be adjusted, especially in relation to language, but also touching upon employment in the public sector.

In 1996, the HCNM visited Kazakhstan again and travelled to Ust-Kamenogorsk, Petropavlovsk, and Uralsk, where he held meetings with representatives of local authorities and minorities. The inter-ethnic situation in these regions of Kazakhstan he described as stable, noting, however, rising tensions between Kazakhs and Russians, who at that time represented the majority of population in eastern and northern Kazakhstan. A significant element of this visit involved an exchange of opinions with various Cossack organizations, which were even calling for transfer of some parts of Kazakhstan to Russia.³⁰ This trip helped to prepare a round table that took place on 8-9 December 1996 in Locarno, Switzerland. The event was chaired by the HCNM and hosted by the Swiss government. The event, "Kazakhstan: Building a Coherent Multicultural and Multiethnic Society on the Eve of 21st Century", brought together high-ranking officials and minority representatives. It dealt with a number of issues, but concentrated on the situation of Cossacks in Kazakhstan. The discussion helped to ease existing tensions, as the event served as a good platform for dialogue, moving the discussion forward by strengthening the collaborative approach to solving inter-ethnic issues.³¹ Subsequently, relations between the Kazakh authorities and various Cossack organizations improved.³²

29 Cf. Letter of Max van der Stoep, CSCE High Commissioner on National Minorities, to H.E. Roza Isakovna Otunbayeva, Minister for Foreign Affairs of the Republic of Kyrgyzstan, of 29 April 1994, Ref. No. 2369/94/L, HCNM Archive.

30 Cf. Kemp, cited above (Note 10), p. 273.

31 Cf. Foundation on Inter-Ethnic Relations, cited above (Note 14), pp. 63-64.

32 Cf. Kemp, cited above (Note 10), p. 275.

In April 1996, the HCNM visited south Kyrgyzstan, meeting with officials in Osh and Jalal-Abad to see how relations between communities were developing following the conflict in 1990.³³ He noted that there was considerable distrust between the Kyrgyz and Uzbek communities and that channels of communication between the Kyrgyz authorities in the south and various ethnic groups, especially the Uzbeks, were totally insufficient.³⁴ Discussions he held with the President dealt with issues of representation, especially concerning law-enforcement and educational policy.³⁵ The HCNM also discussed the growth of Islamic fundamentalism in the Kyrgyz part of the Ferghana Valley with the Kyrgyz authorities.

In the late 1990s, the HCNM visited Uzbekistan and Tajikistan several times. He was very concerned with the effect of Islamic fundamentalism on inter-ethnic relations, especially in the Ferghana Valley.³⁶ For example, as early as 1998, Uzbek officials expressed concerns about the rise of extremism and Islamic fundamentalism, particularly in the Ferghana Valley, and about the spillover effects of developments in Tajikistan and Afghanistan. The threat became real when militant members of the Islamic Movement of Uzbekistan (IMU) attempted several incursions from Afghanistan through Tajikistan to Kyrgyzstan, making the IMU a major source of instability in the Ferghana Valley between 1999 and 2001.³⁷ The HCNM discussed this issue with Uzbekistan's President Islam Karimov during a visit to Tashkent in October 1999. The HCNM expressed the opinion that more room for civil society and better protection of human rights would be the best response to religious extremism. However, the Uzbek authorities adopted a heavy-handed approach to dealing with these issues.

Conclusion

The role of the HCNM in visiting these specific regions of Central Asian countries was to assess the situation on the ground and help to build trust between minorities and majorities in order to work out long-term means of preventing potential conflicts. In conclusion, it can be said that the HCNM's involvement in Central Asia from 1994-2001 was important in terms of building trust and dialogue with all stakeholders. His expertise and "quiet diplomacy" skills were sought and appreciated by new governments as well

33 Cf. Foundation on Inter-Ethnic Relations, cited above (Note 14), pp. 65.

34 Cf. Kemp, cited above (Note 10), p. 280.

35 Cf. *ibid.*, p. 281.

36 Cf. *ibid.*, p. 283.

37 Cf. Walter Kemp, *Breaking the Crime-Conflict Nexus: A Challenge for the OSCE*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 301-318, here: p. 307.

as by minority groups, as the risk of slipping into conflict was quite real for many countries in the region.³⁸

The HCNM had to operate in a rapidly changing political climate that was quite dangerously volatile, looking for practical ways to bridge extreme positions. This was a test for his methodology, which was built on the principles of impartiality, confidentiality, and co-operation and firmly rooted in the ultimate value of minority-rights protection as a pre-condition for any possible political solution.

The above elements of the HCNM's methodology have been identified as the linchpins of success for his role as a mechanism of preventive diplomacy. They also set limits on how far the HCNM could go in identifying and proposing solutions. More often than not, the parties concerned were not unanimously eager to accept his recommendations, but the HCNM's engagement was nonetheless valued, as it set out genuine strategies and parameters for resolving brewing tensions. The HCNM's on-the-ground approach allowed him unimpeded lines of communication with all concerned parties and meant he could actively work towards the resolution of various cases of ethnic tension.

However, the HCNM was not only involved in immediate, short-term conflict prevention in the region. In hindsight, it is clear that his work in Central Asia during this period was firmly built on the premise that short-term conflict prevention is inseparable from a long-term focus on the deep-rooted causes of tensions and on establishing new policies that are equitable and just and firmly rooted in the protection of minority rights – fundamental components for the genuine integration of society.

As the situation in the region became more stable and predictable and the danger that it would slip into a deadly cycle of ethnic conflict receded, the HCNM became increasingly concerned with the long-term cohesiveness of the Central Asian states and their ability to integrate various minorities in an inclusive and democratic way. Their failure to achieve this so far has been

38 Although it is an over-simplification, the following assessment of the HCNM's activities in Central Asia by Jaap de Hoop Scheffer, Minister of Foreign Affairs of the Kingdom of the Netherlands and Chairman-in-Office of the OSCE in 2003, nonetheless captures the scale and thrust of the work done by the HCNM in the region from 1994 to 2001: "During his time as High Commissioner, Mr Van der Stoel played a key role in preventing ethnic conflict in Central Asia, most notably in Kazakhstan and Kyrgyzstan: when these two countries became independent, tension quickly arose over the position of the Russian minorities left within their borders. Van der Stoel entered into a discrete dialogue with the leaders in both countries and managed to convince them that it would be wise to improve the access of ethnic Russians to education and to upgrade the status of their language. With the bone of contention removed, tension subsided. Van der Stoel also helped to prevent the escalation of ethnic tensions in the Ferghana Valley." *Address by Mr Jaap de Hoop Scheffer, Minister of Foreign Affairs of the Kingdom of the Netherlands and Chairman-in-Office of the OSCE, "Rebuilding the Silk Road: The OSCE Experience in Central Asia"*, Chinese People's Institute of Foreign Affairs, Beijing, 25 August 2003, available at: <http://www.osce.org/cio/42470>.

described by the HCNM as the greatest challenge facing all Central Asian countries in the years to come.

Addressing the Isolation of Minorities in Georgia: Project Engagement as a Key Instrument of the HCNM

Background to the Work of the HCNM in Georgia

The Tools of the HCNM

This article seeks to illustrate the significant contribution that projects can make to the HCNM's work in promoting the integration and full participation of minorities in society, using Georgia as an example. The projects are not well documented, but, as I will try to show, they are a powerful instrument in the HCNM's engagement in conflict prevention.

Georgia constitutes an interesting case study in three respects. First, Georgia is the OSCE participating State to which the HCNM has provided by far his most comprehensive project assistance. Second, most of these projects have been supporting the Georgian government in areas where it has actively engaged in reform. The Georgian experience illustrates the significance of co-operation with government to achieve long-term objectives. Third, as ten years have passed since the first project was initiated in Georgia, it is now time to reflect on the manifold functions that projects have fulfilled in the HCNM's support for Georgia and to use it as an illustration of the role projects play in conflict prevention in general.

The HCNM's mandate is to prevent conflicts involving national minorities. The successive High Commissioners have sought to reduce tensions in multiethnic societies by promoting the participation of both majorities and minorities in the social, economic, cultural, and political life of the country. Efforts to accommodate minority culture exclusively are indeed insufficient to enhance stability at both the national and regional levels, as they could lead to further separation and isolation of minorities from the rest of society. Therefore a key priority of the HCNM is to promote policies of integration in multiethnic societies; that is, for both majorities and minorities.¹

The HCNM fulfils his mandate on conflict prevention mainly by offering policy advice to governments and by engaging with all stakeholders, including organizations representing national minorities. Seeking to strike a balance between divergent interests, the High Commissioner mediates between all the relevant parties in order to reach constructive agreements on

Note: I would like to warmly thank my colleagues Natalie Sabanadze, Kaupo Kand, and Nino Gogoladze for their sound suggestions and input, as well as Ika Eegdeman for her patient help with documentation.

1 See the latest HCNM *Ljubljana Guidelines on Integration of Diverse Societies*, November 2012.

minority-related issues. To ensure that such agreements are translated into sustainable policies, the HCNM provides legal advice, for example, on laws pertaining to national minorities, language, or formerly deported peoples (FDPs) which can have direct or indirect implications for the lives of minorities. The HCNM's experience has been bundled into thematic "Recommendations" and "Guidelines" on the following key areas: education rights, linguistic rights, participation, minority languages in the broadcast media, policing, inter-state relations and, most recently, integration.²

Projects constitute the "third instrument" in the HCNM's toolbox by reinforcing and illustrating the policy advice and the recommendations.³ Projects are implemented through the OSCE's unified budget and the extra-budgetary contributions of OSCE participating States. Project activities may vary from one-off events, such as round tables and conferences, to long-term capacity building. Just like political and legal advice, those projects are designed and implemented with the long-term aim of encouraging structural changes in the social, economic, and political position of minorities. Like policy advice, projects involve co-operation with external individuals and organizations, be they experts assisting governments in policy reform or local implementing partners.

Beyond purely technical assistance, projects fulfil an essential role because they strengthen the outreach of the HCNM to the regions where minorities live. The HCNM uses this outreach for the purpose of monitoring and, importantly, to create a context of co-operation with governments and civil society.⁴ During his field visits, the HCNM talks to local stakeholders about how they perceive reforms, how these affect their lives, what progress a particular reform has facilitated, and what obstacles they face when implementing reforms. In his communications with central authorities, the HCNM will raise issues of reform implementation – insofar as these are relevant – and convey the communities' concerns. In this sense, projects enable the HCNM to communicate with governments and civil society and act whenever necessary as a mediator between parties.

Minority Issues in Georgia and the HCNM

The HCNM has assisted Georgia over the years, mainly but not exclusively in increasing the participation of its two largest minorities, the Armenians

2 The Recommendations and Guidelines can be found on the HCNM website, at: <http://www.osce.org/hcnm/66209>.

3 The identification of projects as a "third instrument" has been made by Wolfgang Zellner. Cf. Wolfgang Zellner, The OSCE's High Commissioner on National Minorities – His Work, Effectiveness, and Recommendations to Strengthen the HCNM as an Institution, in: Heinz Gärtner/Adrian Hyde-Price/Erich Reiter (eds.), *Europe's New Security Challenges*, Boulder 2001, pp. 273-274.

4 Cf. Charlotte Altenhöner/Francesco Palermo, Civil Society Contributions to the Work of the OSCE High Commissioner on National Minorities, in: *International Journal on Minority and Group Rights* 2/2011, pp. 201-218, here: p. 212.

and the Azeri, in public life in the country. According to the 2002 census, these minorities represented just 5.7 per cent and 6.5 per cent of the total population of Georgia, respectively.⁵ However, they are settled compactly in regions where they constitute up to 90 per cent of the local population.

In particular, Samtskhe-Javakheti, a mountainous area inhabited by a sizeable Armenian minority and economically the poorest region in Georgia, holds a strategic position because of its borders with Armenia and Turkey. Until recently, the region was completely isolated from the rest of the country due to several factors. Economic hardship and other problems, including ruined infrastructure, characterized people's daily lives. Importantly, Samtskhe-Javakheti was a restricted area due to the presence of a Russian military base that was not dismantled until 2007. The Russian base played a key economic role in the region, with the rouble as the main currency. The local inhabitants are also isolated linguistically, as they predominately speak Armenian rather than Georgian. As a result, people maintained closer economic and social ties with Armenia and the Armenian diaspora in Russia and other countries than they did with Georgia. In particular, militants in the Armenian community in Samtskhe-Javakheti have in the past been involved in militant activities against the government, laying claim to an autonomous status within Georgia or even unification with Armenia, which a decade ago led the media to label the region a potential "second Nagorno-Karabakh".⁶

By way of contrast, the Azeris have, on the whole, maintained a less confrontational stance towards the government. Azeris are settled compactly in the region of Kvemo-Kartli, which borders Armenia and Azerbaijan. Despite being located less than 50 km from the capital, Kvemo-Kartli is no less isolated from the centre in economic, social, cultural, and political terms than Samtskhe-Javakheti. The Azeris' perception is that powerful and decision-making positions are occupied by Georgians. They believe that this also affects the distribution and management of the main source of income: agricultural resources. Meanwhile, ethnic Georgian communities in this region feel that the government supports minorities more than ethnic Georgians. These different perceptions have created a tense situation.

In addition to internal destabilizing factors, the conflicts with Abkhazia and South Ossetia and the involvement of the Russian Federation as a major regional power in South Caucasus have helped bring about a perception that the tensions and inter-ethnic incidents which regularly occur in both Samtskhe-Javakheti and Kvemo-Kartli are threats to the stability of the country.⁷

5 Cf. *Assessment of Civic Integration of National Minorities*, Tbilisi 2010, UN Association of Georgia, p. 11.

6 Svante E. Cornell, *Small Nations and Great Powers: A study of ethno-political conflict in the Caucasus*, London 2001, p. 181.

7 For an interesting analysis of threat perceptions among Georgian government officials and representatives of the Armenian minority, see Niklas Nilsson, *Obstacles to Building a Civic Nation: Georgia's Armenian Minority and Conflicting Threat Perceptions*, in: *Ethnopolitics* 2/2009, pp. 135-152.

One factor aggravating inter-ethnic tensions in Samtskhe-Javakheti is the history of deportation and the current process to repatriate its Meskhetian population. The High Commissioner first touched upon this issue, which would be an area of concern for years to come, in his discussions with the Georgian government during his second visit to Georgia in 1998. Among the approximately 100,000 people deported by Stalin from the Caucasus in the 1940s, the Meskhetians, a Turkic-speaking, indigenous Muslim group from the Samtskhe-Javakheti region of Georgia, are the last of the eight deported peoples of the former Soviet Union whose rehabilitation and repatriation remains unresolved.

The repatriation of the Meskhetians provides a good example of the HCNM's tireless efforts to draw the government's attention to this burning issue, notably through "silent diplomacy". The HCNM offered legal advice on the draft law on repatriation of FDPs, although this had only a limited effect on the outcome. When the commitment of the Georgian government to repatriation was secured, which did not happen until 2007, the HCNM provided expert assistance to the Ministry of Refugees and Accommodation (MRA) and, more recently, broader assistance to the repatriation process in co-operation with the Caucasus branch of the European Centre for Minority Issues (ECMI). He also facilitated dialogue between the Meskhetians abroad, as well as in Georgia, and the authorities. In 2012, the Georgian government commissioned a National Concept for Repatriation and Integration, which at the time of writing has still to be adopted. The effective resettlement of Meskhetians, especially in Samtskhe-Javakheti, the region from which they originate, will be monitored closely.

The assistance provided by the HCNM for Georgia's most sizeable minorities, the Armenians and Azeris, is probably his most significant contribution to the stability of the region. One of the major obstacles dividing the populations of Samtskhe-Javakheti and Kvemo-Kartli from the rest of Georgia and preventing their full participation in social, economic, and political affairs has been the language barrier. Throughout the Soviet period, schools in these regions functioned in many respects on the margins of the Georgian educational system. In fact, lessons in minority schools were given only in Russian, which functioned as a *lingua franca* across the whole Soviet Union, and in the minority language. In addition, minority teachers had a poor command, if any, of Georgian language. As a result, ethnic minorities settled compactly in Kvemo-Kartli and Samtskhe-Javakheti and did not receive adequate Georgian-language educational opportunities. When Georgia became independent in 1991, they were left without proper knowledge of the state language and without a language of communication with the rest of the country, as the Russian language gradually lost its importance as a means of communication between various linguistic groups. In the first decade following Georgia's independence, the government took limited steps to address

this issue, which obviously required long-term investment and comprehensive education reform.

The HCNM's continuous intervention during the past twelve years has sought to fill this large gap and to primarily – though not exclusively – offer opportunities for a broad range of minority representatives, from schoolchildren to professionals, to learn Georgian. The HCNM commenced his involvement in Samtskhe-Javakheti in 2000. Against the background of economic backwardness, isolation, and aspirations to irredentism referred to above, the major concern of the HCNM was that, following the other violent conflicts that have shaken the Caucasus since the preceding decade – in the breakaway regions of Abkhazia and South Ossetia, and beyond the Georgian border in Chechnya in the north and Nagorno-Karabakh in the south – a conflict might erupt in this region too, possibly involving neighbouring countries or the “kin-states” of Armenia and Azerbaijan.⁸

In consideration of the very limited access to information on minorities and, except for small-scale projects, the minimal international presence in Samtskhe-Javakheti, the High Commissioner set up a monitoring network in 2000 that was implemented by the Caucasus Institute for Peace, Democracy and Development (CIPDD) and set out to guarantee first-hand, reliable, and timely information and analysis from this sensitive region. This tool has proven to be indispensable for fulfilling his early warning mandate in an area where, although no violence has erupted, tensions have regularly flared up. Subsequently, the HCNM commissioned needs assessments and organized information campaigns in Samtskhe-Javakheti in 2001 in order to identify relevant areas of support and available capacity on the ground for project implementation.

The HCNM forged plans to develop comprehensive support for Samtskhe-Javakheti in consultation with the UNDP. This led to two major programmes. One was set up and co-ordinated from Tbilisi by the UNDP (Integrated Development Programme, with other donors from 2002-2007). The other, run by the HCNM, started with a training course for civil servants and in 2003 evolved into the multi-year Conflict Prevention and Integration Programme in Samtskhe-Javakheti, which dealt with managing inter-ethnic relations, as well as media and legal aid. After proper needs assessment, the areas of assistance were replicated in Kvemo-Kartli from 2006 to 2011. The presence of the OSCE Mission to Georgia until 2009, and the HCNM antenna on the ground in the person of the National Programme Manager, have greatly facilitated the HCNM's engagement.

8 For a thought-provoking study on the impact of the relations between Georgia, Russia, and Armenia on these governments' attitudes to minorities in Georgia as a test case for the HCNM Bolzano/Bozen Recommendations on inter-state relations, see Natalie Sabanadze, *States, Minorities, and Regional Hegemony in the South Caucasus: Whose Responsibility to Protect?* In: Francesco Palermo/Natalie Sabanadze, *National Minorities in Inter-State Relations*, Leiden 2011 pp.167-183.

For its part, the Georgian government, after repeated encouragement by the HCNM and other international actors, implemented three decisive measures promoting the integration of minorities in 2005. The parliament ratified the Council of Europe's Framework Convention for the Protection of National Minorities. To ensure its implementation, the government established the Civil Integration and Tolerance Council, which was to be responsible for the development of an overall integration policy called the National Concept and Action Plan for Tolerance and Civic Integration. This was adopted in 2009.⁹ Under the auspices of the Public Defender, the Council of National Minorities, an association of all the minorities in the country, facilitates dialogue between the state and minorities and is in charge of monitoring the implementation of the aforementioned Action Plan.

Within a relatively favourable context for policy reform, its projects have been aimed primarily at supporting the Georgian government in developing and implementing policies on minority integration and participation. As I will show below, the ten years of assistance for the Georgian government in the area of language education is the prime example of the HCNM's sustained support of policy development and subsequent implementation via local projects.

While putting the emphasis on language education by the state, the Conflict Prevention Programmes also engaged in school reform, training civil servants in the management of inter-ethnic relations, broadcast media, and legal aid. The HCNM subsequently targeted his assistance on education through the Georgia Education Programme (2011-2013). These comprehensive programmes, together with other, separate projects, make Georgia the beneficiary of his most comprehensive project assistance in the OSCE area.

In terms of the HCNM's engagement, Abkhazia occupies a peculiar position. The crisis that arose between the Georgian government and the breakaway region was the reason for the first visit to Georgia by High Commissioner Max van der Stoep, at the Georgian government's request, in 1997. Since then, minority rights and the respectful treatment of mainly, but not exclusively the Georgian minority in Abkhazia have remained high on the agenda of the High Commissioner, Max van der Stoep, and his successors Rolf Ekéus and Knut Vollebæk, as is shown by the regular visits and meetings with the parties concerned – whenever the political situation allowed – up until his latest visit in the summer of 2012. However, project involvement in Abkhazia has been extremely challenging, and therefore limited so far, due to the conflict in Abkhazia – especially since the recognition of Abkhazia's independence by Georgia's neighbour Russia in 2008.¹⁰

9 See Presidential Decree No. 639 “*On the Development of the national Concept and Action Plan for Tolerance and Civil Integration*” of 8 August 2005 and Decree No. 348, of the Prime Minister of Georgia, *National Concept for Tolerance and Civil Integration and Action Plan* of 8 May 2009, respectively.

10 Apart from consultations and seminars, project assistance consisted of small-scale support in 2004 and in the following years for local Georgian and Abkhaz language teachers in

Realizing that the linguistic isolation of minorities is an important obstacle to their social, economic, cultural, and political integration into Georgian society, the HCNM launched his programme of assistance focused on language education, which has remained a priority ever since. This assistance is the prime example of long-lasting support for and co-operation with the Georgian government. It began with a pilot scheme and policy development up until 2008, and has been followed by policy implementation since then. The process has proceeded at various speeds, featuring increasing collaboration with the Ministry of Education and Science but also periods of slowdown and even stagnation. The main fields covered are state-language education for adults (students entering university, civil servants, and teachers), multilingual education (MLE) at school level, and initiatives to promote minority languages. The latter have decreased over the years, for reasons that I will try to identify below.

In 2002, the HCNM launched his programme of assistance for the Armenian minority by means of a Georgian-language project for civil servants from minorities in support of the State Programme for Ensuring the Full Functioning of the State Language of Georgia. In doing so, he addressed the central issue for the Armenian civil servants, viz. to enhance their ability to work with administrative documents drafted in the state language. Correspondence between High Commissioner Rolf Ekéus and Nino Burjanadze, then chairperson of the Georgian parliament, reveals the High Commissioner's chief concern for the state language in Georgia. Stating that "in some regions of Georgia the shift in State language presents practical and political hurdles to social integration", the High Commissioner urged the government to "move immediately to elaborate a comprehensive programme to promote the knowledge and use of the State language throughout the country, including a programme of wide-spread language instruction in schools and the public service, especially at local level".¹¹ As mentioned above, it was only in 2009 that the long-awaited strategy was issued. In his discussions with high-ranking representatives of the government, the High Commissioner also strongly encouraged them to include state-language policy in a broader strategy of minority integration. In this regard he directly applied the *Lund Recommendations on the Effective Participation of National Minorities in Public*

Gali and two other districts that were most affected by the conflict. This is a good example of the constructive role a project can fulfil in a politically difficult context for building local capacity and maintaining dialogue with the authorities. Although the HCNM does not rule out project involvement in Abkhazia in the near future, this will remain challenging due to political and logistical restraints.

11 Address by Ambassador Rolf Ekéus to the OSCE HCNM-UNDP Conference "Promoting Integration and Development in the Samtskhe-Javakheti Region of Georgia", Tbilisi, 19 November 2002.

Life to the case of Georgia.¹² Thus the priorities of the HCNM's engagement were set and have been maintained since.

Referring to the limited use of Georgian among the minority population, the High Commissioner pointed to the need to adopt a law on the state language to encourage the broader usage of Georgian in daily life across the country. In that same year, the HCNM assisted the government with advice on the draft law, although this was never adopted.

Agreement on project involvement proved much easier to reach with the authorities than an agreement on the draft law. Given that public service constitutes an essential link between the central government and the minority regions, the HCNM decided to launch a project to train state employees from ethnic minority backgrounds in the state language, an undertaking which received the full support of the government. While state-language education had already proven to be a successful area of intervention in Macedonia and Moldova, this was the first time it was targeting state employees in general, ranging from professionals working in the local administration to teachers, hospital staff, and/or bank personnel. The project was implemented for some 700 civil servants between 2002 and 2007, with approximately 400 graduating.

Within the Conflict Prevention Programmes, language education gradually evolved into promotion of MLE reform. The HCNM considers bilingual education or – if several languages are involved – MLE to be by far the most effective strategy for addressing the linguistic diversity of society. Multilingual programmes aim to help pupils acquire literacy in several languages by developing their native language and full or partial competence in the official language. To attain this goal, pupils not only have language classes in the state language as well as their mother tongue, but also progressively learn maths, biology, and other subjects in the state language. The advantage of this educational model is that it strikes a balance between preserving minority identity and integrating into the society of the country where minorities are settled. Based on the positive experience previously gained, notably in the 1990s in the Baltic states, the HCNM has been successfully engaged for the past ten years in promoting MLE in Georgia at primary and secondary school levels. By embarking on this path, the HCNM effectively stimulated the Georgian government and minorities alike to, respectively, facilitate and attain multilingualism in conformity with *The Hague Recommendations Regarding the Education Rights of National Minorities* issued in 1996.¹³

12 Cf. Sally Holt, The Lund Recommendations in the Activities of the HCNM, in: *International Journal on Minority and Group Rights* 12/2005, pp. 169-188, here: p. 176.

13 Cf. the chapter "Minority education at primary and secondary levels", in: *The Hague Recommendations on the Education Rights of National Minorities & Explanatory Note*, October 1996, pp. 6-7. Although all major components of multilingual education are outlined, the concept of multilingual education is not used in the Recommendations. Only the term "multilingualism" can be found in the explanatory note, *ibid.*, p. 13.

The Conflict Prevention Programmes were followed by the Georgia Education Programme, which was launched in 2011 and will run until mid-2013. Focusing on the key area of language education, the programme continues down the main avenues of co-operation established in recent years while adding new initiatives such as an awareness-raising campaign among minority communities on the benefits of MLE pupils, and opportunities for adults to learn the state language. The programme also fosters communication between the local communities and the central authorities by informing the Ministry of Education and Science about the perceptions among Armenian and Azeri minority communities and teachers alike regarding MLE reform.

Over the years, the pace of HCNM assistance varied, depending mainly on the response of the government in implementing the language education reform. Of particular note are three main moments when the Georgian government took direct steps to enhance ownership of this reform. Firstly, the Language Houses, a local institution which was created by the HCNM in 2004 to provide Georgian language classes for adults in the minority regions, was taken over by the government in 2007 and then fell into decay. Fortunately, this initiative received a fresh boost in 2011 within the context of a wider government policy to promote the learning of the state language. The second, more comprehensive measure was implemented in 2008 when the government undertook policy reform in relation to MLE with the support of international experts seconded by the HCNM. As a result, the Ministry of Education and Science approved the “Multilingual Education Support Programme” in 2009 as part of a significant step towards an integration policy by the Georgian government, i.e. the National Concept for Tolerance and Civic Integration and the Action Plan.¹⁴ In designing the reform, the Ministry of Education and Science built on the positive MLE results and practices that were achieved with twelve pilot schools and implemented by the HCNM in co-operation with the Swiss NGO “Cimera” in 2006-2008. From 2009 onwards, the pilot scheme was extended to 40 minority schools. With the virtually simultaneous launch of the Georgia Education Programme and the president’s new initiative to support “Georgian Language for Future Success” in the spring of 2011, the implementation of reform received a further boost when recent graduates were sent to assist minority schools in Georgian language teaching.¹⁵ This measure, although not sustainable, had the advantage of bringing minority pupils and teachers into contact with Georgian native speakers and consequently enhancing their state-language skills.

14 Government of Georgia, *National Concept for Tolerance and Civic Integration*, 8 May 2009, at: <http://www.smr.gov.ge/docs/doc203.pdf>. On the multilingual education programme, see Ministry of Education and Science of Georgia, *Civil Integration Programs*, at: <http://www.mes.gov.ge/content.php?id=547&lang=eng>.

15 Cf. *Georgian Language for Future Success*, at: http://www.tpdg.ge/index.php?action=page&p_id=257&lang=eng.

Significantly, the National Security Concept issued in 2005, was revised in 2011, mainly to take into account the new challenges that had arisen since the 2008 war with Russia. Interestingly, learning the Georgian language was also included as an important measure: “Civic integration requires the establishment of conditions in which all Georgian citizens of Georgia can learn the national language, thus facilitating their full participation in the nation’s political, economic, social, and cultural life.”¹⁶

Where do we stand now after ten years of endeavours in language education for the Armenian and Azeri minorities of Samtskhe-Javakheti and Kvemo-Kartli, respectively? First of all, the implementation of MLE policy is well underway thanks to targeted expert assistance, including regulations and strategy documents, and enhancement of the capacity of the ministry staff.¹⁷

Secondly, education officials, schoolteachers and, indirectly, school-children have received support in MLE through training courses, textbooks, and other materials from experts supervised by NGOs, in particular from the Centre for Civil Integration and Inter-Ethnic Relations (CCIIR), with which the HCNM has successfully co-operated since 2002. As a leading expert noted in 2006 when the pilot was launched, “practically none of the class teachers had the appropriate level of second language proficiency necessary for teaching. Also, hardly any of the subject teachers in minority schools were capable of conducting his/her subject in a second language”.¹⁸ Teachers’ professional development still is a long process, which, if it wants to lead to enduring results and enhanced education in both the Georgian language and one minority language using modern methodologies, will require long-term and consistent investment from the government. The latter made this a priority, as is shown by the 2008 reforms, the subsequent decision to extend the pilot scheme to 40 schools, and the initiative launched in 2011 to support the state language, even though a long-term strategy has still to materialize. Teachers and staff from the pilot schools are now better informed and coached on how to offer MLE. When financial support from the government was delayed, there were cases where Armenian schools were even temporarily trying to carry on with their own funding. However, motivation cannot be maintained for long if it is not nourished with clarity regarding prospects of sustained financial, organizational, and methodological support. Under the last government it was repeatedly announced that the approximately 225 minority schools across the country should embark on MLE with ever-changing

16 *National Security Concept of Georgia*, p. 10, at: <http://nsc.gov.ge/files/files/National%20Security%20Concept.pdf>.

17 More specifically, the main achievements in policy work include regulations on MLE and the school application process, needs assessment for teachers’ professional development, and a bilingual teacher education standard. The preparation of the certification process of bilingual education teachers is underway.

18 Ligita Grigule, Shaping the Multilingual Learning Environment: The Case of Multilingual Education Pilot Project in Georgia, in: *Journal of Teacher Education for Sustainability* 1/2009, pp. 50-64, here: p. 54.

deadlines. It is still unclear when and how the process of introducing MLE should take place.

Thirdly, the HCNM has been involved in facilitating the cultural and linguistic immersion of youth in a Georgian-speaking environment (the “Argonauti” programme). This intervention has proven to be effective, since between 2009 and 2011, 20 of the 74 students from Samtskhe-Javakheti who took part in the programme entered university. In 2012, this programme is being implemented for the last time, with the support of the HCNM, for 45 students from Samtskhe-Javakheti and for the first time from Kvemo-Kartli as well. The Ministry of Education and Science is interested in taking on the programme from 2013, providing a promising prospect of sustainability for this project.

Finally, work with communities via awareness-raising campaigns has recently been reactivated, the aim being to win the support of parents and communities for MLE. A common misunderstanding is that MLE is about speaking the state language, and perhaps even closing down minority schools, with the objective of forcefully assimilating minorities into Georgian society. To address these fears, which are widespread in Samtskhe-Javakheti, local implementing partners discuss the communities’ concerns in meetings with local self-government, parents, school staff, and schoolchildren. Besides providing accurate and up-to-date information, this project allows the HCNM to have access to the local population’s perceptions of the education reform and convey these to the ministry. This project shows the significance of having two-way communication between the ministry and the local educational institutions and communities. It is indeed one thing to develop a policy and quite another to communicate it adequately to the population and adjust the reform process to local needs.

In sum, the policy reform is being implemented steadily, with two areas of visible success. First of all, institutional capacity building has proven to be an effective means of enhancing reform at central level, with important policy documents being developed and endorsed. This is also the case at local level, as is shown by the expansion and growing popularity of the Language Houses and the increasing willingness of schools to embark on MLE. Secondly, state-language training, whether at school within the MLE programme or within the Argonauti programme, has certainly facilitated the access of students from Samtskhe-Javakheti to higher education institutions. Concomitantly, the adaptation of regulations on the unified national exams has made it easier for minority students to enrol.¹⁹

The HCNM’s persistent emphasis over the years on state-language acquisition in Georgia, as well as other countries such as Moldova, Kyrgyzstan, and Kazakhstan, raises the question of how important it is to promote minority languages as well. In the spirit of The Hague Recommendations, which largely focus on minority languages, the HCNM raises the issue whenever

19 *Assessment of Civic Integration of National Minorities*, cited above (Note 5), p. 47.

minority languages are threatened. But claiming that a minority language, for example Armenian, has the right to receive the status of regional language has not been regarded as a useful tool for integration.²⁰ Instead, the HCNM has sought to strike a balance between state-language acquisition and minority-language preservation, with an eye on the goal of integrating minorities into society. MLE provided the tools for such a balance. Consequently, the fact that the Ministry of Education and Science engaged in MLE could be taken as a guarantee of respect for the minorities' identity and culture. There has nevertheless been a tendency in recent years for the government to invest primarily in the state language.²¹ These measures might constitute gradual steps towards monolingualism in Georgia, which is a much-feared scenario, especially in Samtskhe-Javakheti. The HCNM is closely monitoring the development of the MLE reform. At the time of writing, the parliamentary elections have just been held and it remains to be seen which direction the new government will take to accommodate the needs of minorities in Georgian society in matters of language education.

Other Important Areas of Engagement: Legal Assistance, Media Development, and Training of Civil Servants

Besides language education, the HCNM has engaged in other areas to enhance the participation of minorities in public life, viz. by strengthening their capacity in local administration and media and by facilitating legal assistance for them.

From 2004 to 2006, the HCNM commissioned training for employees of the local administrations of Samtskhe-Javakheti and Kvemo-Kartli in handling inter-ethnic tensions in their day-to-day work. While there is no evidence that this intervention was directly conducive to reform, the fact is that the following year the government decided to establish a National School of Administration that was named after the late Prime Minister Zurab Zhvania and based in the town of Kutaisi. The goal was to involve national minorities in the decision-making process and increase the participation of national minorities in governmental structures (parliament, government, local administration, and public services) through training. In 2006, with the aim of making this initiative more sustainable, the HCNM reached an agreement with the Ministry of Education and Science and the Zurab Zhvania School to include this training in its curriculum. In the same year, the HCNM's implementing partner provided the training of trainers for the Zhvania School's personnel and the first courses on management of inter-ethnic relations for

20 This question emerged in 2007, when Armenian-minority representatives asked the HCNM to look into the question of granting Armenian the status of a regional language.

21 This is shown by various measures, such as the initiative "Georgian language for future success", as well as by the heavy emphasis of the Zhurab Zhvania School for Public Administration's work, and that of the Language Houses in minority regions, on state language acquisition (for information about the school, see below).

the school's students. However, the subject was abandoned during the curriculum revision in 2010 because it was arguably not tailored to the day-to-day practice of the civil servants. While the course probably included some excessively abstract components, it could have been redesigned instead of being abandoned completely. Another somewhat regrettable development is that in 2011, the ministry partly redesigned the profile of the Zurab Zhvania School to emphasize state-language training for minority civil servants in general, including school personnel. While this measure fits in with the government's recent efforts to strengthen the acquisition of the state language, it is a pity that minority civil servants' education for their day-to-day work has been pushed into the background. As a result, support for civil servants appears to have contributed to institutional reform but since 2010 has been less of a priority for the government.

Interventions by means of legal assistance and support for media development focused on capacity building in civil society in the minority regions. These proved to be successful, as they had an impact at least at local level.

From 2003 to 2010, the HCNM supported the creation and capacity building of legal-aid offices in four locations (Akhaltzikhe, Akhalkalaki, and Ninotsminda in Samtskhe-Javakheti, and Marneuli in Kvemo-Kartli) to help the population sort out contentious issues, in particular the land issue. For areas relying heavily on agriculture, the status of land and the opportunities to privatize it, for example through leases, is crucial for the population's subsistence. Shortly after independence, under Zviad Gamsakhurdia, a discriminatory law on land prevented representatives of national minorities from privatizing land. Later this law was amended to allow limited land privatization only within a 21-km belt adjacent to the Azeri border. While this law was annulled in the late 1990s, the privatization and land-lease processes have lacked transparency ever since. Legal-aid offices have offered consultations free of charge, in particular on this issue. The project has proved only partly sustainable as the four offices, while still functioning, are facing a structural funding shortfall.

Another area of support was media development, where a successful pilot scheme for central and local government was carried out. This project, which ran from 2004 to 2009, and was undertaken by the OSCE Mission to Georgia for a limited period, consisted of re-broadcasting Georgian national news in the Azeri and Armenian languages. In this project, the HCNM sought to implement the *Oslo Recommendations regarding the Linguistic Rights of National Minorities* (1998), which had a component dealing with media, and, even more thoroughly, the *Guidelines on the use of Minority Languages in the Broadcast Media* (2003).²² By 2007, the state-owned "Public Broadcasting Company" had taken over part of this project, by launching a ten-minute

22 Cf. *Guidelines on the use of Minority Languages in the Broadcast Media*, October 2003, p. 17, and *The Oslo Recommendations regarding the Linguistic Rights of National Minorities & Explanatory Note*, February 1998, pp. 6-7.

news programme for each of the five largest ethnic minority communities, i.e. Azeri and Armenian as well as Russian, Ossetian, and Abkhaz. Towards the end of the project, the local staff developed not only national news digests, but also high-quality local news in Azeri. At the time of writing, daily news broadcasts in all these languages except Russian are still being transmitted and local news is broadcast regularly.

Other media-related projects provided training for local journalists and support for two local TV stations in Bolnisi and Marneuli, the latter of which is still functioning.²³

Conclusion

Over the past ten years, Georgia has gone through a critical period of its history, marked by a decisive move towards reform in a number of key areas. It is safe to say that the HCNM's assistance has been instrumental in Georgia's committing itself to some of these reforms, particularly on language education. By launching projects, the HCNM has developed hands-on options and practices for addressing systemic causes of the isolation of Georgia's two largest minorities. As the example of Georgia shows, the HCNM has designed and implemented projects in a largely pragmatic way and adjusted them to the local context and dynamics, primarily by mobilizing the available resources among implementing partners with the aim of encouraging willingness from the government to embark on reform.

The HCNM's involvement in projects over many years can be regarded as an important achievement given the difficult political context that prevails in Georgia. The conflicts, in particular with Georgia's breakaway regions Abkhazia and South Ossetia which culminated in the 2008 war between Georgia and Russia, have formed the backdrop to the HCNM's involvement in projects in Georgia in at least two respects. To counter the risk of their spilling over into the region of Samtskhe-Javakheti and Kvemo-Kartli, the HCNM set up a wide range of projects to reduce the conflict potential in these tense regions and received the support of the government.

The government was supportive of the HCNM's assistance from the outset and has expressed its support repeatedly over the years. As is shown by the new National Security Concept, the government is making efforts to integrate minorities and sees this as a key element of its security strategy. However, the government has also shown "mixed feelings" towards minorities in that it has been wary of the political connections that ethnic Armenians in particular have had with Russia, and more generally because minorities are an element in the balance of power in the Caucasus.

The reform implementation itself has proceeded at various speeds, depending on the government's priorities. These variations, ranging from stag-

23 For more information on the work of Marneuli TV, see: <http://www.marneulitv.ge/eng>.

nation to sudden accelerations and quickly-taken measures, have made project assistance a process in which patience and perseverance were needed from the HCNM, experts, and partners.

While the pragmatic approach of the HCNM has been acknowledged as a factor in his success, notably by the Council of Europe and the ECMI, long-term strategies and multiple options should be developed further by the HCNM to encourage the takeover of projects by local stakeholders. If this goal is to be achieved, regular assessment of projects on the ground is essential.

To what extent can we speak of sustainability in the case of the HCNM's project assistance for Georgia? Of the various indicators for sustainability, the most significant one as shown by the case of the HCNM's assistance to Georgia is the government's practice of taking over initiatives, turning them into policy and consistently committing itself to policy implementation. Without proper and sustainable government ownership, projects, whether launched by the HCNM or whoever, often only just survive the funding cycle of usually two to three years, five at most, and then dry out. The HCNM's long-standing and consistent support for language education shows that it has taken ten years to embark on MLE reform and start to implement it.

Secondly, the HCNM's assistance for MLE reform illustrates – with some results at least while the process is still underway – that initiatives are sustainable when stakeholders at both central and local level have their capacity built or undertake to pursue capacity building. This is partly the case when personnel from the Ministry of Education and Science are being trained for MLE, although the frequent staff turnover makes continuity of efforts very challenging. In the minority regions, the Language Houses have been revitalized, which is good news, but this should be the subject of intensive and continuing capacity building to solve the current work overload. At school level, the tireless efforts to train teachers have brought some results and should be complemented by a strategy of lifelong learning and long-term professional development. This having been said, the Georgian-language skills among both the Armenian and Azeri minorities remain poor and hamper their full participation in the social, economic, cultural, and political life of the country. Another area of HCNM assistance at local level, namely through legal-aid offices, has survived the HCNM funding cycle thanks to the resourcefulness of local lawyers in finding alternative sources of funding, which ideally should be ensured by the government.

Thirdly, the growing dialogue between government and civil society, especially on language education, is another indicator of sustainability. Thanks to the mediation of the HCNM's staff, with an instrumental role being played by the Tbilisi-based National Programme Manager, communication and co-operation is developing between the Ministry of Education and Science and local implementing partners – whether experts in language edu-

cation, specialists in student exchange programmes, or grass-roots organizations – which have built up trust among the communities they work with. The HCNM's experience has shown that this co-operation should be encouraged, also in the sensitive and still little-explored field of gender equality, especially with respect to the access of girls and boys, and adult females and males, to education services.

Finally, and perhaps most importantly, the decrease in inter-ethnic tensions is an indicator that the HCNM's conflict-prevention activities have been productive. Although the multiplicity of factors affecting the stability or instability of an area do not allow us to draw a causal link between stability and assistance, inter-ethnic tensions have undoubtedly decreased at least in Samtskhe-Javakheti in recent years. Now the climate is less tense than it was in 2008. In Kvemo-Kartli, while the situation has mostly been calmer than in Samtskhe-Javakheti, some risks of growing tension might arise, notably on religious grounds.²⁴

In this context, important challenges lie in the still limited participation of minorities in the social, economic, cultural, and political life of the country. To address these challenges, the HCNM will continue to encourage the Georgian government to pursue and consistently implement policies of full-fledged participation by minorities, which is the most effective way to ensure stability for the benefit of Georgian society as a whole.

24 Cf. Caucasus Institute for Peace, Democracy and Development (CIPDD)/Georgian Young Lawyers Association (GYLA)/Saferworld, *Peace, Security and Stability in Kvemo-Kartli – A Community-Informed Strategy*, March 2011.

Comprehensive Security: The Three Dimensions and Cross-Dimensional Challenges

The OSCE Code of Conduct on Politico-Military Aspects of Security after the First Annual Discussion on Its Implementation (11 July 2012): State of Play and Prospects

The Code of Conduct on Politico-Military Aspects of Security (hereafter “the Code”) was adopted nearly 20 years ago at the 91st Plenary Meeting of the Special Committee of the CSCE/OSCE Forum for Security Co-operation (FSC) in Budapest, on 3 December 1994, after two years of negotiation. It entered into force as a politically binding document on 1 January 1995.¹

Building on the guiding principles of the Helsinki Final Act (1975), the Charter of Paris for a New Europe (1990), and the Helsinki Document (1992), to which it makes repeated references, as well as other OSCE commitments relating to political and military aspects of security, the Code is a politically binding document that established new inter-state and intra-state norms of behaviour through a wide spectrum of themes covered by ten sections and 42 paragraphs.

At the inter-state level, sections I-VI of the Code give a renewed impetus to already accepted standards designed to ensure security and stability in international relations, such as sovereign equality and a co-operative approach to security relations (para. 4), the principle of solidarity (para. 5), the freedom to determine its own security interests, the right to freely choose its own security arrangements and to belong or not to belong to international organizations (paras 10 and 11), military capabilities commensurate with legitimate security needs (para. 12), and the renunciation of military domination over any other participating State (para. 13). It also prevents the stationing of armed forces on the territory of another participating State without its consent through freely negotiated agreement and in accordance with international law (para. 14). One might be surprised that the prohibition of the use of force is only mentioned indirectly through the condemnation of assistance or support to participating States “that are in violation of their obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State”, but para. 8 makes a strong reference to the

Note: The views expressed in this article are those of the author alone and do not necessarily reflect the official position of the OSCE and its participating States. The author warmly thanks Colonel Anton Eischer, former FSC Co-ordinator for the Code of Conduct, and Mr Fabian Grass, FSC Support Officer, for their kind and useful remarks and suggestions.

1 Code of Conduct on Politico-Military Aspects of Security, in: Conference for Security and Co-operation in Europe, *1994 Summit, Budapest, 5-6 December 1994, Budapest Document 1994 – Towards a Genuine Partnership in a New Era*, Section IV, at: <http://www.osce.org/mc/39554?download=true>.

Charter of the United Nations and the Helsinki Final Act, where this core principle is already embodied.

At the intra-state level, the Code brings up the idea that relations between states are not only affected by military, but also by various internal security forces whose behaviour has to be a legitimate subject of inter-state monitoring and oversight. Sections VI and VII include a number of highly innovative provisions in an area previously considered as a “political taboo”:² the democratic control of armed forces and other security forces, and their political neutrality, accountability, transparency, and integration within society, on which the Code provides the most comprehensive and detailed set of provisions ever adopted in a multilateral framework. It prescribes that each participating State must ensure that its military, paramilitary, and security forces personnel are able to enjoy and exercise their human rights and fundamental freedoms in conformity with international law and OSCE commitments. Therefore, being widely considered to be the normative cornerstone for the democratic control of armed forces, the Code is a founding document of security-sector governance and security-sector reform, which the OSCE acknowledged in 2007 as an important confidence- and security-building measure.³

Described on its adoption as a “landmark” and “groundbreaking” document,⁴ and by one of the leading OSCE experts, and OSCE “spiritual father”, Professor Victor-Yves Ghebali, as the “jewel in the crown of the OSCE normative corpus”, the Code is a unique element of the OSCE *acquis*. It “seeks to elevate the standard of political civilization amongst OSCE participating States”.⁵ It encompasses the entire security sector, including the police, the military,⁶ internal security forces, and the intelligence sector. It embodies the OSCE’s cross-dimensional and comprehensive approach to se-

2 The expression is quoted from Ortwin Hennig, *The Code of Conduct on Politico-Military Aspects of Security*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1997, pp. 273-289, here: p. 289.

3 Chairmanship’s Perception Paper on OSCE Basic Norms and Principles in the Field of Security Sector Governance/Reform, MC.GAL/9/07 of 30 November 2007, in: Organization for Security and Co-operation in Europe, *Fifteenth Meeting of the Ministerial Council, 29 and 30 November 2007*, Madrid, 30 November 2007, pp. 47-64, here: p. 47. On the links between security-sector reform and the Code, see, among many other contributions, David M. Law, *Rethinking the Code of Conduct in the Light of Security Sector Reform*, in: Daniel Warner (ed.), *Consolidating the OSCE*, PSIO Occasional Paper 4/2006, Geneva 2006, pp. 83-105.

4 Section VII on the democratic control of armed forces “has been deemed ‘revolutionary’ from an international customary law perspective”. Alexandre Lambert, in: FSC.DEL/401/06, 12 September 2006, p. 1.

5 Ortwin Hennig, cited above (Note 2), p. 274.

6 Sections VII and VIII of the Code, which concern the “security sector”, have therefore been seen as complementary to the 1999 Vienna Document regime on confidence- and security-building measures; see Victor-Yves Ghebali, *Recommendations on the Further Development of the OSCE Code of Conduct on Politico-Military Aspects of Security: The Development of the OSCE’s Role in Security Sector Governance*, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Geneva 2006, p. 4.

curity by implicitly bridging the gap between the politico-military field and the human dimension of security and by addressing the “development of sound economic and environmental conditions, to counter tensions that may lead to conflict” (para. 17). It deals with the whole conflict cycle, from early identification of potential conflicts and conflict prevention (para. 18), to the conditions favourable to the political solution of the conflict, as well as humanitarian assistance (para. 19).⁷ The 1994 document is equally applicable to long-term thinking about civil-military structures and to the conduct of military activities themselves. In addition, addressing norms for the use of armed forces in peace and war (section VIII), the Code adds substantive value to international humanitarian law and international human-rights law.

The vital role the Code played in the consolidation of the Euro-Atlantic zone of security and in the transformation and adaptation to the new politico-military realities in Europe has been acknowledged for a long time, as has its contribution to the widespread adoption by the OSCE participating States (especially those that were transitioning from closed systems of government to open democracies) of the standards governing international relations and internal regulations concerning their armed forces. In the Balkans, for instance, the Code entered into force in the same year in which the Dayton Peace Accords were signed (December 1995), and the history of the Code has thus coincided with the remarkable developments that have taken place since then; it played an important role in the OSCE’s unique mandate under Annex 1-B of the Dayton Peace Accords, the Agreement on Regional Stabilization;⁸ it has assumed an important role in terms of the normative standards that all participating States are politically committed to uphold. As the democratic and civilian control of armed forces has become a major element of both NATO and EU membership in the post-Cold War era, the Code has also played an important role in the enlargement process. Alexandre Lambert, one of the leading scholars on the Code, is right to say that “the Code therefore provides an important norm-setting function within the evolving political and security architecture in Europe”.⁹

7 Although the Code is clearly identified in Ministerial Decision No. 3/11 adopted in Vilnius on 7 December 2011 on “Elements of the Conflict Cycle, Related to Enhancing the OSCE’s Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, and Post-Conflict rehabilitation”, it is apparent that it has not been at the heart of the OSCE’s reflections on implementing this important decision.

8 On the impressive action carried out by the OSCE Mission to Bosnia and Herzegovina in order to promote the implementation of the Code through awareness-raising and training activities, see: *FSC Chairperson’s Progress Report to the Eighteenth Meeting of the Ministerial Council on Efforts to Further Improve the Implementation of the Code of Conduct on Politico-Military Aspects of Security*, MC.GAL/3/11 of 14 November 2011, p. 3. At the first annual discussion on the implementation of the Code, on 11 July 2012, the delegation of Montenegro distributed the new law on parliamentary oversight in the area of security and defence adopted by the Parliament of Montenegro on 22 December 2010 (see FSC.DEL/93/12/Add.1, 9 July 2012).

9 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*

As for the OSCE, as David Law points out well, the Code represented a defining moment in its development as an organization, with the agreement on the Code coinciding with its transition to the Organization's new status and new name.¹⁰ The Code had a major influence on the Charter for European Security adopted at the OSCE Summit in Istanbul in 1999.

Although negotiated in the early 1990s under the circumstances that prevailed in that early post-Cold War period, the Code remains a unique landmark document, still valid after 18 years in effect and highly relevant to the current security challenges of the 21st Century. The implementation of this pioneering document was supported by the adoption, on 8 July 1998, of the OSCE Questionnaire on the implementation of the Code of Conduct, which has since been updated twice.¹¹ The annual exchange of information on its basis is the major tool for implementing the Code: It provides transparency among OSCE participating States with regard to armed forces and their control by constitutionally established authorities; it also allows them to identify common practices, general trends, and useful comparative elements that can be used to improve national implementation and multilateral co-operative procedures. Since its most recent update in 2009,¹² the Questionnaire currently consists of three sections related to inter-state and intra-state elements as well as to public access and contact information; it contains 24 questions directly related to provisions of the Code and participating States' implementation commitments on a broad variety of principles and norms inherent to the Code. Since 2002, the Questionnaire has placed special emphasis on the struggle against terrorism, and contributes to co-operation in this regard.¹³

Since the adoption of the Code in 1994, only three follow-up conferences have been organized: in September 1997, June 1999, and September 2002. A meeting was held by the OSCE FSC on 27 September 2006 in order to review the implementation of the Code. Since then, the successive chair-

Security, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Occasional Paper No. 11, Geneva, July 2006, p. 1.

10 Cf. Law, cited above (Note 3), p. 89.

11 Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 4/03, Technical Update of the Questionnaire on the Code of Conduct*, FSC.DEC/4/98, 9 April 2003.

12 See Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 2/09, Technical Update of the Questionnaire on the Code of Conduct*, FSC.DEC/2/09, 1 April 2009.

13 Following the third follow-up conference on the Code, which was held in September 2002, the participating States decided to expand question 1 of the Questionnaire which dealt with national and international measures to combat terrorism (FSC.DEC/16/02, 27 November 2002); this new requirement was implemented for the first time in the information exchange of April 2003. The new simplified Questionnaire introduced by FSC.DEC/4/03 (9 April 2003) also focused on national measures for combating terrorism. Although the debate would take us far beyond the limits of this article, one can question this emphasis given to the counterterrorism issue within the Code; Alexandre Lambert is just one of many experts who believe that the few provisions on terrorism within the Code do not add value to already existing international instruments in the framework of the United Nations, cf. Lambert, cited above (Note 9), p. 2.

manships of the Forum and their Co-ordinators for the Code have remained committed to organizing regular briefings and presentations on this important issue.¹⁴ But no real technical discussion of the Code had been held since a special meeting of the FSC's Working Group "A" on this issue, on 23 May 2007, when the Forum decided in 2011, on the basis of the mandate given by the Ministers in Athens,¹⁵ to regularize a focused discussion on implementation of the Code by devoting an annual special one-day meeting to this document. The first annual discussion on the implementation of the Code therefore took place on 11 July 2012 in Vienna.

Almost 20 years after its adoption, awareness and outreach of the Code has reached a reasonably satisfactory level. Due to the numerous seminars and trainings organized by the OSCE Conflict Prevention Centre (CPC) and field missions, the Code is now a well-known instrument and has influenced a number of national legislations. However, the Code's shortcomings and imperfections remain unresolved in 2012, while any renegotiation of its provisions seems to be out of reach in the current political context. As a result, the Code could be at risk of being pushed off the OSCE's evolving security agenda. Nevertheless, some "narrow paths" can be taken in order to keep the instrument's relevance in today's environment; in particular, a more "qualitative" approach could be implemented through the annual information exchange, and the Code could serve as a "transmission belt" beyond the OSCE region. Finally, the 1994 document should offer the Organization a security model for the 21st Century: The Code could be among the "building blocks" for realizing the vision of a security community.

Fairly Satisfactory Levels of Awareness and Outreach

The adoption of the Reference Guide on the Questionnaire by the FSC on 13 July 2011,¹⁶ which provided the participating States with a tool for comprehensive and structured reporting, also closed a lengthy chapter of efforts to promote greater awareness of the Code at the national and international level and within other institutions, and to improve its relevance and its implementation.

Following the adoption of FSC Decision No. 1/08 on awareness raising and outreach of the Code (27 February 2008), five regional seminars have

14 Such as the round table held on 24 February 2010 and the "Security Dialogue" on the contribution of the Code to the security environment past and today, held on 22 June 2011.

15 "[The Ministerial Council] calls on the FSC [...] to [...] continue to explore ways in which to improve implementation of the Code of Conduct on Politico-Military Aspects of Security, and contribute to discussions on the principles inherent in the Code", Decision No. 16/09, Issues Relevant to the Forum for Security Co-operation, MC.DEC/16/09 of 2 December 2009).

16 Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 5/11, Reference Guide on the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security*, FSC.DEC/5/11, 13 July 2011.

been organized by the CPC in 2008 (Kazakhstan), 2009 (Bosnia and Herzegovina), 2010 (Belarus), 2011 (Ukraine), and on 18 June 2012 in Riga, Latvia. In December 2010, the OSCE Office in Yerevan organized a workshop on the implementation of the Code, and in June 2011, the OSCE Mission to Bosnia and Herzegovina also held a seminar on that issue. On 22 June 2011, the FSC convened a special meeting on the Code. The OSCE Mediterranean Conference held from 10 to 11 October 2011 in Budva, Montenegro, focused among other topics on “Democratic Control of the Armed Forces” and, *ipso facto*, on the principles of the Code and its benefits for the OSCE security community; in March 2012, the Contact Group with the Mediterranean Partners for Co-operation devoted a discussion to the Code. In parallel with the above-mentioned substantive discussions on the Code held in 2006, 2007, and 2012, the FSC hosted a number of one-off presentations on this issue.¹⁷ Constant and better communication is of course still needed to promote a greater awareness of the Code at the national and international level and within other institutions, and dialogue between international experts and national representatives responsible for implementing the Code (especially members of parliamentary assemblies and ombudspersons, as major stakeholders and “end users” of the Code)¹⁸ remains more indispensable than ever. But the assessment made by Alexandre Lambert at the FSC special meeting on the Code in 2006 of a “failure to raise awareness on the Code”¹⁹ has been, in our opinion, largely corrected since then.

The number of participating States that provide information has remained more or less the same these past few years, at around 50.²⁰ Thanks to the efforts of the CPC, 2012 has been an even more “excellent vintage”: By the end of August 2012, 53 participating States had submitted their Questionnaire and, out of these 53 submissions, 50 were provided in conformity with the new format introduced in the most recent update of the Questionnaire in 2009.²¹

Facing Reality: 18 Years After Its Adoption, the Code Needs to Be Revisited

Almost 20 years after its adoption, the Code would benefit from an update. A changed security architecture in Europe, new forms of conflict and new threat scenarios, but also intrinsic shortcomings, have called the adequacy and effectiveness of this instrument into question.

17 The last one being the presentation made on 6 June 2012 by Ernst-Reinhard Beck, Member of the German Bundestag, on “*Die Demokratische Kontrolle von Streikkräften als integraler Bestandteil des OSZE-Verhaltenskodex*” [Democratic Control of the Armed Forces as an Integral Component of the OSCE Code of Conduct].

18 A good vector for this could be the OSCE Parliamentary Assembly.

19 FSC.DEL/401/06, cited above (Note 4), p. 2.

20 The numbers were 52 in 2003, 49 in 2004, 51 in 2005, 48 in 2006, 52 in 2010, 52 in 2011, and 53 in 2012.

21 See SEC.GAL/136/12, 11 July 2012.

“The Code lacks coherence”, as Jonathan Dean already observed in 1996.²² Many of its provisions are vague and imprecise, and remain subjective (typified by paragraph 12, which requests that each participating State “maintain only such military capabilities as are commensurate with individual or collective security needs”)²³ to such an extent that one expert concluded that the Code was “for the most part a ‘cosmetic exercise’”.²⁴

The Code’s sections are not titled. The acronym “CSCE” is still used throughout the document.²⁵ The CPC notes that eight different words are used to designate different categories of armed forces, which can give rise to divergent interpretations by participating States.²⁶ In an intervention in June 2011, Wolfgang Zellner provided the FSC with examples of “vague language” in the Code (regarding paragraph 12, in a complete departure from other instruments such as the adapted Treaty on Conventional Armed Forces in Europe), of tensions between specific norms (between paragraph 3 on co-operative and indivisible security and the so-called clause of solidarity in paragraph 5, or between the “ideal world” evoked in paragraphs 3 to 5 of the Code and the legitimization of the military alliance in paragraph 11).²⁷ Paragraph 6 on terrorism remains structurally isolated within the document. As Crispin Hain-Cole, a former negotiator of the Code, highlighted while opening the 2006 special meeting, one might argue that section VII, devoted to the democratic control of armed forces, is disproportionately long in comparison with the treatment of other issues.²⁸ The “structural imbalance”²⁹ between the historical main added-value of the Code (democratic control of armed forces) and the new emphasis on the fight against terrorism in the aftermath of 11 September 2001 has never been completely addressed.

Moreover, the Code pays insufficient attention to paramilitary forces, border guards (a category which did not draw the attention of the promoters of the Code in the 1990s, but which became more important in light of the OSCE’s recent involvement on the borders of Afghanistan), and private military and security companies. It includes no operative provisions on in-

22 Jonathan Dean, *The OSCE “Code of Conduct on Politico-Military Aspects of Security”: A Good Idea, Imperfectly Executed, Weakly Followed-Up*, in: *OSCE Yearbook 1995/1996*, cited above (Note 2), pp. 291-298, here: p. 291. The author describes in detail the rather complicated and controversial circumstances of the Code’s negotiation, which according to him deprived it of clear thrust and purpose.

23 See David M. Law’s remarks on the notion of sufficient expenditure, in: Law, cited above (Note 3), pp. 98-99.

24 Hennig, cited above (Note 2), p. 284.

25 By comparison, another important politically binding document of the OSCE, the Vienna Document (VD), has been regularly updated, at least “cosmetically” and particularly in terms of the use of OSCE instead of CSCE. The latest version of the VD was adopted on 30 November 2011.

26 Forces/services, armed forces, military (forces), paramilitary forces, internal security forces, security forces, intelligence services, police; see FSC.GAL/74/06.

27 Cf. Wolfgang Zellner, *The Code of Conduct on Politico-Military Aspects of Security, Special Meeting of the FSC*, FSC.DEL/114/11, 24 June 2011.

28 See FSC.DEL/433/06.

29 The expression is from Lambert, cited above (Note 9), p. 29.

ternal security forces, intelligence services, and police forces, even if paragraph 20 refers to these particular categories of armed forces. It is not detailed enough when it addresses the use of armed forces for internal purposes (state of emergency).³⁰ It does not make clear the linkages between itself and the Vienna Document (VD), even if paragraphs 22 (military expenses) and 35 (military doctrine and defence policy) refer to issues covered by the VD 1999. It only provides for executive and legislative control of armed forces, but makes no formal reference to the judiciary.³¹ Regarding international humanitarian law, the Code has been deemed inferior to the Geneva Conventions in most regards.³²

Therefore, “the Code needs to be revisited”, as Victor-Yves Ghebali stated in 2005, making a number of proposals in that regard.³³ But reopening the Code has always been considered with great reluctance by the participating States. As the representative of one delegation at the 2012 annual discussion pointed out, the consensus on the Code in 1994 has been seen “as a kind of miracle [...] The question to be asked at the present time was whether it would be wise or too risky to open up the Code of Conduct in order to develop it further.”³⁴ Due to its cross-dimensional nature and provisions, the Code is not a politico-military document *stricto sensu*. Reopening it for ne-

30 This is a paradoxical omission, as the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (Moscow Document, 1991) recognizes that “a state of public emergency may not be used to subvert the democratic constitutional order, nor aim at the destruction of internationally recognized human rights and fundamental freedoms” (para. 28.1). Contrary to the Moscow Document (para. 17.2), the Code also failed to address the issue of usurpation of political control by armed forces.

31 However, paragraph 36 prescribes that internal security missions have to be performed under the effective control of constitutionally established authorities vested with democratic legitimacy and “subject to the rule of law”, which implies the effective supervision of judicial as well as political civilian authorities.

32 In particular, the Code’s provisions on the individual accountability of armed forces personnel vested with command authority (para. 31) are considered much weaker than those of the 1949 Geneva Conventions, which commit the States Parties to enact penal legislation directed against persons responsible for significant breaches, as well as to apprehend and bring such persons (regardless of their nationality) before national or even foreign courts; see Ghebali, cited above (Note 6), p. 5.

33 Victor-Yves Ghebali, “*Expanding the Code of Conduct: Perspectives and Possibilities*”, Workshop on the 10th Anniversary of the OSCE Code of Conduct, organized by the Geneva Center for the Democratic Control of Armed Forces, Vienna, 28 January 2005, p. 3. The proposals made by Ghebali include: a new provision reconciling the two cardinal principles of territorial integrity of states and self-determination of peoples; developing provisions relating to border guards, judicial control of the armed forces, and the use of armed forces during a state of public emergency; better enumeration of the rights and duties of armed forces personnel; creation of a military ombudsman by the participating States; paying more detailed attention to paramilitary forces, internal security forces, intelligence services, and the police; requiring the participating States to provide information on the use of force at domestic level; and improving links between the Code and the Vienna Document 1999; see *ibid.*, pp. 4-5. The suggestion of a “European Ombudsperson” was reformulated on 11 July 2012 by Paul Kiss, Executive Chairman of the Austrian Parliamentary Commission for the Federal Armed Forces, cf. OSCE Forum for Security Co-operation, *Consolidated Report*, FSC.GAL/96/12, 1 August 2012, p. 16. On Ghebali’s suggestions, see also Lambert, cited above (Note 9), pp. 18-22.

34 OSCE Forum for Security Co-operation, *Consolidated Report*, cited above (Note 33), p. 21.

gotiations would therefore go beyond the responsibility of the states' defence departments and would require an inter-departmental process as well as a meaningful co-ordination with relevant non-governmental institutions and civil society. The degree to which the Code should be updated (standardization of terminology, adding new operative paragraphs, deleting others, etc.) would also need to be considered. And the final result could be deeply inferior to the initial text and could endanger the fundamental *acquis* of the Code. All in all, a consensus on the modernization of an important OSCE instrument would be difficult to achieve, as shown by the current stalemate over the Vienna Document updating process.³⁵ Technically, paragraph 38 of the Code establishes that "appropriate CSCE bodies, mechanisms and procedures will be used to assess, review and improve if necessary the implementation of this Code". But none of its provisions addresses how to review the substance of this instrument, and not only its implementation.

At the first Follow-Up Conference, held in Vienna in September 1997, although a few suggestions were made with a view to refining the conceptual structure of the Code or amending some of its provisions, the majority of the participating States took the view that the integrity of the Code in its present form should be preserved.³⁶ At the third Conference, held in September 2002, the participating States agreed that the Code should not be reopened, but merely that some of its aspects could be emphasized further.³⁷ In an identical manner, at the special meeting in 2006, delegations stressed that "the fundamental *acquis* of the Code of Conduct must be preserved under any circumstances and that it should consequently not be reopened, reviewed or renegotiated as such".³⁸ But the question remains open: In its report from this year's annual discussion, the CPC noted that, though participating States recognized that negotiations to change the Code were expected to be difficult, there remained an appetite among many delegations to evolve and update the Code (or at least its Questionnaire) to avoid stagnation.³⁹

However, alternative options have been formulated in order to try to convey necessary adjustments of the Code's substance without reopening the document itself. Some participating States suggested reviewing the Code through separate documents.⁴⁰ One of the conclusions drawn up at the third Follow-Up Conference in 2002 was the need for a separate document on pre-

35 Despite receiving repeated mandates from the highest levels to do so (Athens Ministerial Council in 2009, Astana Summit in 2010), the FSC has so far failed to bring the VD into conformity with current military patterns. A few decisions of a technical and procedural nature have been taken and incorporated into the version adopted by the Forum on 30 November 2011, but they leave untouched the need for a strategic update of the document.

36 Cf. *Summary*, in: FSC.GAL/15/97, 30 September 1997.

37 Cf. Chairperson's Perception Paper, in: Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Third Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security*, FSC.GAL/122/02, 8 October 2002.

38 FSC.DEL/435/06, 27 September 2006.

39 See *Consolidated Report*, cited above (Note 33), p. 24.

40 See FSC.DEL/392/04, 16 September 2004, and FSC.DEL/456/04, 3 November 2004.

venting and combating terrorism,⁴¹ an issue that has never been considered to be a core concern by the promoters of a Code focused on democratic control of the armed forces.⁴² Such an “autonomization” was also suggested by Victor-Yves Ghebali regarding the Code’s provisions on the democratic control of armed forces.⁴³ In 2006, one participating State suggested that the following possible topics could be addressed in an additional protocol: reference to the judicial branch, which, contrary to the executive and legislative control of armed forces, is not subject to any provision in the Code; compatibility between national counter-terrorism measures and human rights and fundamental freedoms; improving the categorization of forces (for instance, this delegation noticed that the category of border guards is not mentioned in the Code); addressing states of emergency/crisis and the related use of force.⁴⁴

At a lower level, Ghebali also proposed to improve the coherence between the various OSCE instruments (interconnecting the Code and the Vienna Document, interconnecting the Code and the OSCE Document on Small Arms and Light Weapons) which converge in many areas.⁴⁵

None of these ideas seem entirely realistic in 2012, due to the political context and the high sensitivity of any attempt to update each of these documents.

Can the OSCE community live with an imperfect Code? The answer is probably yes. As David Law rightly assesses, organizations such as the United Nations and NATO have managed to make several modifications of the scope and methods of their operations without amending the UN Charter or the Washington Treaty. However and although “it can be fairly safely concluded that it would be impossible to agree to update the existing Code under today’s strategic circumstances”,⁴⁶ this unsatisfactory situation might prevent the Code from maintaining its pioneering role in the new OSCE security environment.

41 See *Survey of Suggestions*, in: FSC.GAL/123/02, 8 October 2002.

42 Alexandre Lambert suggested removing counter-terrorism to a separate code of conduct or at least a separate questionnaire, cf. Lambert, cited above (Note 9), pp. 2 and 4.

43 Ghebali, cited above (Note 6), pp. 8-9. The author proposes some “preliminary elements for an integrated OSCE concept for security sector reform and governance”.

44 See FSC.DEL/435/06, cited above (Note 38), p. 2.

45 Cf. Ghebali, cited above (Note 6), p. 6. For instance, the inclusion of Code issues (like the democratic control of armed forces) in the Vienna Document verification and evaluation process could help cross-implementation and add a “verification component” to the Code; this suggestion has been made repeatedly at the Annual Implementation Assessment Meetings; see, in particular, FSC.AIAM/4/12, 2 March 2012, p. 2.

46 Law, cited above (Note 3), p. 103. However, the alternative options that Law proposes (to draft a protocol addressing new developments not currently taken up in the Code and/or to develop special instruments for issue areas that are insufficiently elaborated in the Code, such as a separate code devoted to terrorism or to the rights and responsibilities of armed forces personnel) may appear to be as difficult to implement as the reopening of the Code.

Considering various developments that have intervened in the security field over the two last decades, it could be worth considering the adaptation of the Code in order to take into account the new roles and missions assigned to armed and security forces in combating transnational threats, as already suggested by some experts.⁴⁸ It is interesting to note, *en passant*, that our article coincides with the adoption by the Permanent Council of the OSCE, on 26 July 2012, of two important draft Ministerial Decisions in view of the Ministerial Council in Dublin at the end of this year: one on police-related activities, and one on combating the threat of illicit drugs and the diversion of chemical precursors. At the annual discussion on July 2012, it was suggested that discussions be held on how the Code and its Questionnaire could be further enhanced and developed to address new challenges, such as cyber-security;⁴⁹ the Code could indeed well support the elaboration of confidence-building measures in this field. Equally, the suggestion of a new code of conduct on terrorism, or at least a separate questionnaire related to terrorism only, could help the OSCE to cope with its new involvement in the fight against terrorism.

But is it still timely to act? The current incompleteness and shortcomings of the Code already have some implications for its ability to regain its role of “‘normative compass’ for security sector reform and security sector governance within and beyond the OSCE area”, as Alexandre Lambert urged at the 2012 discussion.⁵⁰ Pointing out that security-sector reform had been rapidly gaining ground as a policy framework for the OECD, UN, EU, and Council of Europe, David Law regretted a few years ago that the Code was in danger of losing its *niche* in this area.⁵¹ Indeed, as Ambassador Theodor Winkler, Director of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) stated clearly at this year annual discussion, “while the Code could be considered a founding document for SSG [security sector governance], the concept of SSG had moved beyond the principles embodied in the Code”.⁵² Preserving a contribution for the Code in this area would need to take into account “a broader understanding of the term [security sector], including more actors, such as elements of the judicial sector or even non-State actors”,⁵³ two categories that are specifically not yet included in the scope of the document.

47 This is David Law’s clear opinion, cf. *ibid.*, p. 101.

48 Cf. Lambert, cited above (Note 9), p. 47.

49 Cf. FSC.DEL/94/12, 11 July 2012.

50 *Consolidated Report*, cited above (Note 33), p. 18.

51 Cf. Law, cited above (Note 3), p. 93.

52 *Consolidated Report*, cited above (Note 33), p. 19. It is interesting to note that the Centre’s creation was directly inspired by the Code of Conduct, which lent it the name of one of its main aims, the democratic control of armed forces.

53 *Ibid.*

The Code's Substance and Legal Status Need to Stay Untouched, but Participating States Should not Be Prevented from Moving Forward

For the reasons mentioned above, renegotiating the Code to ensure this instrument is commensurate with the requirements of the 21st Century appears to be out of reach. Equally, the Code's status should not be modified. In contrast to the prominent Helsinki Decalogue, the Code was simply integrated in the 1994 Budapest Document and adopted as a section under chapter 4 of this document. Using the image conjured up by an expert in 2006, "the Code is still a gentlemen's agreement".⁵⁴ Already in 1992, France, eager to consolidate post-Cold War security arrangements and prevent backsliding, proposed that CSCE commitments be codified in the form of a treaty; this proposal was thwarted by the United States, in the context of NATO reaffirmation.⁵⁵ Although time has passed since then, considering the possibility to enhance the status of relevant provisions of the Code in order to promote compliance with the standards of responsible inter-state co-operative conduct by the states in the politico-military sphere, as brought forward by a participating State in 2010 before the Astana Summit, would certainly give rise to more difficulties than solutions. The Code's added value in the 21st Century also consists in its "soft power" of influence: Above all, it is a "Code" corresponding to an optimal final state, and not a set of legal obligations.

However, there are two indirect ways that could help to move things forward while leaving the Code untouched.

The first would be to encourage participating States, in the framework of the annual information exchange on the Code, to consider supplementary measures and to provide additional information on a voluntary basis on issues which are not sufficiently covered by the Questionnaire. Statistical analysis of the 2012 information exchange shows that some participating States provided additional voluntary information on private military and security companies, while 27 gave information on women, peace, and security along the lines of United Nations Security Council Resolution 1325 (2000).⁵⁶ Nevertheless, one should consider this approach with caution: On the one hand, this "variable geometry approach such as the one practised in certain areas of the EU" that David Law proposes to implement among the states that want to go

54 FSC.DEL/401/06, cited above (Note 4), p. 8.

55 Cf. Dean, cited above (Note 22), p. 292.

56 See *Consolidated Report*, cited above (Note 33), p. 24. On 1 April 2009 and 13 July 2011, some OSCE participating States declared their intent to expand the scope of their replies to the Questionnaire to include information about women, peace, and security; see the interpretative statements attached to FSC.DEC/2/09, cited above (Note 12), and to FSC.DEC/5/11, cited above (Note 16). In the same way, in 2009, five participating States called on the states to include statements on the democratic political control of private military and security companies in their replies to the Questionnaire; see the interpretative statement attached to FSC.DEC/2/09, cited above (Note 12).

further than the consensus of all the OSCE States permits,⁵⁷ would certainly generate a “mass effect” which would pave the way for others to follow when their situation allows; but on the other, it would also create a risky situation of an OSCE “à deux vitesses” that would endanger the indivisibility and coherence of the OSCE normative *corpus*.

The second would be to create a mechanism inspired by the “VD PLUS” procedure that was implemented from 2010 to incorporate into the Vienna Document the decisions adopted by the FSC, thereby updating some of the 1999 VD’s existing provisions.⁵⁸ As in the case of VD PLUS, the CPC could be tasked with keeping a record of all valid “CoC PLUS” decisions, and a special FSC meeting could take place every five calendar years to consider updating the Code.

Updating the Practice of the Code, Rather than the Document Itself: From “Quantitative” to “Qualitative”

Following the technical update of the annual Questionnaire in 2009, the FSC developed a reference guide to assist the participating States in preparing their national submissions. Beyond this important milestone towards improving the implementation of the Code, more could be done to enhance the practice of the 1994 document. Indeed, though the level of submissions in 2012 has been remarkably high, and though the CPC observes a continuous upward trend, it still acknowledges that the replies it receives range from a mere list of laws and relevant documentation, to comprehensive reports giving detailed information on policies, procedures, and progress made.⁵⁹

As one participating State suggested at the first annual discussion of 11 July 2012, more “user friendly” guiding principles for implementation could be developed; to this end and following the successful elaboration of the OSCE best practice guides for small arms and conventional ammunition, this state proposed to draft such a guide for the implementation of the Code, according to international standards.⁶⁰ At the Riga seminar in 2012, and at the first annual discussion, several delegations also advocated a more “qualitative” and meaningful assessment and analysis of the annual exchange of information based on the Code, which would go beyond the purely statistical data the CPC is currently requested to provide.⁶¹ The information provided by the participating States could be then used more effectively. Although it might be time- and money-consuming, it could be worthwhile to repeat the experience of 2010, when an academic study of the information provided by

57 Law, cited above (Note 3), p. 104.

58 Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 1/10, Establishing a Procedure for Incorporating Relevant FSC Decisions into the Vienna Document*, FSC.DEC/1/10, 19 May 2010.

59 Cf. SEC.GAL/135/12, 11 July 2012.

60 Cf. FSC.DEL/95/12, 11 July 2012.

61 Cf. FSC.DEL/94/12, cited above (Note 49), and FSC/GAL/96/12, cited above (Note 33).

the OSCE States was issued by two experts following the first information exchange based on the newly updated Questionnaire.⁶²

Guidelines for the implementation of the Code itself could be elaborated with respect to categories such as private military and security companies, border guards, internal security forces, intelligence services, and police forces, following Victor-Yves Ghebali's suggestion.⁶³

In the same way, information exchange could be further streamlined to take account of information provided under other mechanisms, notably the United Nations.⁶⁴ Yet in 2006, an expert noted that, although amended in 2003, only sub-item 5(e) in item 1 of the Questionnaire regarding the fight against terrorism added value over and above the existing UN anti-terrorism questionnaire.⁶⁵ This suggests that the CPC would do well to replicate its considerable accomplishments of the past two years in the field of small arms and light weapons, where the states' reporting burdens were reduced by implementing a standardized reporting template harmonized with that of the UN.⁶⁶ The questions could be rationalized so as to minimize repetition and avoid cross-referencing in responses. This could contribute to diminishing the "reporting fatigue" that a former head of the Anti-Terrorism Unit (ATU) of the OSCE already noted among participating States six years ago in the area of counter-terrorism, due to the number of reports already required in other forums.⁶⁷

Last but not least, the CPC should focus on the very few OSCE States that persistently stay outside the exchange of information (three in 2012). Any lack of capacity on their part should be addressed, and they should be provided with the appropriate technical assistance (as well as with peer pressure, as the lack of political will might be deemed sometimes a more relevant issue to address than the lack of technical capacity) in order that 2013 might be the first "100 per cent participation" year in the history of the Code.

A Transmission Belt Beyond the OSCE

"Despite imperfect application in the OSCE area, the OSCE Code of Conduct could with benefit also be discussed and applied outside the OSCE area", suggested one expert a year after the adoption of the document.⁶⁸ The 2010 Astana Declaration emphasized that "the security of the OSCE area is inex-

62 See FSC.GAL/99/10, 13 September 2010.

63 Cf. Ghebali, cited above (Note 6), p. 7.

64 In 2006, Alexandre Lambert suggested that the Code should be brought to the attention of the United Nations; see FSC.DEL/401/06, cited above (Note 4), p. 4.

65 Cf. *ibid.*, p. 7.

66 See Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *OSCE Meeting to Review the OSCE Plan of Action on Small Arms and Light Weapons and OSCE Expert Level Session on Small Arms and Light Weapons Stockpile Management, Surplus Reduction and Destruction, Vienna, 22 to 24 May 2012, Consolidated Report*, FSC.GAL/86/12, 4 July 2012, p. 23.

67 See FSC.DEL/361/06, 19 July 2006, p. 3.

68 Dean, cited above (Note 22), p. 298.

trically linked to that of adjacent areas, notably in the Mediterranean and in Asia”.⁶⁹ In this context, the Code may effectively serve as a “transmission belt [...] in and beyond the OSCE”, as Alexandre Lambert suggested at the first annual discussion of July 2012.⁷⁰ It should constitute one of the primary tools in the OSCE politico-military dimension to be promoted among OSCE Partners for Co-operation. It could also play an important role in stepping up political consultations between the OSCE and other organizations as well as possibly strengthening co-operation across all three security dimensions.

The OSCE should be ready and willing to help other regional or sub-regional organizations to draft their own documents, inspired by the OSCE Code but also tailored to local requirements. A few years ago, the DCAF worked together with the Economic Community of West African States (ECOWAS) for this purpose.⁷¹ In light of the “Arab Spring” and the current developments in the Mediterranean region, the relevance of the Code could be underlined with regard to its intra-state elements, such as civilian and parliamentary oversight of the security sector or the political neutrality of armed forces.⁷² In that regard, the initiatives aiming at increasing awareness and outreach of the Code could now focus on the OSCE Mediterranean Partners; the idea of a joint conference on the Code, as well as its ongoing translation into Arabic, following the interest expressed by the Secretary-General of the League of Arab States, Ambassador Nabil Elaraby, were warmly welcomed at the 11 July 2012 meeting. The Code could also play an important role in the follow up of the Istanbul Process on Regional Security and Co-operation for a Secure and Stable Afghanistan.

The accession of Mongolia to the OSCE, which became effective on 20 November 2012 at midnight, will of course offer a good case study for the implementation of the Code in the enlarged OSCE region.

As suggested at the first Follow-up Conference in 1997, the Code of Conduct could also be reflected in regional/bilateral agreements.⁷³ Indeed, as an expert wrote in 1996, the Code “gives greater regional and sub-regional

69 Organization for Security and Co-operation in Europe, Summit Meeting, Astana 2010, *Astana Commemorative Declaration – Towards a Security Community*, SUM.DOC/1/10/Corr.1, 3 December 2010, para. 10, p. 3, at: <http://www.osce.org/cio/74985>.

70 Alexandre Lambert, Implementation of the OSCE CoC: Lessons Learned & the Way Ahead, in: *Annual Discussion on the Implementation of the Code of Conduct*, FSC.NGO/1/12, 4 July 2012.

71 A draft Code of Conduct for Armed and Security Forces in Africa was discussed at an Experts’ Workshop held in Lomé, Togo, on 27-29 May 2002. On this document, see Lambert, cited above (Note 9), pp. 10-11.

72 The requirements made by the Code with regard to the use of armed forces for internal security missions, as well as the commitments it contains not to use armed forces to limit the peaceful and lawful exercise of human and civil rights, not to strengthen the security of one state at the expense of others, or to maintain only military capabilities that are commensurate with individual or collective legitimate security needs are also highly relevant for the region.

73 Cf. *Survey of Suggestions*, FSC.GAL/24/97, 14 October 1997.

effectiveness to the international norms which govern the politico-military activities of states and their use of military power”.⁷⁴

The Code as a Security Model for the 21st Century: A “Building Block” for Helsinki +40

“Since adoption of the Code, there has been little discussion of its potential as a focus for discussion of a possible pan-European defense community”, noted Jonathan Dean with regret as early as 1996.⁷⁵ Against this trend, the Code of Conduct should be considered part of the ongoing discussions regarding the future of security in Europe, especially along the line of the “Helsinki +40” process that was launched in 2012 by the Irish OSCE Chairmanship.⁷⁶ At the first Follow-Up Conference on the Code of Conduct, several delegations had already considered that the Code’s *acquis*, especially the inter-state standards formulated in sections I-VI, “could in any case be used as by now uncontroversial building blocks of the Security Model for Europe for the twenty-first century. Hence, this statement of norms and values could well serve as a catalyst for perhaps equally important deliberations, the outcome of which was still unclear.”⁷⁷

With regard to the broader discussions of the European security architecture, the principles stipulated in the Code – including the indivisibility of security, the non-use of force against the territorial integrity of any state, the right of individual or collective self-defence, the right of any state to choose its own security arrangements, and respect for the legitimate security concepts of other states – are highly significant. Some of these principles are reaffirmed in the Astana Commemorative Declaration “Towards a Security Community”. Paragraph 4 of the Code, which assigns a “key role” to the CSCE/OSCE and calls upon the participating States to “continue to develop complementary and mutually reinforcing institutions that include European and transatlantic organizations, multilateral and bilateral undertakings and various forms of regional and subregional co-operation”, could itself be sufficient to provide the Euro-Atlantic community with a strong and well-grounded security architecture in the 21st Century. Thus, “the Code of Conduct also provides a sound basis for a Security Model for the 21st Century”.⁷⁸ As suggested by the Director of the Office of the Secretary General at the an-

74 Hennig, cited above (Note 2), p. 274.

75 Dean, cited above (Note 22), p. 297.

76 At the very heart of the “Helsinki +40” concept, which aims at realizing the common vision of a “security community” agreed upon at the OSCE Summit in Astana, is the idea of using the 40th anniversary of the Helsinki Final Act in 2015 as a “rendezvous” at which the participating States could measure progress towards this security community. It would rely on a “building-blocks” approach; see CIO.GAL/49/12, 25 April 2012.

77 *Summary*, in: FSC.GAL/15/97, cited above (Note 36).

78 Hennig, cited above (Note 2), here: p. 283.

nual discussion on the implementation of the Code on 11 July 2012, it should serve as a basis for discussions on these important inter-state principles.⁷⁹

In particular, the “principle-based approach” followed by the Code could help to revive the negotiations on a future arms control regime in Europe. Paragraph 16 of the Code establishes that “with a view to enhancing security and stability in the CSCE area, the participating States reaffirm their commitment to pursue arms control, disarmament and confidence- and security-building measures”. Such a provision should encourage the participating States to resume their discussions, which have currently reached an impasse. The Code could provide them with solid references for concepts such as “indivisible security” (see para. 15) or “host nation consent” (see para. 14), whose definitions have been stumbling blocks in these past few years.

Conclusion

By adopting the Code of Conduct in 1994, the OSCE could legitimately claim to have advanced beyond the normative accomplishments of other international organizations. As Crispin Hain-Cole noted in 2006, the Code “represents a civilised method of seeking to regulate relations between States through the negotiation and implementation of binding multilateral agreements voluntarily accepted, in good faith”.⁸⁰

It is easy to stress that this “good idea” has been imperfectly executed and rather weakly followed up by the OSCE and its participating States. The mantra, often repeated on 11 July 2012, according to which the Code should be regarded as an important instrument for confidence building and conflict prevention, needs to be honestly questioned. The Code cannot prevent armed conflicts between OSCE States, nor can it stop the employment of military force in internal conflicts by individual OSCE participating States. Russia’s military action in Chechnya began only five days after the conclusion of the OSCE Summit in Budapest on 6 December 1994, and has been described as “a negative ‘test case’ for the use of the Code of Conduct as an instrument for early warning and conflict prevention”.⁸¹ In a declaration of 27 September 2006, the Finnish Presidency of the European Union, in allusion to the events of the previous year in Uzbekistan, had to recognize: “We note with regret that questions asked with regard to those tragic events on the basis of the Code’s provisions at the FSC meetings remain unanswered.”⁸² As Wolfgang Zellner accurately pointed out, paragraph 14 of the Code on the stationing of armed forces on the territory of participating States did nothing to resolve

79 Cf. *Consolidated Report*, cited above (Note 33), p. 11.

80 FSC.DEL/433/06.

81 Hennig, cited above (Note 2), p. 284.

82 FSC.DEL/429/06/Corr. 1.

existing disputes between the Russian Federation and Moldova, on the one hand, and between the Russian Federation and Georgia, on the other.⁸³ Equally, paragraphs 15 and 16 did not stop the Russian Federation from suspending the Treaty on Conventional Armed Forces in Europe in 2007,⁸⁴ nor the member States of NATO, as well as Georgia and Moldova, from proceeding in the same way vis-à-vis Russia in 2011; these provisions were also not sufficient to give impetus to the VD updating process, which, three years after the mandate given to the FSC by the ministers in Athens, has reached a stalemate, despite the adoption of some technical and cosmetic amendments in 2011.

That might be the reason why this “revolution had fallen asleep since then”.⁸⁵ With the exception of the annual exchange of information based on its Questionnaire, the Code itself has taken on the shape of a “historical ornament” on the OSCE’s shelves. It is indicative to note that the 36-page report made by the OSCE Panel of Eminent Persons in 2005 did not mention the Code once.⁸⁶

However, nobody should undervalue the importance of the Code for the OSCE: As underlined in our introduction, the Code has an essential link to the Vienna-based Organization, with its adoption coinciding with the OSCE’s transition to a new status and a new name. Inevitably, its strength is linked to that of the OSCE: As have others of the OSCE’s instruments, the Code has, since the beginning, been “waiting for the day when OSCE gains sufficient weight to put more energy and authority behind implementing its own decisions and principles”.⁸⁷

Is it “time to wake it up”, as Alexandre Lambert asked on 11 July 2012?⁸⁸ The “Helsinki +40” process, relying on the active engagement of think tanks and academic institutions, could well provide the OSCE community with such an impetus.

83 Cf. Zellner, cited above (Note 29).

84 Cf. Loïc Simonet, *Trois ans après la suspension du Traité sur les forces conventionnelles en Europe par la Fédération de Russie: Retour sur les fondements juridiques d’un acte controversé* [Three years after the suspension of the Treaty on Conventional Armed Forces in Europe by the Russian Federation: back to the legal basis of a controversial act], in: *Revue générale de droit international public* 1/2011, pp. 157-173.

85 *Consolidated Report*, cited above (Note 33), p. 18.

86 *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, available at: <http://www.osce.org/cio/15805>.

87 Dean, cited above (Note 22), p. 298.

88 *Consolidated Report*, cited above (Note 33), p. 18.

III.

Organizational Aspects

OSCE Institutions and Structures

OSCE Project Management: The Mission in Kosovo's Approach

The significance of project management for international organizations involved in peace missions has been increasing for more than a decade now. As the number of missions has grown, so has the scale of their budgets. However, the development of effective skills and abilities and suitable approaches was long neglected, often at the cost of reducing the efficiency and effectiveness of the missions themselves. This contribution seeks to illuminate the OSCE's approach to project management with reference to the OSCE Mission in Kosovo (OMiK). Our analysis concludes that it is drawn from existing models in both the for-profit and not-for-profit sectors. Building on a long-term comparison, this study undertakes to compare the theoretical claims and the actual implementation of OMiK's approach to project management. In doing this, we have paid particular attention to the everyday work of former project managers on the ground. The present study also shows that there are critical implementation deficits at every level of OMiK's project management cycle. These are mostly structural in nature and rooted in the OSCE's political and management culture. The study reveals a range of factors that help to explain the critical implementation deficits in the OSCE's project management with reference to the Mission in Kosovo. From this, it derives solid recommendations on how they may be gradually removed.

Hypothesis, Research Questions, and Aims

This study starts from the hypothesis that clear discrepancies exist between the ideal of the OSCE's Project Life Cycle (PLC) concept (and its adapted form in the Mission in Kosovo as the Project Management Cycle/PMC) and the reality of its practical implementation by OMiK. Such implementation deficits, if confirmed, would not only have a negative impact on the efficiency of project management and the outcome of individual projects, but also consequences for the entire work and effectiveness of the Mission. The hypothesis is based partly on previous analyses,¹ and partly on the personal experience of individuals we interviewed who worked in OSCE project management. Building on this hypothesis, the current study seeks to generate

1 Cf. Wolfgang Zellner/Frank Evers/Claus Neukirch/Wolfgang Sporrer, New forms and support structures for OSCE field operations, in: *Helsinki Monitor* 2/2004, pp. 23-34; cf. also Annette Legutke, From lessons lost to lessons learned? In: *Helsinki Monitor* 3/2005, pp. 188-191.

well-founded answers to the following questions, largely focused on qualitative aspects of OMiK project management: What are the similarities and differences between the OSCE's PLC concept, OMiK's PMC, and other selected project management approaches in terms of both theory and content? To what extent do the OSCE's approaches contain distinctive features that could be relevant to the particular requirements of peace missions? Can implementation deficits be observed in the practical application of OMiK's project management concept, and, if so, which specific phases of project management does this affect? How can these deficits be explained, and what recommendations for optimizing project management in international peace missions could we derive from this? Where should recommendations for optimization be drawn from for-profit project management concepts and where from not-for-profit models? To what extent should such recommendations be specifically oriented towards the structural and operational features of international peace missions?

The OSCE's Project Life Cycle Concept

In 2003, a project co-ordination unit was established within the OSCE Secretariat. Its task was to ensure standardized project management within the Organization. It took more than ten years from the establishment of the first peace missions for the OSCE Secretariat's training unit to develop a unified set of standards for internal project management. This was the PLC model, which has been employed as the binding standard for OSCE internal project management since 2005. It comprises an integrated cycle of three phases for the identification, development, and implementation and evaluation of projects. In this closed three-phase management cycle, the final phase (implementation and evaluation) feeds directly back into a new phase of identification for subsequent projects within the scope of a broader programme in a given field. The OSCE Mission in Kosovo uses a slightly modified form of PLC, as do other large field missions, such as the OSCE Mission to Skopje (formerly the OSCE Spillover Monitor Mission to Skopje), with the PLC functioning as an overall framework. In addition, for several years now, new OSCE staff have undergone a half-day introduction to programme and project management as part of their obligatory orientation.² This training course, whose contents are highly general, is organized by the Secretariat.

Management Tools

The OSCE's project management concept is underpinned by specialized, computerized tools for resource management, primarily the OSCE's Inte-

2 Cf. Organization for Security and Co-operation in Europe, *Pre-arrival information package*, at: <http://www.osce.org/training/18114>, p. 5.

grated Resource Management System (IRMA). The keystone of the OSCE's management-reform process, IRMA has been operational since 2005. It provides an instrument for the management of financial, human, and material resources, while simplifying the production of progress reports on programmes and the management of project data, such as financial records. IRMA aims to facilitate day-to-day, operational project management by enabling project monitoring and the tracking of progress, financial oversight and reporting. IRMA aims to give project managers the insight they need into the current status of a project to make management decisions autonomously within the limits of their authority. OMiK has also developed its own instrument for project management, the Project Management Database (PMD).

Budgeting Process

The OSCE's budgeting process was also reformed in 2003, and management tools were deployed to ensure that programmes and projects accorded with political priorities and that the necessary budgetary resources were available. The annual budgeting process comprises a number of interlocking elements, including the programme outline, the unified budget proposal, and the programme budget performance report. While the programme outline sets strategic priorities, the unified budget proposal outlines which financial resources will be necessary to implement programmes and the projects that are part of them. This helps to demonstrate the progress that has been made in the previous year and to enable effective programme planning for the coming year. Programme planning and budgeting is carried out each summer for the following year, although most projects in the ongoing budget year are still being implemented and a final evaluation is not yet possible. Applications for follow-up financing for projects should, however, only be made after evaluation has been performed.

Levels of Actorhood in Project and Programme Management

Within the political, administrative, and operational structures of the OSCE involved in the planning and execution of programmes and projects, a variety of actors with their own areas of competency can be distinguished on three levels: (1) The OSCE Secretariat in Vienna; (2) section and programme managers at the headquarters of the missions; and (3) project managers in the missions and their regional offices. The political decision makers are found at the highest hierarchical level: the OSCE Secretariat. They are involved in planning and decision-making processes regarding the programmes run by each peace mission. However, actors at this level are not directly involved in the project-management process at mission level, though they do co-operate with mission leaderships in determining overall policy objectives for programmes and projects. In this regard, the OSCE Permanent Council – as the

policy-making body of the participating States – is the supreme authority and has responsibility for policy consultations and related decision-making processes, for instance, with regard to operational programming and mandating of missions. This also applies to the extension of mandates, in which each mission's programme outline and budget proposal are generally adopted together, by means of the consensus principle, in the form of a mission implementation plan. The mission leaderships co-ordinate these documents with the appropriate section of the OSCE Secretariat beforehand. The second and third levels of actor are found within the OSCE missions themselves. They are directly involved in the day-to-day project management cycle. The implementation of programmes is the responsibility of the programme managers, who are in charge of project execution and resource management for a given programme area. The programme managers supervise the work of the lowest level of actor, the project managers, who are responsible for the successful execution of projects on time and within budget for a given geographical and thematic area. Liaising with the programme managers, they are responsible for the entirety of project implementation, from needs assessment prior to the submission of a project application, via project planning and execution, to the final evaluation.

The Project Management Cycle of the OSCE Mission in Kosovo

Since 2006, the OSCE Mission in Kosovo has deployed its own programme and project management system, the PMC, which is based closely on the OSCE's PLC concept, but adapted to the Mission's specific requirements.³ The PMC is also based on three interlocking project-management phases, though these differ slightly from those of the PLC. OMiK has also developed a range of project-management tools within the scope of the PMC concept. The following sections aim to outline briefly the individual phases of the project cycle and the differences between the PMC and the PLC.

Project Identification and Development

The first PMC project phase combines project identification and project development. Objectives, outputs, and activities of a specific project are defined in terms of overarching programme goals. The project budget is also developed during this phase, and specific milestones are set down. The majority of projects are "planned projects". They are already included within the overall programme outline and were budgeted for by the programme managers in the previous year. The deployment of "unplanned projects", by contrast, enables

3 Cf. Organization for Security and Co-operation in Europe Mission in Kosovo, *Programme and Project Management Toolkit. A Practical Guide for the OSCE Mission in Kosovo*, Pristina 2005.

missions to retain the ability to react in the short term at the level of programmes – despite the usually time-consuming planning phase – to the often rapidly changing needs of countries in crisis. The first step in the identification and development of unplanned projects is needs assessment, which is carried out in combination with situation and problem analysis in the field. In the design of unplanned projects, OMiK utilizes a tool known as the *Logical Framework Matrix* to analyse project coherence. The Logical Framework Matrix is the central component of the *Logical Framework Approach* (LFA), a process model for projects that display a high degree of interdependency with the social and political environment.⁴ OMiK's project work is described in detail in an internal handbook: the Programme and Project Management Toolkit.⁵ This notes that project identification (including needs assessment and situation analysis) for planned projects will have been carried out during the prior programme development phase and that project managers therefore do not need to undertake project identification.⁶ It must be borne in mind, however, that without up-to-date situation analysis and needs assessment, projects may still come to nothing. Project managers on the ground may thus find themselves in the situation of having to implement a project that is of questionable value and not geared to the needs of its purported beneficiaries. It may then be necessary to deploy unplanned projects to alleviate such situations and refocus OMiK's work on actual needs. This may lead to a kind of structural-operational antagonism between the two kinds of project. The question of whether the needs of beneficiaries and host-country populations are met most effectively by means of planned projects or whether it is easier to achieve this via increasing use of unplanned projects thus remains open.

At the end of the first project phase, a detailed monitoring and evaluation plan is drawn up. This is not only used to determine whether the planned implementation status has been realized but also to evaluate the achievement of overall goals and thus the success of the project. The project development phase should result in the drawing up of a final project plan containing a detailed budget, a schedule with milestones, and a specific project monitoring and evaluation methodology.⁷ Finally, all the elements of the project plan are entered into OMiK's PMD, which provides project managers with assistance in project implementation and monitoring.

4 Cf. Georg Angermeier, Projektmanagement-Glossar [Glossary of Project Management], in: *Projekt Magazin*, at: <http://www.projektmagazin.de/glossar>, entry on "Logical Framework Approach".

5 See OSCE Mission on Kosovo, *Programme and Project Management Toolkit*, cited above (Note 3).

6 Cf. *ibid.*, p. 57.

7 Cf. *ibid.*, pp. 55-98.

The second phase includes project implementation and the monitoring, in parallel, of the planned activities and goals of a project.⁸ The aim in this phase is for each project to be implemented in line with its project plan and for the milestones to be achieved on time and budget. This is aided by the PMD, which functions as a tracking mechanism, allowing comparison of the current project and budget implementation status with the project plan. To enhance project transparency, the current project status in the database can be seen by not only the project managers and central co-ordination unit but also by all the members of the mission. To support project monitoring, the PMD automatically asks all project managers to enter the current status of realization of each project milestone. At the same time, all mission members are able to see an assessment of the progress made towards the fulfilment of milestones in the project database. Any failure to reach the milestones as planned is assessed negatively, although an application to change the milestones of ongoing projects may be made when sufficient reason exists. Interim reports by project managers are also entered into the PMD and serve as a further instrument for project monitoring.

Evaluation

The goal of the third phase of the PMC is to undertake a systematic evaluation of all projects. This aims to determine whether the results achieved correspond to the goals envisaged, and hence whether project implementation has been successful. Where goals are not achieved in line with the project plan, the reasons for this have to be identified. Project evaluation also seeks to determine whether the continuation of a project will help to fulfil future priorities at programme level.⁹ To assess the outcome of each project, OMiK uses evaluation tools such as the interim project reports and a comprehensive Project Appraisal Questionnaire (PAQ), which is completed by project and programme managers after the project has ended. All these results go to make up the final project report. The PAQ is an internal evaluation tool that evaluates on the basis of four criteria: (1) the impact of the project, (2), its sustainability, (3) efficiency, (4) the level of involvement of stakeholders, i.e. all relevant actors with a justified interest in the project. Statements relating to these four criteria are given marks from 1 to 5 (1=strongly disagree, 5=strongly agree). This grading is done by the project managers, the programme managers, and OMiK's Project Co-ordination Unit (PCU). The objectivity of the evaluation is ensured by means of Objectively Verifiable Indicators (OVI), which are set out in the project's Logical Framework Matrix. This three-stage evaluation system seeks to enhance preciseness and reliabil-

8 Cf. *ibid.*, pp. 99-131.

9 Cf. *ibid.*, p. 132.

ity.¹⁰ The final project report, which is based on the results of the PAQ, gives an overview of all the phases of implementation in terms of impact, sustainability, efficiency, and stakeholder involvement. It is also the final financial report on a given project. The results of the project evaluation help to determine the focus of the mission's programmes for the following year. In contrast to the original PLC concept, OMiK's PMC model emphasizes project monitoring and evaluation, and it has developed a dedicated project management phase and specialized instruments to support this. The OSCE's peace missions were among the first to recognize the need to systematically evaluate projects. A systematic project evaluation should include a detailed proposal of how projects should be continued or followed-up, e.g. via training and capacity-building projects, thus avoiding the requirement for additional needs assessment before extending the project. As already mentioned, there is a potential problem with the timing of project evaluations. As their results are rarely submitted before the programme planning and budgeting phase for the following year takes place in mid-year, they generally have little influence on current programming, which will already have been planned in the previous year.

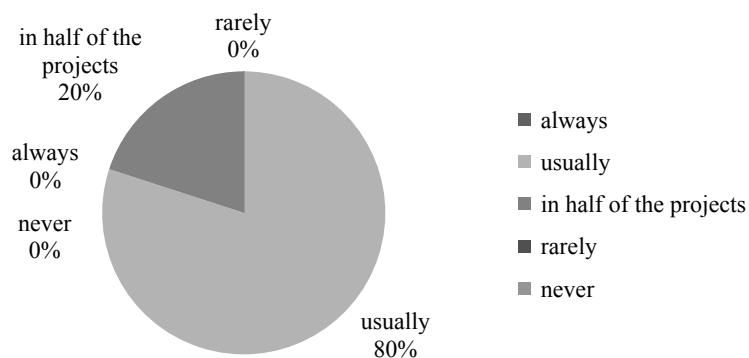
Acquisition of Data on the Project Management Approach of the OSCE Mission in Kosovo

In order to gather meaningful data on the implementation of OMiK's approach to project management, we compared the theoretical PMC model, as outlined above, with empirical data based on the experience of mission members. The first in-depth interviews with OMiK project managers to this end were held in 2007. These in-depth interviews gave an indication of the extent to which discrepancies actually existed between theory and practice. The data gathered in the interviews was then used to formulate a questionnaire that would give a more detailed and quantifiable insight into any implementation discrepancies that may exist. Thus, a total of 14 national and international project managers from regional offices and at OMiK headquarters were surveyed using semi-standardized questionnaires. The results are presented in the following charts:

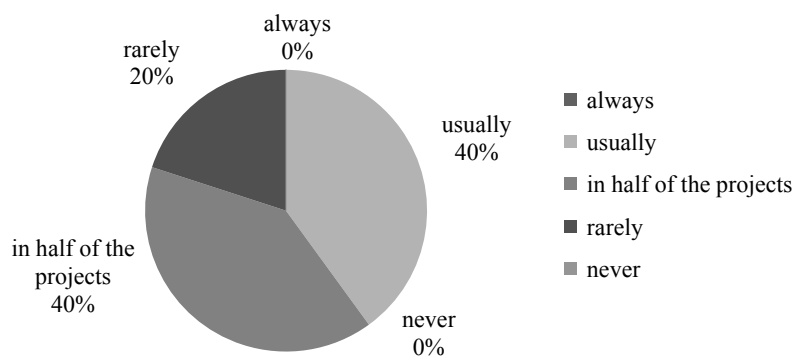
10 Cf. *ibid.*, p. 104.

Project Identification (A)

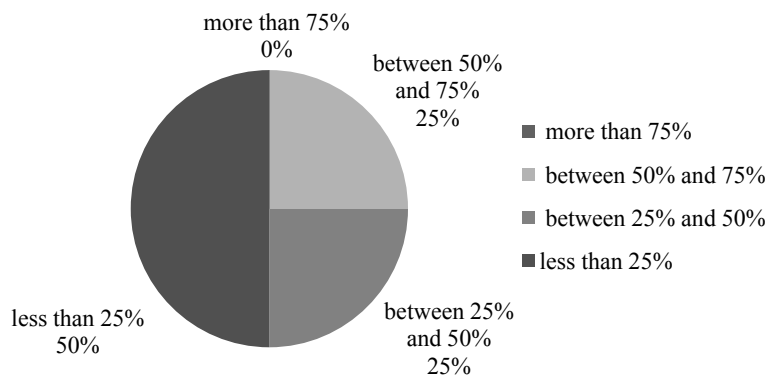
From your experience, to what extent do the objectives of planned projects reflect the needs of the targeted beneficiaries in your area of responsibility?



To what extent are inputs from the field personnel reflected in the identification of planned projects?

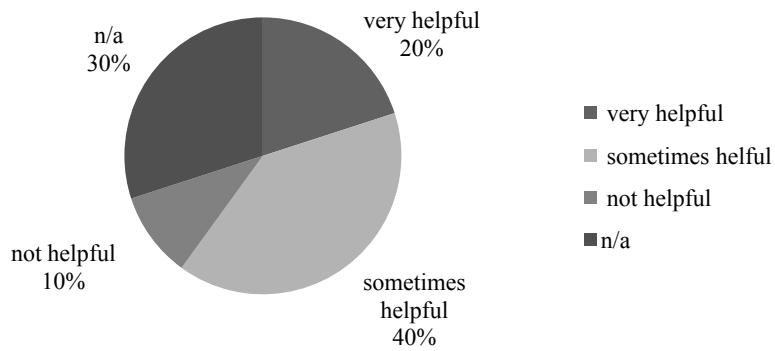


What percentage of the projects that you have implemented were unplanned projects?

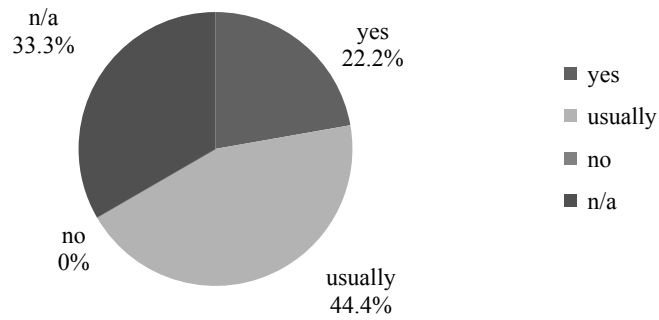


Project Implementation and Monitoring (B)

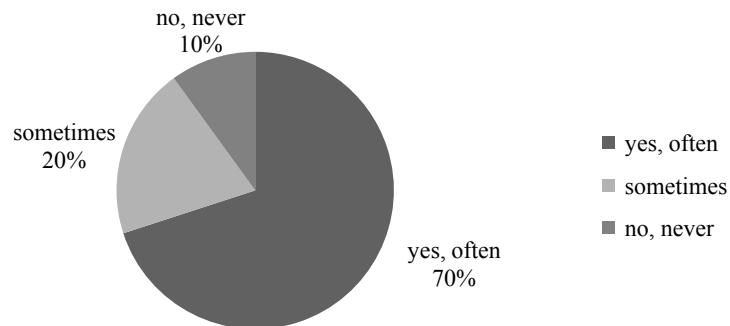
Do you consider the Project Management Database helpful for the management of your projects?



Do you consider the Project Management Database easy to use?

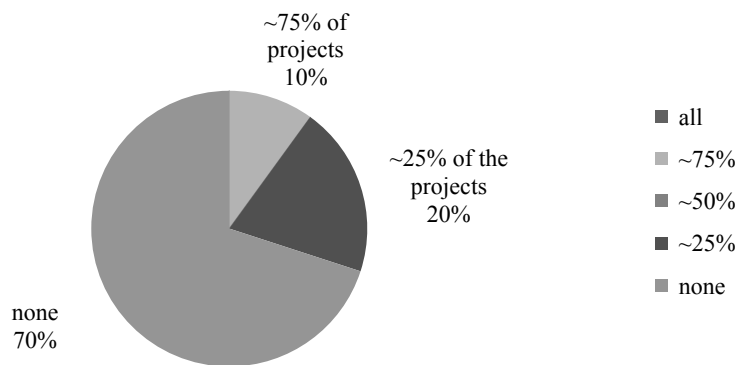


Did you ever face constraints in implementing a project due to a prolonged financing process?

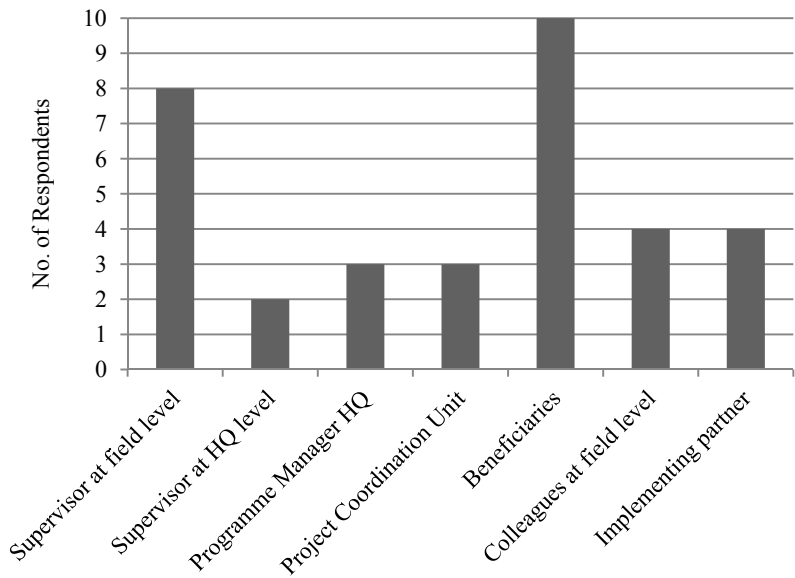


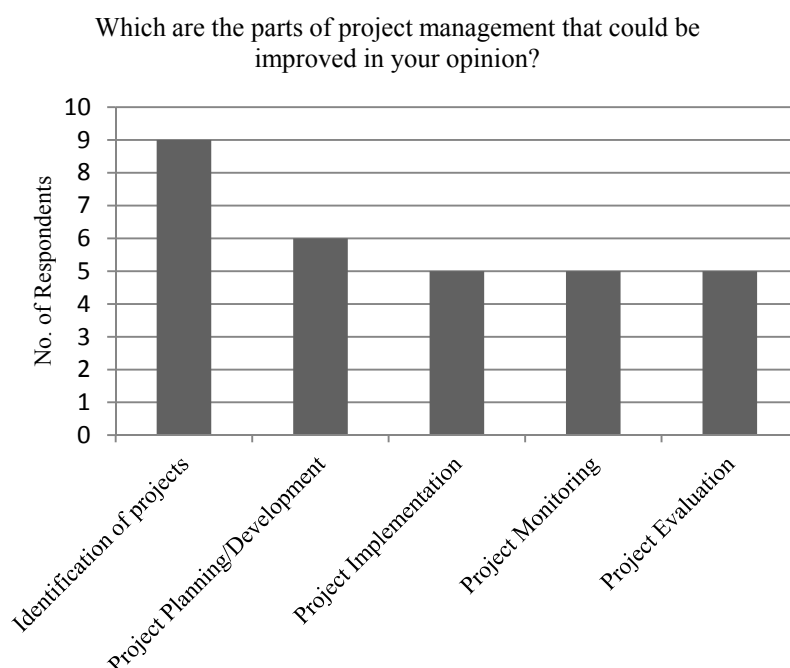
Evaluation (C)

Since its introduction, how many of your projects have been evaluated by applying the Project Appraisal Questionnaire (PAQ)?



Apart from the project manager, who might also be competent to assess the results of a finalized project?





Long-Term Comparison of Results

The first results of the 2007 survey of OMiK project managers were compared with a further snapshot of opinions gathered in 2010.¹¹ With regard to project identification, the answers indicated a relatively clear trend: Almost all those surveyed indicated that close involvement of a given project's intended beneficiaries and/or other stakeholders was indispensable. According to the respondents, this was realized in their projects wherever possible. A variety of answers were given to the question of whether project proposals from regional offices are taken into account in the identification of planned projects. While all respondents agreed that such proposals were generally taken into account, there were serious differences of opinion regarding the effectiveness of communication between headquarters and the regional offices, with some respondents identifying a need for improvements and others describing communication as reliable and effective. Very few respondents had experience of the identification and implementation of unplanned projects. They estimated the proportion of unplanned projects as fairly low, at less

¹¹ As in 2007, the interviewees in 2010 also comprised international and local mission staff working as project managers in OMiK headquarters and the regional offices.

than 25 per cent of the total number of projects. According to the respondents, unplanned projects are mostly initiated as a result of external requests made by a group of potential beneficiaries, such as for funding for conferences. All such requests are, however, scrutinized carefully. Unforeseen events such as the dissolution of a parliament and resulting early elections may also create a need for unplanned projects. Few respondents said that they used the PMD during the implementation phase. Of those who used the PMD, only one stated that he used it specifically for project implementation and financial and status monitoring. A number of others answered that they used it as an organizational memory tool to maintain an overview of projects implemented by OMik, and their successes and problems with implementation. This helps to avoid project duplication and certain implementation issues. Only one respondent answered that he used the IRMA resource management system. He stated that this was a result of his work at the section management level, which gave him access to IRMA that other respondents did not have. In his opinion, IRMA is a useful tool.

The respondents were unanimous in stating that project financing processes were beset with problems. Delays in financing were common with regard to both planned and unplanned projects, which appears to be a consequence of the protracted project-approval process. Project proposals were sometimes drawn up and handed in at a very early stage to ensure projects could be launched in compliance with time limits. Following approval of a project by the section manager of the relevant programme area, each project is examined not only in terms of administrative, political, and legal aspects, but is also subject to a further phase of programme-related evaluation by the PCU. This was criticized by the respondents in strong terms, as the PCU staff generally have little understanding of the programmes and lack relevant qualifications. Criticism was also made of the fact that the length of the financing process depends heavily on personal relationships with senior personnel. Problems were also cited in relation to the OSCE's budgeting system, which functions according to a twelve-month financing cycle, thereby hindering the effective implementation of long-term projects. This is currently being bypassed, on a case-by-case basis, for instance by dividing a three-year project into three one-year phases with corresponding subgoals. A range of opinions were expressed with regard to the handling of the project evaluation phase: While most of those surveyed answered that they were not aware of the PAQ and could therefore not express an opinion on it, one respondent stated that all projects managed by him were evaluated using this instrument. Nonetheless, this individual stated that the benefits of the PAQ were limited, as it did not take account of relevant long-term results. All respondents agreed that the given beneficiaries of a project were competent to undertake comprehensive project evaluation. A similar degree of unanimity was reached in respondents' evaluation of the competency of their superiors in regional offices and section managers at headquarters. Nonetheless, there was

criticism of a kind of self-censorship that was carried out precisely in the evaluation of projects.

Most respondents agreed that ex-post or long-term evaluation of the desired results was important. This would mean, for example, in relation to a training project run by a mission, examining several times over an extended period how the recipients of the training were applying the skills they had learned on the course. According to several respondents, however, nothing of the kind has yet been planned. There was also criticism of OMiK project managers for being inadequately trained in carrying out long-term impact analysis. At the same time, the difficulty was acknowledged of carrying out effective evaluation where impacts are hard to measure and quantify. Overall, the respondents suggested that the OSCE Mission in Kosovo should place more value on ensuring that those responsible for project management have the requisite skills. Some also warned that the twelve-month financing cycle was detrimental to long-term rolling projects and programmes. Also problematic in this regard is the fact that residual programme resources (e.g. as a result of delays in project implementation or changes to the situation on the ground that mean a project cannot begin) have to be disposed of in full by the end of the financial year or the following year's budget will be reduced.

Overall Results

For many years, the OSCE lacked a standardized approach to project management. Since a general management reform in 2003, the Organization has sought to take a more professional and coherent approach in its operational project management processes. This has affected, above all, the work of OSCE peace missions. Against this background, two easy-to-use project management systems for lean management structures were developed: the original OSCE Project Life Cycle, and the Mission in Kosovo's Project Management Cycle. In answer to the original research questions, we believe the following statements are accurate:

In terms of project phases, neither the OSCE's nor OMiK's project management model explicitly defines an initial or a final phase. Furthermore, in the form of the existing evaluation phase, both PLC and PMC contain specific elements that are geared to the particular needs of the missions. The evaluation phase is particularly significant for the missions, since the results of the evaluation are supposed to provide the foundation for the subsequent (new) project or programme cycle. The cyclical nature of the two OSCE project management approaches (PLC/PMC) is determined by the fact that the projects are embedded in programmes, which distinguishes them clearly from linear project management approaches. OMiK has deployed its PMC approach – a customization of the OSCE's PLC approach it had developed itself – since 2006. The results of the survey of PMC users suggest that strin-

gent and effective project evaluation still needs to be carried out on an ongoing basis and using a standardized procedure. OMiK's unusual financing structure may play a crucial role in this, since the continuation of financing and renewal of the mandate of an OSCE mission is a purely political decision and depends on the consent of the national delegations in the OSCE's decision-making bodies. So far, however, these decisions have not been taken on the basis of programme and project evaluations. Consequently, programme goals can be seen to come about as the result of a top-down, politically driven process rather than a bottom-up one based on analysis of the facts. Equally, analysis of the survey results demonstrate clear discrepancies between theory and implementation in practice in the other project management phases. For one, respondents noted a need to enhance the involvement of beneficiaries in project identification while criticizing the frequent delays in the approval and financing of projects (without which the planned project cannot begin). It also became clear that OMiK's internally developed Project Management Database has so far seen only limited use in the project implementation phase or during project monitoring. The same is true of IRMA, the computerized management system originally developed by the OSCE, at least as far as OMiK project management is concerned (since only section managers have access to it). While OMiK's PMC system can be considered appropriate to the various types of projects the mission runs, in practice it has not been applied consistently across the board. The problems were found to be based on individual management failings at the micro- and meso-levels, and deficiencies in goal-setting and political considerations at the macro-level of the Organization as a whole, on the other. The ideal goals of the PLC and OMiK's internally developed PMC can only be realized to a limited extent in practice.

Explanatory Factors and Recommendations for Action

Only the integration in practice of all the interlocking project phases can lead to successful project management. Several explanatory factors can be cited for the discrepancies in implementation at mission level, from which various recommendations for action may be derived. In the first instance, it must be noted that the training provided to mission personnel does not provide a comprehensive introduction into the correct use of PMC. Yet a comprehensive PMC training programme would be the logical means of ensuring that the project management approach is applied within the mission. Responsibility for training of this kind could be given to the Project Co-ordination Unit, which was already involved in the development of the Programme and Project Management Toolkit, or to the mission's own internal specialized Training Unit. This would have the advantage of not requiring the creation of any new structures within OMiK, but would rather build on existing ones. In

addition, efforts should be made to publicize the introduction of the PMC throughout the mission's various structures (e.g. via an intensive "marketing" campaign coinciding with the introduction) in order to ensure that mission staff are familiar with the practical advantages of the system.

Additional recommendations concern the evaluation phase of mission projects. So far, follow-up projects have often been granted further funding without undergoing proper evaluation. The missions therefore first need to decide whether they are interested in professional project and programme evaluation. If it is the true political will of the OSCE that mission projects be subject to expert evaluation and that this yield real consequences, then a fundamental overhaul of the OSCE's project management systems at the level of the missions would be advisable. Thus, in the case of impact-oriented projects, long-term evaluations are indispensable if sustainable effects are to be measured. Accomplishing this would require more exacting evaluation methods alongside suitably qualified personnel, and appropriate measures are recommended. To enable project evaluation to be as balanced and objective as possible, it should be also carried out – at least in part – by third parties. For this purpose, involving the beneficiaries would provide a better picture of the real impact of the project on the recipient side. This process could also be carried out by independent evaluation units within the OSCE or the missions (or by external think tanks or consulting agencies), who could evaluate the results of the project from a position of neutrality.

Finally, it should be noted that the OSCE's annual budgeting and programme planning cycle is not adequately tailored to the missions' demand-driven project management. It rather needs to be oriented towards longer financing timeframes. A financing system that was more flexible would help to make the identification of specific future projects dependent on the detailed evaluation of forerunner projects while ensuring that these projects do not overlap in time. This would alleviate the annual rush to spend remaining funds before the end of the financial year while ensuring that approved funds are deployed more effectively and purposefully. If improvements of this kind are to be undertaken, the management of the missions will need to be convinced of their value and sufficient political will to implement them will have to exist in the central organs of the OSCE. Measures of this kind are vital if the project management systems deployed by the OSCE and its missions are to be successful in raising the overall efficiency and effectiveness of the work of the missions.

External Relations and Influence

Strength in Numbers: Co-operating with Other International Organizations

Introduction

In recent years, there has been a paradigm shift in multilateralism. Emerging economies have challenged the balance of power in international relations, with new groupings questioning the traditional dominance of certain states. Examples include the rise of the G20 to rival the G8, and the demand for reform of the UN Security Council. Our increasingly interconnected world has also seen the development of new international organizations, particularly at the regional level. At the same time, with the global economic crisis, competition for diminishing resources is tighter. In this context, the arguments for international organizations to co-ordinate action and policies, pool resources, and avoid duplication of efforts – which I believe make sense in and of themselves – are more compelling than ever.

As an organization that promotes security through co-operation among countries and between people, interaction with other international organizations to achieve shared goals is a natural part of the OSCE's *modus operandi*.

The Basis for OSCE Co-operation with Other International Organizations

The formal basis for the OSCE's co-operation with other international organizations derives from Chapter VIII of the UN Charter, which encourages member states that have entered into regional security arrangements such as the OSCE to “make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council”. It also gives the Security Council authority to utilize such regional arrangements for enforcement action under its authority and requires that the Security Council “be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security”.

As it became clear that, as a consequence of the progressive institutionalization of the OSCE, there was a need for a more effectively articulated policy governing external relations, the Platform for Co-operative Security was developed and adopted at the Istanbul Summit (1999). The goal of the Platform is to “to strengthen the mutually reinforcing nature of the relationship between those organizations and institutions concerned with the promotion of comprehensive security within the OSCE area”. It outlines a set of principles and modalities for other security-related organizations to work co-

operatively with the OSCE, including a declaration that their members are “ready in principle to deploy the institutional resources of international organizations and institutions of which they are members in support of the OSCE’s work, subject to the necessary policy decisions as cases arise”. The participating States singled out “the particular relevance of co-operation in the areas of conflict prevention and crisis management”. The Platform also recognizes the growing importance of subregional groupings in the work of the OSCE and supports a corresponding growth in co-operation with them.

This document thus provides a strong framework for the OSCE’s co-operation with other organizations. The OSCE Strategy to Address Threats to Security and Stability in the 21st Century, adopted in Maastricht in 2003, further highlights the OSCE’s strategy of co-operation: “The OSCE seeks to expand its relations with all organizations and institutions that are concerned with the promotion of comprehensive security within the OSCE area, and has established regular patterns of consultation at both the technical and the political levels with a number of them, *inter alia*, the UN, EU, NATO and the Council of Europe.” It further recognizes the need to continue this process of co-operation to meet new threats and realities: “The OSCE needs to remain flexible in order to be able to co-operate with different organizations as their capabilities and focus may change over time, with developments in perceptions of threat and organizational capacities.” As the world’s largest regional security organization, the OSCE is a natural bridging point for co-operation with other international organizations at both the regional and global level.

Co-operation in Action

Having the framework is one thing – ensuring that co-operation happens on the ground is another. As the agenda of the OSCE has evolved, so has the need to develop relations and partnerships with external actors. This is particularly true in relation to the more global security challenges (terrorism, trafficking, organized crime, environmental degradation, and non-proliferation, to mention just a few) where strategies co-ordinated on a broad front are called for. No individual nation or individual region can act alone. Similar considerations apply to dealing with complex conflicts, where the engagement of various actors is often necessary both for political reasons and to ensure that different aspects of the conflict are handled by the most relevant and appropriate arbitrator. As a consequence of this, the OSCE has established good practices of co-operation with international partners.

One of the most long-standing examples of this successful interaction is the OSCE Mission in Kosovo, which has operated under UN Security Council Resolution 1244 within the overall framework of the United Nations Interim Administration Mission in Kosovo (UNMIK) as the lead pillar on institution- and democracy-building and human rights and rule of law. When

political tension rose early in 2012, the OSCE Mission in Kosovo responded to calls from the international community and the relevant authorities to facilitate balloting for eligible voters in the Serbian presidential and parliamentary elections. Long-standing inter-organizational relations enabled the OSCE Mission to work easily within an agreed framework with the EU Rule of Law Mission in Kosovo (EULEX) and the NATO-led Kosovo Force (KFOR) as second-level security providers in support of the Kosovo Police.

Another example is the successful co-operation the OSCE has developed with both the European Union and the Council of Europe across South-eastern Europe, including, for instance, in the implementation of the 2001 Ohrid Framework Agreement in the former Yugoslav Republic of Macedonia with the EU and NATO and on local government issues in the region with the Council of Europe.

The UN, EU, and OSCE jointly chair the Geneva International Discussions that were set up following the August 2008 conflict in Georgia, and the same three partners co-operated during the unrest in Kyrgyzstan in 2010 through a co-ordinated mechanism of high-level envoys.

In the economic and environmental sphere, the Environment and Security Initiative (ENVSEC), launched in 2003, is another example of successful inter-organizational co-operation. A partnership of six international organizations – the OSCE, the Regional Environment Centre for Central and Eastern Europe (REC), the United Nations Development Programme (UNDP), the United Nations Economic Commission for Europe (UNECE), the United Nations Environment Programme (UNEP), and NATO as an associated partner, ENVSEC aims to contribute to the reduction of environmental and security risks through strengthened co-operation among and within countries in Central Asia, Eastern Europe, the South Caucasus, and South-eastern Europe. The OSCE has recently taken the lead as a fund manager within this initiative.

At an awareness-raising level, the annual OSCE-led Alliance against Trafficking in Persons provides a forum for joint advocacy efforts by international and regional organizations.

These are just some examples of how the OSCE can add value and strengthen action on the ground through working partnerships, and the range of models for co-operation demonstrates the flexibility of the OSCE in its approach to interaction with other international organizations.

International Co-operation and the OSCE Partners for Co-operation

With the OSCE 2003 Maastricht Strategy, the participating States also agreed to intensify co-operation with the OSCE Partners for Co-operation and to consider ways for sharing OSCE norms and values with neighbouring regions in order to spread security. The Strategy specifically mentioned that contacts

with organizations in these regions should be developed. This has also resulted in practical interaction with other regional organizations. For instance, in September 2011, I visited the headquarters of the League of Arab States (LAS) in Cairo to offer the OSCE's support to its partners in the wake of the Arab Spring, and this year I had a meeting with the Secretary General of ASEAN and visited the headquarters of the Organisation of Islamic Cooperation (OIC) in Jeddah.

At the 2011 OSCE Ministerial Council (MC) in Vilnius, I met with representatives of the LAS and the OIC alongside my counterparts from the EU, NATO, the Council of Europe, the Collective Security Treaty Organization (CSTO), and the Conference on Interaction and Confidence-Building Measures in Asia (CICA) to discuss responses and the sharing of best practices and expertise in relation to the developments in the southern Mediterranean. The OSCE will deepen its interaction with the LAS by holding an expert-level meeting in February 2013 where the OSCE institutions and thematic units will share expertise on a range of issues, presenting materials in Arabic. The 2012 Mediterranean Conference in Rome in October reflected the interests and views of the Partners across the region, with particular emphasis on sharing best practices from the OSCE on developing the economies of countries in democratic transition and undergoing political reforms.

In two decisions taken in Vilnius, the participating States indicated their desire for closer co-operation between the OSCE and other international organizations in our work with the OSCE Partners for Co-operation:

In MC Decision No. 5/11 on Partners for Co-operation, the participating States decided "in the context of the Partnership, to increase the efforts to promote OSCE norms, principles and commitments through the contacts in co-ordination with other relevant regional and international organizations, particularly the United Nations notably through the sharing of best practices and experiences and through joint projects and activities in all three dimensions, as appropriate".

This decision also tasked me, as Secretary General, "in consultation with the OSCE Chairmanship, with exploring possible options for action oriented and results based co-operation with Partners, in co-ordination with the United Nations and other relevant regional and international organizations and institutions, and with making proposals, as appropriate, for further action by the Permanent Council".

In MC Decision No. 4/11 on Strengthening OSCE Engagement with Afghanistan, the participating States acknowledged "the primary role of the UN in international efforts in promoting peace and stability in Afghanistan, as well as the valuable contribution of relevant regional and international organizations and institutions actively engaged in assisting Afghanistan, *inter alia*, NATO, EU, CSTO, CICA and SCO". It also underscored "the importance of co-ordination of these efforts and avoiding duplication, including through making best use of existing mechanisms for co-ordination", and

tasked the OSCE executive structures with co-ordinating efforts to further strengthen the OSCE's engagement with Afghanistan.

To further this, the OSCE organized a conference in Chiang Mai, Thailand, in February 2012, to discuss how we can build synergies between regional organizations and further engage with OSCE partner countries to tackle shared security threats, including those emanating from Afghanistan.

A stronger partnership with those organizations present on the ground in Afghanistan can help us to better target and evaluate our activities. Such partnership is also essential in order to firmly embed the OSCE's efforts within the framework of larger UN endeavours, led in Kabul by former OSCE Secretary General Ján Kubiš, now the Special Representative of the UN Secretary-General and Head of the United Nations Assistance Mission in Afghanistan (UNAMA). Co-operation with The UN Office on Drugs and Crime (UNODC) and its Regional Programme for Afghanistan and Neighbouring Countries, which provides valuable support in the area of countering narcotics, is also relevant in this context.

Dealing with Afghanistan-related issues requires close co-operation with a very broad spectrum of actors. With this in mind, as we approached an important internal debate on reorienting our policies in Central Asia to better reflect issues related to Afghanistan, I organized an informal meeting with heads of OSCE field operations, officials from the Central Asian participating States and Afghanistan, and international and regional organizations after the Fifth Regional Economic Cooperation Conference for Afghanistan (RECCA V) meeting at the end of March 2012 in Dushanbe. This allowed us to factor into our policies recommendations and advice from our key institutional partners and ensured that our planning process was fully transparent to both host countries and all relevant external actors.

Our package of Afghanistan-related activities, including training for border personnel at our Border Management Staff College (BMSC) in Dushanbe, international patrolling along the borders, support of counter-terrorism and anti-drug trafficking activities, and support for women entrepreneurs, is continuing to provide valuable support to Afghanistan while ensuring that the OSCE's work complements the work of the international community on the ground in Afghanistan rather than duplicating it.

The participating States have repeatedly emphasized the intrinsic link between the security of OSCE Partners for Co-operation and the security of the OSCE region. Co-operation ensures not just that the lessons we have learned over decades of work in transition and post-conflict counties are not lost, but also that the OSCE region benefits from their application in neighbouring areas. Strong inter-organizational co-operation beyond our regional borders is an effective way of achieving this.

There are several discussions currently underway within the OSCE and partner organizations on how best to move forward with strengthening our co-operation. The Helsinki +40 process, launched by the 2012 Irish Chairmanship to pave the way forward for the Organization, gives us new impetus to examine our interaction with others as we mark the 40th anniversary of the Helsinki Final Act. As part of this initiative, the Irish Chairmanship commissioned Lars-Erik Lundin, former Head of the EU Delegation to the International Organizations in Vienna and now Senior Research Fellow at the Institute for Security and Development Policy, to write a food-for-thought paper on the OSCE's relationship with other international organizations. The paper has much to offer, with practical suggestions that emphasize the need for a goal-oriented approach. Establishing liaison offices in Brussels and elsewhere to give higher profile and more immediate interaction with the EU and other bodies is just one of the ideas that deserve to be explored further. In a crowded field of international organizations, it is imperative that the OSCE make its unique expertise more widely known. It is for this reason that I have stressed the importance of increasing the OSCE's visibility. For the same reason, this year I attended the high-level segment of the UN General Assembly for the second time, where I held over 35 meetings, many at the ministerial level, with OSCE participating States and Partners for Co-operation, and with senior counterparts from international organizations. I also delivered statements at a number of multilateral events on its margins. The presence of many senior government and international officials provided me with an excellent opportunity for a high-level dialogue and for enhancing the visibility of the OSCE in a cost-effective way.

Improved co-operation does not mean that the OSCE should cease to take the lead in areas where it has traditionally been at the forefront of international support. Our field presences have built up invaluable experience and connections with the host countries over the years, and have created a deep sense of trust with communities and governments where the OSCE is present. In the fight against trafficking in human beings, the OSCE has the highest-level position of any international organization specifically dedicated to countering this threat. In election observation, the OSCE has long-standing experience and capacity and an internationally recognized methodology. Similarly, we should recognize areas where other organizations are better placed to achieve common goals, and provide support to their lead. For example, the UNODC initiated the UN Convention against Transnational Organized Crime (Palermo Convention), which has been endorsed by the OSCE participating States. While UNODC remains the custodian of the Convention and its Protocols, the OSCE is helping states implement it in its region, through various capacity-building workshops and legislative support. The OSCE's field operations provide an obvious channel through which to sup-

port implementation of many international standards on OSCE-relevant areas, and as we develop the OSCE's capacity to tackle transnational threats, I foresee the OSCE taking an ever greater role in collective international efforts to meet these challenges.

The Lundin report recommends focusing on a "limited number of priority organisations". It is clear that the OSCE can and should continue to develop deeper co-operation with organizations such as the UN, but also the European Union, the Council of Europe, and NATO, where there is clear overlap on a number of priority areas and where we have a long-standing history of successful co-operation, including in times of crisis. But that is not to say that we should neglect the opportunities for other constructive partnerships. Indeed, the report recognizes that we have the comparative advantage of a wide membership, which is true both geographically with respect to the political, security, social, religious, and cultural diversity in the OSCE region and its partner countries, and this, alongside the OSCE's comprehensive approach to security, is exactly why the Organization is well positioned to build new partnerships with organizations such as the CICA, the CSTO, the GUAM Organization for Democracy and Economic Development, the Shanghai Cooperation Organisation (SCO), and the Cooperation Council of Turkic-Speaking States to name but a few.

Conclusion

As the security challenges faced by OSCE participating States grow in complexity, they increasingly require shared strategies and strong partnerships on a broad front. This emerged in all clarity at a retreat with heads of international organizations hosted by the UN Secretary-General, Ban Ki-moon, in New York in June 2012. On that occasion, I strongly underscored the need for the UN to take the lead, but also for it to work more closely and more efficiently with all relevant regional organizations. Transfer of experiences and good practices among regional organizations in different regions should also be encouraged. And stronger relations should lead to more visible and permanent engagement to ensure continuous and timely exchange of information and practical interaction.

As we move forward with developing the Helsinki +40 agenda, there is an opportunity for the OSCE to extend its co-operation, deepening engagement with existing partners while reaching out to new ones.

We look to friends in times of crisis. We do not always know where the next crisis will happen or what the best approach to it will be. If we have an enlarged network of partners, then we can mutually reinforce our efforts and call upon those with the most knowledge and regional expertise to act in a given situation. Inviting high-level representatives to address our Permanent Council, sending OSCE representatives to the events of other organizations,

and participating in working-level meetings are small but significant steps in this process of getting to know each other's strengths and sharing expertise for the benefit of all. If we build good relations now, we can call upon others to join our efforts as trusted partners when times are tough. With the concerted efforts of all relevant international organizations, we can better meet the challenges, old and new, to create a more secure and prosperous future for all.

Managing Strategic Trilemmas and Trade-Offs: The OSCE's Core Challenge?

Introduction

Strategic uncertainty is the pervading current leitmotif in international security studies and practice. Calls for greater adaptation or “dynamic resilience” and the virtues of “anti-fragile” postures in the face of future risk are all symptoms of this deficit. As the international strategic landscape evolves, with power shifting ever more rapidly from the United States and Western Europe to East Asia, the continued viability of existing co-operative security governance frameworks is being brought into question. As Bilahari Kausikan, the Permanent Secretary at the Singapore Ministry of Foreign Affairs, observes: “A global transition of power and ideas is under way. Transition to what, no one can yet say. We have no maps and will have to improvise our way forward the best we can.”¹ Charles Kupchan argues that an unstable multipolar order has emerged after a US withdrawal from a bi- then unipolar order, and argues that transitional multipolar orders, especially, are volatile: “The end of the American era is not just about the end of American primacy and the return of a world of multiple centers of power. It is also about the end of the era that America has played such a large role in shaping – the era of industrial capitalism, republican democracy, and the nation-state.”² The accelerated power shift to East Asia, as well as regime instability in Tunisia, Egypt, Libya, and Syria and the other implications of the Arab Spring, all provide an immediate strategic context within which the OSCE will have to adapt or fail. Gideon Rachman of the *Financial Times* concludes: “If neither the United States nor some form of ‘world government’ can provide the leadership to tackle the world’s common political problems, then, a ‘third alternative’ will emerge, with China and Russia spearheading an ‘axis of authoritarianism’.”³

Ian Bremmer of Eurasia Group suggests that disorder is the new order and that we are moving into a G-zero world in which no global leadership is in evidence: “There is no single country or bloc with the political or eco-

1 Bilahari Kausikan, The curse of the highly successful, in: *The Straits Times* (Singapore), 28 July 2012.

2 Charles A. Kupchan, *The End of the American Era: U.S. Foreign Policy and the Geopolitics of the Twenty-First Century*, New York 2002, pp. 303; see also Charles A. Kupchan, The Democratic Malaise: Globalization and the Threat to the West, in: *Foreign Affairs*, January/February 2012, at: <http://www.foreignaffairs.com/articles/136783/charles-a-kupchan/the-democratic-malaise>.

3 Gideon Rachman, *Zero-Sum Future: American Power in an Age of Anxiety*, New York 2011, p. 175.

conomic leverage to drive a truly international agenda. The result is uncertainty and conflict over international economic co-ordination, financial regulatory reform, trade policy and climate change.”⁴ On a macro level, there is also no global consensus on strategy. A Bretton Woods II agreement – with a reformed International Monetary Fund (IMF), World Bank and UN Security Council (UNSC) – has not been agreed on. This global power vacuum results from a lack of self-confidence amongst European states, as well as a lack of strategic clarity in the United States. The sprawling size of the G20 underscores the loss of European power (the G8 includes five European states, while six European countries and the European Commission are represented in the G20) but also accounts for the consequent lack of shared values among its members. China, India, and Brazil are unwilling to bear the financial and political costs of growing international responsibilities. The resultant power vacuum, Bremmer argues, will benefit some governments, institutions, and companies which can adapt in a leaderless world. He argues that Turkey and Brazil, for example, are the best-placed pivot to new markets, allies, and partners as necessity demands.⁵

When we look to the future, the latest National Intelligence Council Global Trends report, *Global Trends 2030: Alternative Worlds*, identifies four potential alternative worlds, four mega-trends (individual empowerment, diffusion of power, demographic patterns, a food-water-energy nexus), and six game changers – critical variables include a crisis-prone global economy, governance gaps, the potential for increased conflict, a wider scope for regional instability, the impact of new technologies, and the role of the US.⁶ With this prognosis in mind, when we turn to critical OSCE sub-regions, the food-water-energy nexus mega-trend and three of the critical variables – governance gaps, the potential for increased conflict, and a wider scope for regional instability – are of direct relevance. In 2013 and beyond, interplay amongst them will generate emergency “hot spots” with political, societal, economic, and military security consequences that will require co-ordinated early action.

What are the current obstacles to effective transnational leadership and management of multilateral interventions to bring about the sustainable resolution of such conflicts? As a result of such dissonance, intra- and inter-institutional splits are occurring, as organizations are torn between competing regional and global responsibilities. As Sergei Karaganov has noted: “There is also a progressive deterioration of the institutions of supra-national political and economic management: The UN, IMF and others are growing

4 Ian Bremmer, Every Nation for Itself: Winners and Losers in a G-Zero World, in: *South China Morning Post*, 25 March 2012, p. 15.

5 Cf. Ian Bremmer, The power of the pivot, in: *The International Herald Tribune*, 15 May 2012, p. 6; Ian Bremmer/David Gordon, Rise of the different, in: *The International Herald Tribune*, 19 June 2012, p. 8.

6 Cf. National Intelligence Council, *Global Trends 2030: Alternative Worlds*, December 2012, available at: <http://publicintelligence.net/global-trends-2030>.

weaker. The G8 has become a parody of world government, as is most evidently the G20. BRICS and the SCO are in no hurry to compensate for their weakness.”⁷

When we turn to the ability of Euro-Atlantic and Eurasian organizations and institutions to respond to crises, governance gaps are very apparent. Intra- and inter-institutional splits remain a constant, with organizations torn between competing regional and global responsibilities. Within the Euro-Atlantic and Eurasian space, security multilateralism exists in quantity but its qualitative unevenness is remarkable. This can be attributed to a number of factors: the weak nature of inter-institutional ties (e.g. the lack of coherent EU-NATO relations); very low levels of contact between old institutions (e.g. the EU and NATO) and relatively new institutions (e.g. the CIS and the CSTO); and the questionable utility of ideologically pure, universalist, comprehensive approach-based institutions (e.g. the OSCE). As the International Peace Institute noted at a workshop in December 2011: “Since the OSCE is one among a crowded field of players offering assistance to Mediterranean countries in transition, the need for close cooperation with partners like the EU, the League of Arab States, and the Union for the Mediterranean was stressed. It was also noted that the OSCE could work with participating states that have large bilateral missions in the partner states.”⁸

Despite huge economic trade turnover, dense and growing networks of interconnectedness, and normalization of once-tense relations (e.g. Russo-Polish relations), persistent asymmetries are in evidence, from differences in economic power to approaches to human rights and statehood. There is no agreement in the United States and Europe about how to relate to Russia in general and to Russia’s role in the post-Soviet space in particular. Reciprocally, Russia neither trusts the West (due to double standards, hypocrisy, and NATO’s operation in Libya) nor believes that Russia receives the respect it deserves. Increasingly, national strategic narratives concerning threats and how best to approach them diverge from current realities on the ground, with states finding agreement on abstract strategic ends (peace and stability) but not means. Over the past year, we have witnessed multilateralism becoming less effective, efficient, and legitimate on account of institutional and organizational weaknesses. Solidarity and shared responsibility are less in evidence – states prefer to act according to their own immediate interests and priorities, giving these precedence over the longer-term interests of preserving peace in the system.

7 Sergei Karaganov, Ekho prishedshei voyny [Echo of war that has come], in: *Vedomosti*, 15 June 2012, at: http://www.vedomosti.ru/opinion/news/1853259/eho_prishedshej_vojny; an English version can be found in: BBC Monitoring International Reports, 20 June 2012, at: <http://www.accessmylibrary.com/article-1G1-293917912/russian-paper-says-war.html>.

8 International Peace Institute, *The OSCE-Mediterranean Partnership and the Arab Uprisings*, December 2011, p. 4, at: http://www.humansecuritygateway.com/documents/IPI_TheOSCEMediterraneanPartnershipandtheArabUprisings.pdf.

When we survey the strategic landscape through 2011 and 2012, a crisis of governance – with governments being overwhelmed – manifests itself at the level of leading states and international organizations within the OSCE area. In addition, three other dynamics are notable. First, the reach and significance of China's role in Eurasia has steadily increased. This is likely to be further accelerated in response to the US 2011 "strategic pivot" to the Asia-Pacific. Second, OSCE States have begun to identify and hedge against the potential negative strategic implications of the series of transitions which 2014 will bring to Afghanistan and potentially Eurasia as US and ISAF troops draw-down. Third, the Arab Spring in the Middle East and North Africa (MENA) continues to reverberate through OSCE space.⁹ Let us focus on this last dynamic.

Through 2011 and into 2012, uprisings, disorder, and regime change have rippled across North Africa: from Tunisia through Egypt to Libya. The effects of this have already been felt in Yemen and Bahrain, and now Syria totters on the brink of implosion. The Arab Spring has implicitly questioned the viability of existing US, NATO, Russian, and EU strategic approaches to the MENA region – especially the assumptions upon which these approaches rest. Lamberto Zannier, the new OSCE Secretary General, is signaling that democracy promotion in the MENA region will become an OSCE priority, given that there are common interests in oil, trade, migration, and combating terrorism.¹⁰ This commitment was underlined at the OSCE Annual Review Conference in June 2012: "We will continue to seek ways to strengthen the OSCE's conflict cycle toolbox, including its analytical, early warning, operational and mediation tools, and to consolidate the Organisation's role in post-conflict rehabilitation and reconstruction."¹¹ However, realizing this "priority" will be problematic given the lack of both capacity and unity within the OSCE. What are the priorities of other international organizations and the states that shape their agendas?

The United States is also in a period of transition – for 60 years it has been the global strategic actor, but its primacy is now being questioned: externally by emerging powers as we move towards an unstable multipolar order, and internally by the dysfunctional nature of its political system, as demonstrated by Congressional gridlock and extreme political polarization.

9 Cf. League of Arab States, *Statement by Mr. Hesham Youssef, Assistant Secretary General of the Arab League, Before the 2012 Annual Security Review Conference of the OSCE Regarding Developments in Middle East*, Working Session IV: OSCE Partners for Cooperation, 28 June 2012, PC.DEL/681/12, 9 July 2012, at: <http://www.osce.org/cio/92004>.

10 Cf. OSCE offers to Aid for Arab Spring Democratization, in: *AssA-Irada*, 21 July 2011.

11 European Union, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, Working Session II, *EU statement on early warning, conflict prevention, crisis management, conflict resolution and post-conflict rehabilitation: lessons learned and way ahead*, 27 June, PC.DEL/612/12, 27 June 2012, at: <http://www.osce.org/cio/91744>.

As a result, the US appears less able but also less willing to guarantee global prosperity. As Barry Desker notes, leadership to galvanize allies was lacking at the last G20 Summit in Los Cabos, Mexico: "The leaders failed to agree on urgent action to increase the financial firewalls, and to push for concerted action using the available funds, especially the eurozone's bailout funds, to purchase sovereign bonds from countries like Spain and Italy. [...] But a multipolar world complicates efforts to ensure more effective global governance and burden sharing."¹²

The Arab Spring has also posed questions as to whether the US can formulate a prudent blend of power and interests with principle and values, of *realpolitik* and idealism. Has US policy towards the Middle East sacrificed liberty on the altar of authoritarian stability but failed to gain either stability or liberty over the last six decades? Western strategic interests (regional stability, the continuation of the Egyptian-Israeli peace treaty, and access to the Suez Canal and Egyptian airspace) was secured through long-standing strategic partnerships with US-backed autocratic security providers. Western democratic states with market economies appear to be giving the promotion of democratic principles and values (accountability and transparency) precedence over interests, and in their rhetoric at least (if not yet in practice), they align the two – democratic security-building as a national interest. But will, as Henry Kissinger has warned, support for "fragile governments in the name of international stability guarantee long-term instability"?¹³

The EU is in the midst of a financial crisis, without the leadership or will to turn monetary union into economic and then political union, never mind think about and develop a strategy for a host of emergent challenges and dilemmas such as tension between "Southern engagement" and "Eastern enlargement". Before the Arab Spring, the EU had been gradually enlarging its presence in Central Asia. In 2005-2007, a Special Representative for Central Asia was designated, the new Development Cooperation Instrument introduced a special component of Central Asia, individual partnership agreements were signed with each of the region's countries, and the EU's Central Asia Strategy was adopted under the German EU Presidency. However, EU interest in Central Asia is easily trumped by North Africa as an overriding strategic priority. The "southern neighbourhood" is referred to in the EU's neighbourhood policy as "our neighbourhood", one which the EU considers part of a future "common" economic and security zone. Central Asia, by contrast, is relegated to "neighbours of the EU neighbourhood", a region where dialogue and networks have to be built to serve the EU's growing needs in energy resources and to fulfil security commitments in Afghanistan. On 25 May 2011, the EU rejuvenated its European Neighbourhood Policy (ENP). It announced that the post of EU Special Representative for the

12 Barry Desker, Squandered opportunity, in: *The Straits Times* (Singapore), 25 June 2012.

13 Henry A. Kissinger, Managing the Arab Spring, in: *The Washington Post*, 1 April 2012, p. 19.

Southern Mediterranean would be created, that the European Investment Bank and European Bank for Reconstruction and Development would extend their operations (and funding) to the MENA region, and that the EU would support “deep democracy” efforts.¹⁴ But might zero-sum logic become apparent within the EU and Russia? A reinforced European southern engagement will, in an era of financial constraints and eurozone crisis (which leaves no opportunity for strategic thinking), result in less time, attention, and resources being spent on states in the common neighbourhood, which gives Russia more power and influence within its self-declared zone of privileged interest.

Russia represents a post-imperial modernizing project that looks set to enter a period of stagnation and ongoing challenges to its legitimacy, highlighted by the December 2011 Duma electoral fraud and the protest movement. It has a political elite estranged from the West and fearful of economic and societal modernization – as this implies a different political order – and a young, rich, entrepreneurial “creative class” estranged from its own political elite. Despite the Arab Spring, the notion that authoritarianism is the solution to instability, rather than its cause, still prevails in the minds of many elites. According to this understanding, human rights, democracy, and humanitarian interventions undermine the stability of government and societies. Eurasian normative unity has been forged in many fires. The events of 9/11 and the US response – to kill or capture terrorists – were understood as legitimizing pre-existing anti-radical Islamist narratives in Eurasia and beyond. In addition, Eurasian power-elite understandings of the nature of colour revolutions in Serbia, Georgia, Ukraine, and Kyrgyzstan – Western security services in collusion with NGOs (“CIA-Soros”) attempting to implement a post-modern coup d’état – reinforced a shared commitment to oppose the “export” of such revolutions by the West. Moreover, Russia’s doctrinal lead helps to socialize and institutionalize a common set of assumptions and norms in Eurasia. In contrast to the EU, NATO, and US strategic approach to the MENA region, the most powerful regional actors and institutions in Eurasia – the Russian Federation/Collective Security Treaty Organization (CSTO) and China/Shanghai Cooperation Organization (SCO) – are conservative and cast normative shadows which strongly support the sovereignty and territorial integrity of states.

The commonalities between the Arab Spring in the MENA region and conditions on the ground in Eurasia are apparent: Enduring inequalities and dignity deficits persist; long-standing authoritarian republicanism prevails; intra-regional transnational societal spillover potential is ever-present; and, resource distribution and allocation is based on pre-existing family, clan, tribal, ethnic, religious, and gender allegiances and animosities. In Central

14 Cf. *A New Response to a Changing Neighbourhood: A review of European Neighbourhood Policy*, Joint Communication by the High Representative of The Union For Foreign Affairs And Security Policy and the European Commission, Brussels, 25 May 2011, at: http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf.

Asia, authoritarian incumbents in Kazakhstan and Uzbekistan have held power for over twenty years. Dignity deficits are well attested. Food price hikes and power cuts in Kyrgyzstan and Tajikistan are ongoing, and border regimes are opaque. Political rights are not guaranteed and, with regard to Turkmenistan and Uzbekistan, these rights are suppressed with coercive force. The rise of factional elites undermines the legitimacy of the state throughout Central Asia.

The Arab Spring as a Symptom and Cause of Wider Strategic Dissonance

Strategic dissonance (agreement on strategic ends but not means) characterizes Russian, European, and US approaches to contemporary strategic issues which dominate the international agenda. NATO's humanitarian intervention in Libya posed a set of strategic dilemmas for Russia. Russia did not want to support and thus justify a humanitarian intervention in Libya, as this would only serve to advance US and European interests and reinforce dangerous precedents set in Kosovo and Iraq. However, there was significant regional support for the resolution. In addition, the Obama administration was willing to decide on the issue of military intervention within the UNSC. This was a demonstration of multilateralism, and therefore a repudiation of Bush-era unilateralism and implicit support for the US-Russia reset agenda. For all these reasons, a veto from Russia would have sent the wrong strategic signal. Abstention from UNSC Resolution 1973 had the strategic advantage of "placing Russia in a position to benefit from whatever political outcome".¹⁵

By contrast and with regard to Syria, Russia (alongside China and other BRICS countries) strongly opposed UNSC resolutions condemning violence, sanctions, and foreign intervention against Syria and has threatened to veto any such UNSC resolution. Unrest in that country is regarded as a purely internal affair. Syria, as Russia's one remaining strategic partner in the region, buys virtually all its weaponry from Russia and provides naval bases in warm waters. Furthermore, there is a strong feeling in Russia (and China) that UNSC Resolution 1973 should have been vetoed at the time, as NATO exceeded its mandate and has emerged as a strategic winner. This perception reinforces the will to veto an equivalent resolution on Syria, were one to be drafted and presented to the Security Council.¹⁶ An additional factor is that in 2012, Russia and the US presidential elections encouraged "toughness" and blame, rather than further accommodation or compromise. Thus, while the

15 Roland Dannreuther, Russia and the Arab Revolutions, in: *Russian Analytical Digest*, No. 98, 6 July 2011, pp. 2-4, here: p. 3; see also Mark N. Katz, Russia and the Arab Spring, in: *ibid.*, pp. 4-6.

16 Cf. Iftekhar Ahmed Chowdhury/Yang Razali Kassim, Libya and the UN: Whose Responsibility to Protect? *RSIS Commentaries* 34/2011, 4 March 2011 at: <http://www.rsis.edu.sg/publications/Perspective/RSIS0342011.pdf>; Alex J. Bellamy/Paul D. Williams, The new politics of protection? Côte d'Ivoire, Libya and the responsibility to protect, in: *International Affairs* 4/2011, pp. 825-850.

United States, Europe, and Russia agree that a stable and peaceful Syria is the desired end state, they disagree on how to achieve this – with the EU and United States adopting an approach divergent from that of Russia by imposing sanctions and pursuing tough UN resolutions.

The Arab Spring has also highlighted a collective action problem, with splits within and between the Non-Aligned Movement, Arab League, UNSC and EU. The EU, with 27 national governments, was in disarray over Libya, demonstrating that a pre-emptive humanitarian operation is much harder to legitimize than one after the fact. On 17 March 2011, when the UN Security Council passed its Resolution 1973 on the creation of a no-fly zone over Libya, Germany abstained along with Russia, China, India, and Brazil. Among the big EU three (France, Germany, and the UK), the UK and France were unable to find a common cause with Germany in a high-profile foreign policy challenge: “The vote represented a break with Germany’s foreign policy maxim to never oppose its European partners and the United States.”¹⁷ Eighteen months since the Lisbon Treaty which led to the creation of the European External Action Service (EEAS), it is clear that “a ‘foreign ministry’ is not a foreign policy, and there is little sign that the EU will devise one anytime soon”.¹⁸

Russia’s narrative presents itself as an embattled “sovereign democracy”, encircled by threats which only elite continuity can manage. Russia continues to understand the European security system as being characterized by its NATO-centric dominance and balance-of-power Cold War bloc mentality. It views NATO as a threat, particularly with regard to missile defence and the perception of its ability to compromise its own strategic second-strike capability. For Russia, the EU represents a revisionist power in post-Soviet space. If former republics choose closer economic association with the EU, this – from the perspective of a zero-sum Moscow – represents a decision to disassociate themselves from Russia. This means that while multipolarity has developed in Europe, there has not been any success in tying these poles together; indeed, Russia has sought a strategic partnership with China to boost its leverage in relations with Europe and the US. As Bobo Lo has argued: “For Moscow, partnership with China serves multiple purposes. It counterbalances the strategic and normative dominance of the United States. It confers on Russia a ‘success by association,’ helping to legitimize Vladimir Putin’s domestic and foreign policies. It strengthens Moscow’s bargaining position with the West, whether in energy negotiations with the European Union or missile defense talks with Washington. And it allays vulnerabilities about the sparsely populated but resource-rich Russian Far East. Most im-

17 Ralf Neukirch, Germany’s Woeful Security Council Record, in: *Der Spiegel*, 21 September 2011, at: <http://www.spiegel.de/international/world/0,1518,787322,00.html>.

18 Giles Merritt, Where is Europe’s Foreign Policy? In: *The Korea Times*, 31 July 2011, at: http://www.koreatimes.co.kr/www/news/opinion/2012/11/160_91933.html.

portantly, with China by its side Russia feels able to promote itself as global great power, one of the ‘winners’ in a post-American century.”¹⁹

On 24 September 2011, after announcing his intention to return to the presidency, Prime Minister Putin announced his “Eurasian Union” initiative aimed at promoting Russia as the centre of geo-political gravity in the former Soviet space. As the “Eastern vector” is of “paramount interest” for President Putin, it is worth noting that the Customs Union represents politico-economic integration, and a reformed CSTO advances integration in the political-military sphere. Russian attempts to consolidate its re-integration into the former Soviet space by adapting the CSTO to address domestic contingencies and pushing the Customs Union and Eurasian Union concepts will create an informal division between Euro-Atlantic and Eurasian security structures. However, the functioning of these institutions will be more indicative of a symbolic and virtual division than a real one thanks to lack of political will, capability deficits, and capacity and implementation gaps among the key actors.

If we look at the economic importance of the Customs Union for its member states (Russia’s centrality is a given), we can note that direct foreign trade between Kazakhstan and Belarus is, at most, one per cent of their respective totals. Even in the case of Russia, Kazakhstan accounts for only 7.5 per cent (and falling) of its total trade and half of that is in hydrocarbon swaps. This is not an efficient or sustainable economic enterprise – indeed, it is a deeply political one – and it will not allow for the modernization of the Russian economy.

Turning to CSTO reform debates, proposals that decision-making within the CSTO could be by majority vote rather than consensus acknowledge that Russia and the CSTO (along with all other international organizations) were strategically paralysed in the face of the events in Osh and Jalalabad in June 2010. Second, consideration given to developing the capacity to carry out peace-enforcement operations in Central Asia in the face of domestically-rooted calamities, in addition to interstate attacks, demonstrates a fear of Arab Spring-type spillovers into Central Asia in 2012. Indeed, in September 2011, CSTO “*Tsentr-2011*” military exercises were hosted simultaneously by Russia, Kazakhstan, Kyrgyzstan, and Tajikistan. President Dmitry Medvedev and Defence Minister Anatoly Serdyukov attended a military exercise in the Chelyabinsk region in which the scenario involved “mock terrorists dressed in white Arab robes taking over a school, infantry fighting vehicles advancing, airborne troops conducting a parachute drop, *spetsnaz* catching insurgents”.²⁰ Third, it recognizes that, in the words of

19 Bobo Lo, A partnership of convenience, in: *The International Herald Tribune*, 8 June 2012, p. 6.

20 Presenters of “*Den*” news, Alena Vasilevykh and Yaroslav Borodin, on Yermak TV, Yekaterinburg, 27 September 2011 (in Russian); an English version can be found in: BBC Monitoring International Reports, 28 September 2011, at: <http://www.accessmylibrary.com/article-1G1-268299617/programme-summary-yekaterinburg-yermak.html>.

Fedor Lukyanov, editor-in-chief of the *Russia in Global Politics* journal: “In light of the situation in Afghanistan, a viable CSTO is not only necessary for Russia but even for NATO.”²¹

Russian Presidential spokesperson Natalya Timakova had announced after the December 2011 CSTO Summit that: “The Russian delegation considers the agreement on the placement of military bases of non-regional countries in the territories of the CSTO member states only on the condition of consent by the CSTO partners as one of the main agreements concluded today.”²² Dmitry Trenin had argued that the CSTO has symbolic importance for both Moscow and “allied” capitals which hitherto has remained compatible: “To all intents and purposes both Moscow and the allied capitals regard the CSTO, rather, as a symbol: The former regards it as something like a Russian sphere of military-political influence, while the latter regard it as an outward sign of loyalty guaranteeing Moscow’s favour even in cases of acute contradictions and differences, as has happened periodically with Belarus and happens chronically with Uzbekistan. It turns out almost as in the anecdote from Soviet times: Both parties are pleased to pretend.”²³

Interestingly, Uzbekistan’s decision on 28 June 2012 to suspend its CSTO membership and put greater emphasis on its bilateral partnerships increases both intra-CSTO cohesion and strength as a systemic counter-weight to the US, but at the price of increasing the likelihood that Uzbekistan will reopen an air transit centre for US use.²⁴ As Stanislav Pritchkin has noted: “In 20 years of independence, the countries of the Central Asian region have not been able to form regional mechanisms for ensuring security and resolving

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- 21 Cited in: Alexander Gabuev/Vladimir Solovyev, ODKB razvorachivayut litsom k NATO – Rossiya gotovit plan reformy organizatsii [CSTO Turns to NATO – Russia Prepares Plan to Reform Organisation], in: *Kommersant*, 6 September 2011, at: <http://www.kommersant.ru/doc/1766641>; an English version can be found in: BBC Monitoring International Reports, 8 September 2011, at: <http://www.accessmylibrary.com/article-1G1-266553815/russia-said-planning-csto.html>; see also Igor Yurgens (ed.), *Collective Security Treaty Organisation: Responsible Security* (Synopsis of Report of Institute of Contemporary Development), Moscow, August 2011, pp. 1-26.
 - 22 Cited in: Lyudmila Alexandrova, Moscow sees CSTO as reliable screen from western, southern threats, *Itar-Tass World*, Moscow, 21 December 2011, at: <http://www.itar-tass.com/en/c39/303243.html>.
 - 23 Dmitry Trenin, Tsena voprosa [Bottom Line], in: *Kommersant*, 15 June 2012, at: <http://www.kommersant.ru/doc-y/1951056>; an English version can be found in: BBC Monitoring International Reports, 28 June 2012, at: <http://www.accessmylibrary.com/article-1G1-294798820/russia-pundit-views-challenges.html>.
 - 24 Cf. Viktoriya Panfilova, Uzbekistan vozvrashchaetsya k CSHA. Tashkent stanovitsya soyuznikom Vashingtona v antiiranskoi kampanii [Uzbekistan Returning To US. Tashkent Becoming Ally of Washington In Anti-Iran Campaign], in: *Nezavisimaya Gazeta*, 4 July 2012, at: http://www.ng.ru/cis/2012-07-04/1_uzbekistan.html; an English version can be found in: BBC Monitoring International Reports, 5 July 2012, at: <http://www.accessmylibrary.com/article-1G1-295406852/russian-paper-says-uzbekistan.html>. See also Georgy Kovalev/Oleg Gorbunov, NATO pereezhaet na sever [NATO moving north], *Politkom.ru*, 8 June 2012, at: <http://www.politcom.ru/13980.html>; an English version can be found in: BBC Monitoring International Reports, 11 June 2012, at: <http://www.accessmylibrary.com/article-1G1-292841020/russian-commentary-eyes-impact.html>.

disputes and conflicts, nor to create working institutions for economic co-operation".²⁵

Even within one leading and heavily institutionalized organization – NATO – it is clear that allies are becoming less interested in NATO's future. Although burden-sharing disputes have been a constant feature of NATO's evolution, the impact of the financial debt crisis has cut deep (the US, UK, France, and Germany are all slashing their defence budgets) and is likely to be longer-lasting than any similar downturn in the Alliance's history. Heterogeneity is apparent in the NATO allies' approaches to the new threats identified at the 2010 Lisbon Summit – from cyber to energy to terrorism – which impact allies differently and make reaching a consensus on collective action difficult.

"G3" as a Strategic Damage Limitation Mechanism?

The twin impact of accelerating power shifts and increasing interdependence is bringing about an ambiguous strategic environment. This is demonstrated by China, and given that these transitions are flowing in the direction of "the West to the rest", it is worthwhile to examine Chinese ambiguity more closely so that we can better understand developing dynamics within the lynchpin at the heart of the OSCE – the US-Europe-Russia strategic triangle. Some strategic analysts see China as being in open military and ideological competition with the United States while others view China as wanting to be in the front seat of global governance and strategic decision-making: alongside the US driver as a co-equal, but in reality both unable and unwilling to build a Sino-centric regional order, let alone attain global hegemony.²⁶ Others still see a natural and peaceful historical shift under way, one that brings in its wake points of tension and friction in the relationship between China as an ascending and the United States as a descending power.

If we take the Cold War as a guide, then one would expect the swift and extensive militarization of rivalry: the US's renewal and extension of a formal structure of alliances to contain China met by Chinese efforts to escape such encirclement.²⁷ While there is a regional arms race as evidence of an

25 Stanislav Pritchkin, SHOS na tsentralnoaziatskom perekrestke. Politicheski spros na region stremitelno rastet [SCO At Central Asian Crossroads. Political Demand For Region Is Rapidly Growing], in: Nezavisimaya Gazeta, 18 June 2012, at: http://www.fskn.gov.ru/includes/periodics/Pressa_Afganistan/2012/0618/165319323/detail.shtml; an English version can be found at: BBC Monitoring International Reports, 19 June 2012, at: <http://www.accessmylibrary.com/article-1G1-293788231/shanghai-bloc-struggle-power.html>.

26 "International forces are trying to Westernize and divide us by using ideology and culture. The international culture of the West is strong while we are weak. Ideological and cultural fields are their main targets." Hu Jintao, President of the People's Republic of China, in: *Seeking the Truth* (Communist Party Magazine), 2 January 2012, cited in: Peter Simpson, Hu Warns of Culture War, in: *Australian Financial Review*, 4 January 2012, p.13.

27 For a comprehensive definition of "soft balancing" by US scholar Randall Schweller, see: Thazha V. Paul/James Wirtz/Michel Fortmann (eds), *Balance of Power: Theory and Practice in the 21st Century*, Stanford, Ca., 2006, p. 3.

intensified “integrate but hedge” strategy, China has not sent warships to protect its oil and gas drilling and pipeline interests in Burma or deployed submarines to patrol the Bay of Bengal, nor has it used its financial leverage to influence US foreign policy directly. Over the past 30 years, China has managed an economy built upon export-led growth (based on cheap, low-technology goods) with the result that it is integrated into world trade and is the largest holder of US securities. Economic interdependence provides a shock absorber for more fractious security relations. Looking forward, however, China plans to restructure its economy around a different growth model, one led by domestic consumption with a macro-economic environment that would encourage domestic spending. This would change the size and function of its foreign exchange reserves, allowing China to leverage these reserves to achieve geo-political goals. As this shift will be ten to fifteen years in the future, if it occurs at all, for now, while we can note a lack of strategic trust and confidence, open hostility is not in evidence. As in the realm of “mutually assured economic destruction”, moreover, there is a growing realization that power shifts deepen shared strategic vulnerabilities (nuclear, cyber, and space) between the United States and China (and Russia to a lesser extent) and will encourage mutual strategic restraint.²⁸

In 2012, the Year of the Dragon, elections and power transfers in Russia, the United States, and China add a potentially combustible ingredient to the pot of global transformation. Elections are traditionally a time for blame and tough assertiveness rather than compromise and accommodation, increasing the chances of strategic misunderstanding and of uncertainty driving events. Until new leaderships have settled in or existing leaderships have been confirmed, we can expect few new initiatives that build long-term trust or confidence. Instead, the best that we could have hoped for in 2012 was limitation of strategic damage during the electoral year.

When new leaders emerge in China and the United States after October/November 2012, or old leaders are re-legitimized, will the United States and China be able to discover a common strategic purpose? Could Xi Jinping, China’s new President, travel to Washington in April 2013 to reset relations with the United States and then to the Philippines to reset relations in the Asia-Pacific region? If so, what framework could sustain a reset? Firstly, a mechanism or framework must be created within which agreed strategic agendas can be implemented. The G3 has been posited as an inclusive burden-sharing mechanism capable of achieving a balance of mutual benefit, not power. Together, the EU, China, and the United States constitute 60 per cent of the world economy, and their comparative advantages are complementary: The United States is the prime military power and consumer, China offers capital and labour, and the EU provides normative power, advanced technology, and a strategic buffer between the United States and

28 Cf. David C. Gompert/Phillip C. Saunders, *The Paradox of Power: Sino-American Strategic Restraint in an Age of Vulnerability*, Washington, DC, December 2011.

China. Each of these entities is systemically relevant, if only because each is too big to fail.

The G3 countries are producers of global governance while most other states are receivers – but does this common characteristic forge common interests? Can China and the United States identify areas of strategic cooperation? Afghanistan might constitute one such topic for strategic dialogue. However, US strategic interests in Afghanistan and Central Asia will diminish following the drawdown of US forces. A stagnating and gradually destabilized Russia is another possible topic for a US-China strategic dialogue. However, the risk of strategic miscalculation makes Russia a difficult focus for such a dialogue. Managing India's rise is also a non-starter. The ongoing Sino-Indian border dispute and China's non-ideological strategic partnership with Pakistan mean that India is already a counterpoint to China. The preservation of the "Global Commons" also appears to be a non-starter given the normative differences between China and the United States over rights and responsibilities within maritime exclusive economic zones, legal disparities on intellectual and technological property rights, and an undeclared war in cyberspace. Moreover, each member of this group is grappling with its own trilemmas. In Beijing a struggle for strategic direction appears to be ongoing between the people, the party and the military. In Washington, DC, the struggle is between a Congress that is gridlocked, an executive whose position is contested, and a society that is polarized, and all this leads to indecision and paralysis. In Brussels, arguments over "more" or "less" Europe conceal a fundamental divide over the appropriate, affordable, and acceptable balance between efficiency, effectiveness, and legitimacy in governance.

Managing Strategic Trilemmas?

The international governance structures that have ensured relative stability for the past half-century are no longer sound. Since the 17th-century European Enlightenment, Reason rather than God has provided the key to a Western-defined paradigm based on progress. In this century the financial, then economic, crisis of 2008 has now migrated to the politics (including foreign and security policies) of the enlarged "Europe" – including key OSCE participating States. The questions surrounding the core issue of this modernity crisis are as follows: Are existing economic and political systems still fit for purpose? Increasingly, the answer appears to be highly caveated and conditional "maybe" or an outright "no". If they are not, what sort of world order is likely to develop?

Dan Rodrik, author of *The Globalization Paradox*, identifies a "fundamental political trilemma" that shapes contemporary security and stability, namely the notion that although democracy, self-determination, and globalization are key contemporary dynamics, only two can exist in conjunction

and harmony: If democratic governance is the goal then a state can embrace either national sovereignty or democracy, but not both; more comprehensive globalization demands that the democratic political process of the state be sacrificed.²⁹

While the notion of a trilemma has an analytical utility in that it signals the complex nature of trade-offs between competing demands, interests, and norms, a more comprehensive and appropriate trilemma can be identified which has greater relevance within the OSCE region. The financial crisis and its effects, as well as the Arab Spring, prompt us to question the assumptions embedded in the notion that democratic states with market economies are inherently prosperous, that the sum of these parts is a “democratic peace”, and that the process is more or less linear and inevitable. These sets of understandings are holding up in some parts of the OSCE area, appear badly frayed in others, and in some places are being called into question and even rejected in favour of alternatives. Might we identify an emergent “modernization” rather than “globalization paradox” that helps to explain the underlying tensions and discord within the OSCE area, indeed which accounts for the paralysis within the OSCE itself?

Contemporary modernization projects/pathways have certain recurrent core characteristics which give legitimacy and thereby lead to sustainability: democracy (with attributes such as self-determination, transparency, human rights, freedom, etc.); stability (understood in terms of security, safety, peace, etc.); and prosperity (via economic growth and markets, etc.). These attributes are echoed by the three pillars of the OSCE: human rights (democracy), politico-military (stability) and economic and environmental (prosperity). A compelling narrative that binds the three baskets of the OSCE in a mutually reinforcing virtuous cycle can be made: “One basket deals with human rights because it is critically important that the countries respect the rights of their citizens. Another basket deals with security because you cannot have human rights unless you have a secured country that protects the security of its people. The third basket deals with economics and environment because you cannot have a secure country and you cannot have human rights unless there is economic opportunity for your citizens and you respect the environment in which we live.”³⁰ When we survey the OSCE area, we find states in the East that are stable and increasingly prosperous but where democracy is a virtual construct – raising the question of whether democratic processes and practices will gradually grow within a garden of stability and prosperity. Other states in the West are stable and democratic, but increasingly impoverished –

29 Cf. Dan Rodrik, *The Globalization Paradox: Democracy and the Future of the World Economy*, New York, N.Y., pp. xviii-xix.

30 *The OSCE as a Model for the Middle East*, Speech by Hon. Benjamin L. Cardin of Maryland, 2 March 2011, available at: http://www.csce.gov/index.cfm?FuseAction=ContentRecords.ViewDetail&ContentRecord_id=424&Region_id=0&Issue_id=0&ContentType=E&ContentRecordType=E&CFID=5204414&CFTOKEN=10388841.

the question here relates to how long they might remain stable and/or democratic without prosperity.

The perception that debtor democracies may become more dependent on creditor autocracies, such as China, is heightened and the question is raised as to whether democracies are dysfunctional relative to state capitalist and other authoritarian political systems. However, China, now the most consequential actor in Central Asia and increasingly in other parts of the OSCE area, faces its own ticking-time bomb of a trilemma. For the Party and State to survive, Xi Jinping must address three tasks: curbing corruption, maintaining the Communist Party's monopoly on power, and rebalancing the economy from export to domestic consumption-led growth to maintain performance legitimacy. The Politburo can push ahead on two fronts but not all three: If the Party curbs corruption and rebalances the economy, it will not be able to maintain its monopoly on power; if it attempts to rebalance the economy and maintain its monopoly control over politics, it will not curb corruption; if it maintains the existing political structure and lives with corruption, it will not be able to rebalance the economy. In effect, if Xi Jinping opts for business as usual – rhetorical anti-corruption window dressing but no fundamental change – his task will be to manage escalating tensions generated by the trilemma, to contain rather than resolve the resultant social explosions.

The year 2012 will prove to have been a turning point and litmus test for whether consolidated democratic states with market economies within the OSCE can continue to enjoy prosperity and stability. Those that cannot will face the modernization trilemma that looks set to characterize the second and third decades of the 21st century. How such states answer this question will help to validate the more limited choices of other states within the OSCE which will have to choose two of the three – democracy, stability, and prosperity. Which two best serve the interests of states and societies in the OSCE region and beyond will differ depending on different understandings as to what is appropriate (to the strategic context), acceptable (to the societal context), and affordable (according to material resources). The sum of these choices will inform and drive the nature of OSCE States and their leaderships, and so the OSCE agenda, its priorities, and emphasis, in the years ahead.

Annexes

Towards a Euro-Atlantic and Eurasian Security Community

From Vision to Reality

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Purpose of the Report

In late 2011, the Ministers of Foreign Affairs of Germany, France, Poland and the Russian Federation asked the Centre for OSCE Research (CORE) at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), the Fondation pour la Recherche Stratégique (FRS), the Polish Institute of International Affairs (PISM), and the Moscow State Institute of International Relations (University) of the Russian Foreign Ministry (MGIMO) to organize a series of workshops in order to advance the discussion on the future character of a Euro-Atlantic and Eurasian security community and to present a report with recommendations to the participating States of the Organization for Security and Co-operation in Europe (OSCE) in Vienna. With their initiative, the Ministers took up the idea of establishing a network of academic institutions, a proposal made by OSCE Secretary General Lamberto Zannier during his inaugural speech to the Permanent Council on 4 July 2011.

The purpose of this report is to contribute to a critical and illuminating debate on the conceptualization of a security community. We are fully aware that, as we present this report, Europe in particular is going through a fundamental economic and political crisis. However, we believe that the very fact of this crisis makes the objective of a Euro-Atlantic and Eurasian security community and the benefits it offers all the more urgent and necessary.

This report builds on four workshops held in Berlin, Warsaw, Paris and Moscow from March through July 2012. The workshops were attended by a total of about 300 participants and guests from 40 countries and four international organizations. The working group established by the four institutes benefitted from additional meetings with officials in each of the four capitals.

The institutes have also greatly profited from co-operation with the Foreign Ministries of the four countries, including their Permanent Delegations to the OSCE, and from the assistance given by the Irish OSCE Chairmanship. Outstanding contributions were made at the workshops and in discussions by Minister Guido Westerwelle, former Ministers Igor Ivanov and Adam Daniel Rotfeld, former OSCE Secretary General Marc Perrin de Brichambaut, Deputy Minister Bogusław Winid, Deputy Minister Alexander Grushko, and former State Secretary Wolfgang Ischinger. The discussions at all workshops were most informal and deeply enriching. The participants and guests at the workshops deserve a special acknowledgement for this. Any shortcomings in this report are the sole responsibility of its authors.

The vision of a Euro-Atlantic and Eurasian security community, as advanced by the 2010 Astana OSCE Summit meeting, is particularly important against the background of the strategic uncertainty the OSCE area faces now and in the future. The global shift in the balance of economic power, the refocusing of international politics towards the Pacific, the crisis of the Euro zone and the uncertainty regarding the future of the European Union and of Russia make the appeal of this vision less plausible than it was twenty-two years ago when the Charter of Paris for a New Europe was adopted.

Against this background, the emergence of a genuine security community throughout the OSCE area cannot be taken for granted. However, the acknowledgement of the challenges ahead only emphasizes the importance of the vision of a Euro-Atlantic and Eurasian security community offered by the OSCE Heads of State or Government. It reminds us that the OSCE participating States can benefit more from coming closer together via increasing convergence in all areas than they can from drifting further apart.

The strategic uncertainties within the OSCE, manifested in political and institutional divergence among the participating States, have increased over the past decade. All participating States appear to share the expectation that developing a security community should make war among its members impossible, regardless of whether they are members of alliances or not. However, states have different views on what needs to be done to achieve this goal. Whereas some concentrate on the traditional politico-military 'hard security' issues, others emphasize the primary importance of developing a viable community of values.

If developing a security community is conceptualized as a process rather than as a single act, these two approaches need not be seen as mutually exclusive, but can rather be followed in parallel. A security community cannot be successful if the security or normative concerns of individual states are not appropriately addressed. Nor can it be reduced to inter-state relations or 'hard security' issues. A security community can only grow through the active involvement and engagement of the societies at all levels.

Building a security community in the OSCE area cannot be delegated to the OSCE alone. States benefit from the existence of a dense network of European, Euro-Atlantic and Eurasian institutions. Despite problems in specific relations, all OSCE participating States work together in multiple institutional settings, whether as full members or associate partners. Building a security community will thus involve a number of different institutional formats. At the same time, being the single most inclusive organization in this area, with a comprehensive mandate, the OSCE has an important role to play in this process.

Starting from its current agenda, the OSCE participating States can contribute to building a security community in the OSCE area by:

1. Preserving the existing arms control *acquis*, further pursuing conventional arms control and substantially modernizing confidence- and security-building measures.
2. Making concerted efforts to solve protracted conflicts, and, as a matter of urgency, to prevent any increase of tensions.
3. Assessing the effects that the situation in Afghanistan may have on the OSCE area after 2014 and appropriately adjusting relevant activities.
4. Promoting long-term reconciliation processes throughout the OSCE area.
5. Further developing the OSCE transnational threats agenda, concentrating on cyber security, countering terrorism, and combating illicit drug trafficking.
6. Developing its own initiatives for dialogue and promoting the implementation of relevant international instruments in the economic and environmental dimension throughout the OSCE area.
7. Improving the effectiveness of the OSCE's human dimension work by monitoring the compliance of all OSCE participating States in an equal manner and by streamlining the human dimension events cycle.
8. Providing a platform for enhancing understanding between states and Muslim communities and engaging with the new political and societal forces of the Arab Spring.
9. Developing an OSCE network of academic institutions to facilitate open debate and communication on the relevant issues on the OSCE agenda.
10. Making better use of the institutional richness in the OSCE area through more effective co-operation, particularly with the organizations in the Eastern part of the OSCE space.

1. The Vision of a Security Community

At their 2010 Astana Summit meeting, the Heads of State or Government of the 56 OSCE participating States committed themselves

“to the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals.”

The Astana Commemorative Declaration further elaborates on the concept of “comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations”. It further develops a vision of a security community which “should be aimed at meeting the challenges of the 21st century”, is “based on full adherence to common OSCE norms, principles and commitments across all three dimensions”, and should “unite all OSCE participating States across the Euro-Atlantic and Eurasian region, free of dividing lines, conflicts, spheres of influence and zones with different levels of security”.

With this far-reaching vision, the Astana Commemorative Declaration advanced what the Heads of State or Government had endeavoured to achieve twenty years earlier in the 1990 Charter of Paris:

“The era of confrontation and division in Europe has ended. We declare that henceforth our relations will be founded on respect and co-operation. [...] Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries.”

A security community is a bold vision that can only materialize if states and societies actively pursue this goal. However, the majority of political elites and the broader public have not taken any notice of it. Furthermore, individual states often define the concept of a security community in quite different – even contradictory – terms. Whereas some states believe that the way towards a security community must begin by addressing ‘hard security’ issues, other point out that a genuine security community presupposes the existence of a community of values. Any viable process towards building a security community in the OSCE area will have to reconcile these different approaches.

This report proceeds on the basis of the understanding that a security community stands for a community of states and societies whose values,

social orders and identities converge to such a degree that war among them becomes unthinkable. A security community means stable and lasting peace among states and within societies where there are no longer zones of different security, regardless of whether individual states belong to alliances or not. Disputes are resolved by peaceful means only. The notion of a security community is not limited to relations between states, but includes all sectors and levels of societies that are interconnected by multiple channels of free communication and free movement. It also allows for more effective common responses to shared threats and challenges.

A security community cannot be created by a single founding act, but is rather the result of a long-term process that allows the overcoming of the legacies of the past, the creation of mutual trust, an increase in convergence, and the development of common identities and institutions. A security community is not an alliance directed against any outside state or alliance.

The process towards a Euro-Atlantic and Eurasian security community extends beyond the OSCE. However, as the most comprehensive and inclusive international organization in its region, the OSCE has to play an important role as a 'security community-building institution'.

2. Arguments in Favour of a Security Community of the OSCE Participating States

While individual OSCE participating States may have different visions of a security community and see different rationales for engaging in security-community building, there is solid common ground for the pursuit of this goal.

Shared Identity of Europeanness

All OSCE participating States share an identity of Europeanness, a common history and culture, which builds on a centuries-old heritage of economic exchange and political and cultural communication.

Safeguarding Common Principles and Values

A Euro-Atlantic and Eurasian security community would safeguard and consolidate our joint principles and values. Starting with the signing of the Helsinki Final Act in 1975, the OSCE participating States committed themselves to a comprehensive *acquis* of shared values and commitments, which they confirmed at the Astana Summit meeting in the context of declaring their support for a Euro-Atlantic and Eurasian security community. This common *acquis*, and the shared OSCE institutions, have brought them together and kept them together even in most difficult periods of the OSCE's history. Although much of the *acquis* remains to be fully implemented, it has continuously contributed to developing and strengthening a sense of a common normative space.

Addressing Transnational Threats and Challenges

In the 21st century, the OSCE participating States share new threats and challenges which are transnational and often global in nature. Some of them, such as global warming, climate change, cyber security, transnational terrorism and drug trafficking challenge the very foundations of states and societies in the OSCE area. Finding appropriate responses to transnational threats has emerged as an important area of convergence among the OSCE participating States.

Utilizing Economic Complementarity for the Challenge of Modernization

In a world that is expected to be home to eight billion people by 2025, and which is increasingly shaped by emerging powers, all OSCE participating States have a great deal to gain by strengthening and expanding economic, technological and scientific co-operation with each other, particularly in view of the high level of interdependence and complementarity of their economies. The conjunction in the OSCE area of a wealth of energy and mineral resources, highly developed knowledge-based industries and services, advanced technological development and the capacity for innovation, as well as accumulated human capital, allows the participating States to jointly meet the mounting challenges of competition and modernization in the globalized world.

Setting Global Standards

With its technological lead, strong institutions and high standards of governance, rule of law and comprehensive transparency, a Euro-Atlantic and Eurasian security community could provide a model for a norm- and rule-based international order.

3. Developments in the OSCE Space

Building a security community in the OSCE area does not start from scratch. Over the past two decades, the process of increasing convergence within the OSCE area has significantly advanced in many areas, although it has been accompanied by repeated setbacks.

The Threat of a Major War – A Feature of the Past

The greatest achievement of the last two decades is that a major war in Europe between states and alliances – the ever-present threat during the era of East-West confrontation – has become inconceivable. Although differences between states persist, there are no more antagonistic or major ideological divides within the OSCE space. However, the 2008 Georgian-Russian conflict and earlier conflicts have clearly demonstrated that the use of force on a smaller scale is still possible within the OSCE area.

Trends towards Convergence

Almost all OSCE participating States are now market economies, even if their forms vary considerably. The economies within the OSCE space are highly interconnected, and states and societies are aware of this growing interdependence. The ongoing economic and financial crisis has made it evident that the welfare of each society depends on the welfare of all the others.

There has been a remarkable process of normative convergence throughout the OSCE area over the past two decades, even though it has been uneven in terms of implementation. All OSCE participating States have declared their adherence to the same values and norms, including respect for human rights and fundamental freedoms, democracy based on political pluralism and the rule of law. In the Astana Commemorative Declaration, they reaffirmed “categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”.

Further convergence is resulting from the membership of an increasing number of states in or their co-operation with other international organizations in the OSCE area. Almost all participating States are members of or observers in the Council of Europe. Most of them have become members in the World Trade Organization. And many states that are not members of the North Atlantic Treaty Organization (NATO) or the European Union (EU) have developed partnership relations of varying degrees of intensity with them.

As far as transnational threats are concerned, there is increasing co-operation among a wide range of organizations. The density of bilateral co-operation between businesses and civil society organizations, as well as of cultural and human contacts in general has increased dramatically. All participating States now share a common information space that allows for a freer flow of information across their borders.

Newly Emerging Areas of Divergence

More recently, however, new lines of divergence have formed between the OSCE participating States. They are pursuing contradictory agendas and disagree on an increasing number of issues. The culture of compromise is in decline. The implementation of the agreed norms and commitments is uneven. The predominance of the security dilemma results in zero-sum games and deep mutual mistrust – many states still share the perception that optimizing one’s own security is only possible at the price of less security for others. Despite the declared commitment to indivisible and co-operative security, there are different levels of security within the OSCE space. Already achieved levels of co-operative security are being eroded. Many areas, such as energy, natural resources and migration, have been excessively politicized.

Recent efforts to turn things around, such as the OSCE's Corfu Process, have failed to produce conclusive results.

Lack of Proper Communication

Existing differences and contradictions are exacerbated by different underlying patterns of understanding and interpretation. The dominant perception in the West is that the lack of democracy and human rights abuses in post-Soviet states lead to non-co-operative foreign policy. From the Eastern perspective, the Western democracy discourse is seen as part of the traditional pursuit of geopolitics and a remnant of Cold War rhetoric and thinking. Discussions are often of a tactical nature. Open dialogue over strategic interests and objectives does not take place. The result is mutual frustration and the recurring confirmation of mutual mistrust.

The Effects of the Financial and Economic Crisis

The overall situation has been further exacerbated by the effects of the current economic and financial crisis. Individual countries and groups of countries tend to turn inwards, are absorbed by addressing their own pressing problems and are less inclined to invest in joint projects, shared institutions and a common future. The crisis has once again highlighted substantial differences in terms of economic output, productivity, the capacity for innovation, employment and welfare as well as of the levels of stateness in the OSCE area. A failure to sincerely address those fundamental challenges and to develop a more sustainable economic model would represent a serious stumbling block for a genuine security community in the OSCE area. On the other hand, working more closely together in identifying appropriate responses to the current crisis would inevitably boost the process of security community-building.

The Crisis of Institutions

Almost all international organizations in the Euro-Atlantic and Eurasian space are facing complex challenges. Overcoming the current financial and economic crisis poses an unprecedented challenge to the European Union. The current alternatives are deeper integration or increasing fragmentation. Overcoming the crisis will take time and energy and will have implications for the EU's external engagement.

NATO, for its part, is reassessing its post-Afghanistan role in the context of severe constraints on military spending. The model of consecutive enlargements seems to be exhausted, at least for the time being. The NATO-Russia-Council has failed to play a role in crisis management in the OSCE space.

The OSCE is strongly affected by increasing divergence among its participating States and by the lack of political will for pan-European co-operation. As the most comprehensive and inclusive regional institution, it is,

at the same time, the weakest of the major Euro-Atlantic and Eurasian international organizations. A number of governments have significantly decreased their investments in the OSCE.

The political divergence over the last decade has led to some initial indications of an emerging institutional divide. Russia and other countries in the new East have increasingly invested in different institutions, including the Collective Security Treaty Organization (CSTO) and the Customs Union, which are facing their own challenges as well.

Against this background, security community-building would require that the OSCE participating States increasingly invest in interconnecting the existing institutions in a more co-operative and efficient way.

Unfinished Integration Processes

Although integration within the OSCE space has advanced significantly since the early 1990s, it has remained unfinished. Russia and the West are no longer enemies, but they have not yet become genuine partners. There has not been much progress in shaping a new treaty on the strategic partnership between the European Union and the Russian Federation. NATO-Russia relations have remained fragile and do not live up to the 2010 Lisbon Summit promise to open “a new stage of co-operation towards a true strategic partnership”. The progress achieved to date has not been sufficiently translated into resolving existing problems and conflicts.

Turkey is facing comparable integration deficits. Prospects for EU accession are uncertain and negotiations with the EU Commission have, so far, yielded only little progress. At the same time, Turkey is taking on a new role as a regional power.

No Solutions for Conflicts

The protracted conflicts have not been solved mainly because of unilateral strategies used by the parties to these conflicts and their lack of political will to find compromises. Lack of initiative and leadership plus vested interests in the continuation and instrumentalization of these conflicts have allowed many regressive steps and prevented any major breakthrough. The use of force in sub-regional conflicts is no longer taboo. Despite the efforts of the Minsk Group, a potential war over Nagorno-Karabakh is a possibility that could entail a significant danger of escalation, particularly in case of the inclusion of relevant regional powers. While conflicts in the South Caucasus, Eastern and South-Eastern Europe have not been fully resolved, new ones are looming. There is a risk of a possible spillover of conflicts from the regions adjacent to the OSCE area.

Stagnation in Arms Control

Since 1990, Europe has made historical progress in reducing its armed forces. Arms control has been one of the drivers of political rapprochement and co-

operation. However, in recent years, arms control has degenerated from an instrument of co-operative security into a bone of contention. The Treaty on Conventional Armed Forces in Europe (CFE), once hailed as the ‘cornerstone of European security’, is no longer functioning properly. Discussions aiming to unlock the situation have ended in stalemate. Success in modernizing the Vienna Document has been quite limited. The functioning of the Open Skies Treaty is hampered by disputes between individual states. The situation has been further complicated by the emergence of new issues, subjects of concern raised by various participating States, which have not yet been addressed in a proper way, such as missile defence deployments or tactical nuclear weapons in Europe. Nevertheless, the level of military transparency has remained comparatively high.

Challenges for the Observance of Human Dimension Commitments

Respect for and observance of human rights and fundamental freedoms, democracy and the rule of law, which, according to the 1999 OSCE Charter for European Security, “is at the core of the OSCE’s comprehensive concept of security”, is continuously confronted with old and new challenges. The process of democratization has been slower, less consistent and more contradictory than originally expected. A number of autocratic regimes persist in the OSCE area and have consolidated their rule. Key ingredients of democratic governance, such as the rule of law and freedom of the media are increasingly challenged throughout the OSCE area. Human rights are often abused in the context of combating terrorism. The defence of human dignity remains a fundamental challenge throughout the OSCE space. Progress in the human dimension is an indispensable element for increasing convergence among the OSCE participating States and thus for the growth of a Euro-Atlantic and Eurasian security community.

Progress Insufficiently Translated into Joint Action

The current situation in the OSCE space is ambiguous. Advances towards greater convergence are paralleled by divergences preventing joint action. The main divergence is political and concerns a lack of cohesive policy approaches to many issues in various fields. This opens up space for parochial vested interests to create vicious cycles of old problems, old behaviour and new mistrust. Positive change requires continuous and energetic engagement by both political leaderships and societies. The building of a security community would help to narrow and close old and new gaps and the divergences currently dividing the OSCE participating States by promoting greater cohesion and convergence.

4. *The Way towards a Euro-Atlantic and Eurasian Security Community: Guiding Principles of a Strategy*

Drafting a detailed strategy for developing a security community in the OSCE area goes beyond the scope of this report. We will therefore focus here on some guidelines that can direct the process towards building a security community.

First: Economic interdependence, even if it is strong, does not lead automatically to peace and stability. Asymmetric interdependence can even produce conflicts. One therefore cannot rely on economic factors alone. Rather, states and societies must take political action. Peace is not the result of benign conditions alone. Whoever wants peace has to *make* peace through direct, focused and sustained action.

Second: Progress towards a security community is achieved through increasing convergence and overcoming divergence among the OSCE participating States and their societies with respect to reducing existing security concerns and broadening shared interests, values and identities as the basis for lasting peaceful behaviour. Pursuing the objective of a security community therefore requires enhancing the whole OSCE *acquis* in all its dimensions and a qualitatively better implementation of these commitments.

Third: Shaping the process towards a security community is more important than striving for quick fixes. A security community is not established by a single founding act. The task is not to fix the *status quo*, but rather to manage the process of ongoing change and gradually direct it towards a security community.

Fourth: It is essential to address as many issues as possible in parallel. Substantive results should be accompanied by efforts towards reconciliation and the reduction of mistrust among and within states and communities. Agreements of all kinds in as many sectors as possible – regimes, politically binding agreements, legally binding treaties etc. – add up over time to an ever denser network of mutual ties and commitments that enhance trust and make wars and violent conflicts practically impossible. This is reflected by the fact that no one – governments and peoples alike – any longer expects organized acts of violence by another state or any relevant societal group. If this state of affairs is established and assured over a longer period, one can speak of a security community.

Fifth: There should be a balance between items of the old agenda inherited from the Cold War and a new agenda related to forthcoming challenges and opportunities, including transnational threats. Neither of these agendas can be neglected. Rather, they should be dealt with in parallel. Elements of the new agenda including reconciliation, which deals with a legacy issue in a novel way, should increase in importance.

Sixth: It is important to address both potential game changers, such as developing co-operative missile defence, and relatively non-controversial

issues. Focusing on game changers alone runs the risk of their turning into spoilers where no political breakthrough can be achieved. In the same way, it is important to pursue, in a balanced way, long-term objectives, such as reconciliation, and short-term goals that can yield results relatively quickly. Early successes of any kind – even small ones – are essential, because the existing mistrust can only be reduced by deeds, not by mere declarations.

Seventh: It is imperative to depoliticize controversial issues – in general and in all individual issue areas. The degree of de-politicization achieved can be seen as a sign of success on the way towards a security community.

Eighth: We need a change in thinking. So-called ‘soft issues’ such as reconciliation, the rule of law including international law, people-to-people-contacts, expert communities and business co-operation might prove more important, in the long term, than so-called ‘hard security’ issues. This is the case because the main task ahead is changing ways of thinking, values and identities. This is even true for ‘hard security’ issues such as arms control, where the creation of transparency and trust and the establishment of firm bonds of co-operation are more important than setting balances and limiting military items.

Ninth: Embarking on a path towards a security community requires the active engagement of the political leaderships. At the same time, broad societal participation and ownership are essential if the process is to become robust and sustainable. This goes far beyond the traditional notion of non-governmental organizations (NGO) and includes business leaders, representatives of trade unions, religious communities, expert communities and many others. It means fostering the gradual evolution of a new culture of peaceful conflict regulation.

Tenth: As the most comprehensive and inclusive international organization in its area of application and as a regional arrangement under Chapter VIII of the Charter of the United Nations (UN), the OSCE has played and can continue to play an important role as a ‘security community-building institution’. Moving ahead towards a security community would require the positive involvement and co-operation of the EU, NATO, the CSTO, the Customs Union, the OSCE and other organizations. For this reason, the OSCE should strengthen its co-operation with the UN institutions, with the regional and sub-regional organizations in its area, and with its Mediterranean and Asian Partners for Co-operation.

5. *What the OSCE Can Contribute to Building a Security Community*

By improving their co-operation in all areas of the OSCE’s activities – in the security, economic and environmental and human dimensions – the participating States can show political will and send a strong message that they

want to advance towards a security community. They can engage in a few selected topics and projects that are significant and visible.

5.1 Re-engaging in the Security Dimension

The long-term objective in the security dimension is the gradual demilitarization and de-securitization of interstate, and, where necessary, intrastate relations up to the point where the use of organized force is no longer thinkable. This requires a common understanding of military security, functioning arms control and military co-operation, as well as the resolution of protracted violent conflicts and the prevention of new ones, reconciliation among former adversaries and jointly addressing transnational threats and challenges.

5.1.1. Developing Arms Control, CSBMs and Military Co-operation

The erosion of the conventional arms control regime in Europe, and specifically of the CFE Treaty, poses a challenge to the OSCE region. Sharply divergent perceptions of 'hard security' issues make concerted action to salvage arms control a matter of urgent need, but at the same time harder to achieve. The further pursuit of arms control remains an essential tool for building a co-operative and indivisible security space and thereby paving the way towards a security community. To prevent further deterioration, participating States should:

- a) Abstain from steps which could jeopardize the remaining arms control regimes in Europe.
- b) Exercise restraint in conventional armed forces deployments, since any substantial build-up not commensurate with national security requirements could exacerbate existing concerns.

If, however, the stalemate over CFE is overcome, new opportunities for addressing the current security concerns of the participating States could open, particularly since the dramatically changed security landscape in Europe has made many CFE provisions obsolete. The following guidelines could be helpful for participating States in pursuing a renewed arms control dialogue:

- c) Consider the option of extending conventional arms control to new weapons categories and complex military capabilities.
- d) Consider making new weapons categories the subject of monitoring rather than of limitations.
- e) Pursue an arms control dialogue where all concerns expressed would be heard and discussed without taboos.
- f) Fully engage defence establishments in the arms control dialogue.

The OSCE has a particular role to play in improving transparency and predictability by further developing confidence- and security-building measures (CSBMs). This task is all the more important as the armed forces of the participating States undergo profound reductions and modernization processes.

The negotiation of a substantial Vienna Document (VD) modernization is just beginning. Participating States advocate different views with respect to which particular measures should be developed. They also differ on the issue of whether the current level of intrusiveness of the CSBMs is sufficient or whether it should be stepped up.

The main objective should be to provide for an improved baseline agreement while encouraging individual states to engage in more specific arrangements wherever appropriate. In particular, the participating States should be encouraged to provide extensive advance information about military exercises and be ready to address concerns raised by other participating States, to conclude further bilateral and regional CSBM agreements, or to practice tailored CSBMs voluntarily and unilaterally. At the same time, CSBMs, although important, should not be treated as a substitute for arms control mechanisms.

The OSCE's role in arms control and confidence- and security-building measures could be advanced through:

- g) Resuming consultations with the goal of adopting a mandate for negotiations on a modern conventional arms control agreement.
- h) Intensifying efforts to overcome the difficulties with the Treaty on Open Skies.
- i) Conducting joint threat assessments and discussing appropriate joint responses in conjunction with national military and defence doctrines.
- j) Encouraging military co-operation, including through joint training and exercises for crisis management.

5.1.2. Taking Responsibility for Protracted Conflicts

The protracted conflicts remain an issue of growing concern to the OSCE participating States. No genuine security community can be developed if the use of force is not ruled out. Protracted conflicts represent the context in which the fundamental principle of non-use of force is most likely to be broken. For about two decades, states have been striving to settle these conflicts, but have been unable to do so because of divergent views among the parties to the conflicts and other states involved. As long as the protracted conflicts are not solved, any discussion on a security community will lack substance.

Improving the effectiveness of the OSCE early warning, conflict prevention, resolution and post-conflict rehabilitation was a major issue during the 2010 Corfu Process and has continued to be so in the subsequent discus-

sions. Despite the progress achieved, the participating States take different views regarding which particular measures will enable the OSCE to most effectively address the challenges posed by a possible violent escalation of the protracted conflicts.

While this divergence blocks substantial progress, there is room for the OSCE to improve its performance in preventing any escalation of violence in the OSCE area. Building on the 2012 Report by the Secretary General on the progress made and possible options on the way forward with respect to the 2011 Vilnius Ministerial Council decision on the conflict cycle, the OSCE should concentrate on early warning and early action. Continued attention should be paid to innovative approaches, such as developing a conflict mediation capacity within the OSCE. The Chairmanship, in close co-operation with the Secretariat, should seek to fully utilize available tools to take appropriate action to prevent and/or to stop any escalation of violence.

5.1.3. Supporting Stability in Central Asia and Afghanistan

For years, the OSCE has been fostering stability in Central Asia. Based on the mandate of the 2007 Madrid Ministerial Council meeting, which reflected the concern that the situation in Afghanistan could affect security in the OSCE area, the OSCE has also engaged in addressing relevant challenges. This has concerned, in particular, supporting measures for securing the borders between the Central Asian states and Afghanistan, intensifying the involvement of Afghan counterparts in OSCE activities related to border security and management, policing and combating drug trafficking at educational and training facilities in Central Asia and in the rest of the OSCE area, and co-ordinating its activities with the United Nations and other relevant regional and international organizations.

Now, as the anticipated deadline for the termination of the engagement of the International Security Assistance Force (ISAF) in Afghanistan by the end of 2014 approaches and the international community considers strategies to ensure stability after the government of Afghanistan has taken full responsibility for the security of the country, the OSCE participating States are urged to examine whether and what adjustments need to be made in the OSCE's efforts to address the challenges of a new security environment in Afghanistan. The OSCE should:

- a) Engage in intense consultations with the relevant participating States and Partners for Co-operation, particularly with the Central Asian States and with Afghanistan, in order to assess the need for adjusting current activities within the Madrid mandate.
- b) Become engaged in broader international consultations, on the basis of the OSCE Platform for Co-operative Security, particularly with the United Nations, NATO, the EU and the CSTO, as well as with the relevant Partners for Co-operation, in order to co-ordinate further

activities, realize synergies and avoid unnecessary duplication of international efforts after 2014.

- c) The forthcoming Dublin Ministerial Council meeting should mandate the OSCE Secretariat to undertake an examination of the OSCE's engagement subject to proper discussion within the Permanent Council and a review by a Ministerial Council meeting no later than in 2014.

5.1.4 Encouraging Reconciliation as Means of Conflict Resolution and Rapprochement

Reconciliation is crucial for overcoming deficits of trust in the OSCE area and finding solutions to protracted conflicts, territorial disputes and inter-ethnic, inter-religious and other tensions in various parts of Europe. While an important dimension of reconciliation consists of governmental activities, sustainable reconciliation can only be achieved through a lasting change of perceptions by the relevant societies. Reaching a basic level of mutual understanding of common history including the causes and dynamics of past conflicts remains an indispensable part of this process. Reconciliation is usually a long-term process. It cannot be seen as a tool of quick-fix crisis management.

While there is no universal template for pursuing reconciliation, the OSCE can promote reconciliation processes in significant international, transnational, inter-ethnic or other contexts. Such efforts aimed at restoring mutual respect can pave the way towards a Euro-Atlantic and Eurasian security community.

Many OSCE activities over the last several years have focused on promoting and encouraging reconciliation, not least with respect to the protracted conflicts. The importance of these efforts should be further highlighted through concrete OSCE actions. This can be done by adjusting the priorities of OSCE institutions, or by formulating specific tasks for the Organization. The significance of reconciliation should also be reflected in the communication strategy of the OSCE. Moreover, the OSCE can focus particularly on the following objectives:

- a) Identifying best practices from historical cases (France and Germany, Northern Ireland, Poland and Germany) and some of the current processes (South-Eastern Europe, Poland and Russia).
- b) Identifying 'reconciliation stakeholders' at the levels of regions and states, and in civil societies, the media and business circles.
- c) Supporting the parties concerned in identifying and overcoming specific 'choke points' in the process of reconciliation.
- d) Standing ready to provide, upon request, a tailored set of proposals for reconciliation activities in particular conflict areas or contexts.

Specific tasks for the OSCE could include:

- e) Conducting a series of seminars on the subject of 'The Link between Reconciliation, Conflict Resolution and Security in Europe: Experiences and Needs'.
- f) Producing reports to summarize past reconciliation efforts (including failed ones).
- g) Producing a 'Handbook of Best Practices in Reconciliation' using the aforementioned reconciliation reports.
- h) Preparing and making available to interested parties a database of experts with experience in reconciliation processes.
- i) Exploring possibilities for reconciliation efforts created by technological advances and new modes of social interaction and networking.
- j) Devising a programme, funded by voluntary contributions, to encourage reconciliation efforts by civil societies, focusing on student exchanges, the establishment of cross-border cultural and sporting events, the funding of cross-cultural media projects, and support for regional cross-border trade fairs.

5.1.5 Addressing Transnational Threats and Challenges

For years, numerous reports by the UN, other international organizations or various NGOs have been raising the alarm about transnational threats and challenges as key concerns for international peace and stability. Among the most critical threats are the interrelated issues of trafficking in drugs, human beings and small arms and light weapons, organized crime, corruption and money laundering. Terrorism benefits greatly from these phenomena, which are rooted in economic asymmetries and social divisions, bad governance and weak or failing statehood. Climate change is also a major crisis multiplier.

Across the OSCE area, states are confronted with various forms of terrorism. States differ in their threat assessments, definitions of terrorism, interests and goals. They also differ in the ways and means they attempt to prevent and combat terrorism: Some states follow a comprehensive approach and are more focused on the processes leading to terrorism; others concentrate on searching for the motives of terrorism. In addition, combating terrorism requires a sensitive balance between the security of the state and the observance of human rights.

Cyber security is receiving increasing attention. This complex and fast-moving subject is particularly difficult to grasp from both a technological and a political point of view.

Regardless of existing differences in approaches, the last decade has shown that the OSCE participating States have found it easier to agree on joint actions to combat transnational threats than on many other issues. With its comprehensive and inclusive approach, the Organization is well equipped

to address this kind of issues. However, the OSCE is not the only international organization doing so. To identify its appropriate contribution to addressing transnational threats, the OSCE should enhance its interaction with other international organizations such as the UN, the EU, NATO and the CSTO and take advantage of its ties with civil societies and its Partner States.

The OSCE should further develop the agenda it has been working on in recent years – that is anti-terrorism, cyber security, anti-drugs activities, and the related field of police issues. Practical contributions could include:

- a) Conducting a transparency-building seminar on ‘Military Doctrines and Cyberspace: The Problem of Definitions’.
- b) Launching an OSCE cyber dialogue framework on ‘Joint Risk and Needs Assessments and Interstate Communication in Cases of Cyber Incidents’.
- c) Conducting a series of seminars on ‘Aligning National Cyber Defence Systems of Critical Infrastructures to the Most Advanced International Standards’.
- d) Adopting an OSCE document on cyber security confidence-building measures.
- e) Adopting a consolidated OSCE framework for the fight against terrorism.
- f) Conducting regional seminars with civil society representatives on ‘The OSCE Experience with Preventing Radicalization and the Problem of Identification, De-radicalization and Reintegration of (Former) Terrorist Supporters’.
- g) Conducting a seminar on ‘Experiences in Countering the Spread of Mafia Organizations’.
- h) Elaborating a ‘Handbook for Business Practitioners on Lessons Learned in Fighting Drug-Related Crime’, including the international trade in chemical precursors.
- i) Developing joint activities with the Global Counterterrorism Forum (GCTF).

5.2 Engaging in the Economic and Environmental Dimension

The long-term objective in the economic and environmental dimension is a gradual process towards a converging, economically and socially prosperous region that ensures environmental sustainability. A security community will be rooted in a progressive convergence of economic policies and will increasingly interconnect the national economies between Vancouver and Vladivostok. This implies the advancement of democratic institutions, the rule of law and economic freedom. The most visible expression of this would be the creation of a free-trade and free-travel zone for the whole OSCE space.

Moving towards a security community that relies on economic freedom implies free competition. It does not rule out the possibility of conflicting interests among the various economic players. Conflicting interests are an integral part of a security community. What is essential is that disputes be resolved by peaceful means alone and that there be a strict renunciation of the use of force. This poses particular challenges with respect to political communication, joint legal and other regulatory arrangements and commercial arbitration procedures or, in other words, good economic governance at all levels.

In the *economic area*, the OSCE should focus on issues that are relevant for improving the political atmosphere among the participating States. It can neither replace specialized organizations nor interfere in the internal affairs of participating States or regional organizations. The OSCE should, however, contribute to raising awareness and developing common understanding and a gradual consensus on issues that are both controversial and symbolic, such as energy security, water management, and obstacles to economic freedom such as restricted labour migration, visa-regimes and market barriers.

In the *area of environmental protection*, the OSCE should continue to concentrate on issues that link environmental protection and sustainable development to public participation and interstate co-operation. The Organization should also discuss sensitive issues such as access to natural resources in cross-border or sub-regional contexts. It should engage in mediation in cases of disputed trans-boundary matters such as cross-border watercourses and aquifers.

The OSCE should continue its efforts to assist the participating States in implementing relevant international regulatory frameworks, particularly the 1991 UNECE (United Nations Economic Commission for Europe) Espoo Convention on Environmental Impact Assessment in a Transboundary Context and the 1998 UNECE Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

5.3 *Engaging in the Human Dimension*

Greater convergence of norms and identities is essential for creating the long-term conditions for a security community. This requires a better and more balanced implementation of the whole OSCE *acquis* in its human dimension (HD), more assistance with implementation, addressing new questions and challenges and elaborating related commitments, as well as initiating people-to-people programmes between different sub-regions and different strata of the populations.

5.3.1 *Improving the Effectiveness of the OSCE's HD Events Cycle*

Two statements in the 2005 report 'Common Purpose: Towards a More Effective OSCE' by the 'Panel of Eminent Persons' can serve as guidance for further strengthening the process of reviewing the implementation of the OSCE's human dimension commitments:

"Monitoring of the implementation of human dimension standards is a particularly challenging and, in many situations, highly sensitive task. To encourage equal treatment and improve transparency, OSCE monitoring should be done in an unbiased and more standardized way."

"If a Human Dimension Committee is established [...], the Human Dimension Implementation Meeting (HDIM) can be reduced to a maximum of five days."

Monitoring the individual states' compliance with their human dimension commitments is the basis for the subsequent implementation discussion among states and civil society actors. The objective is to monitor the compliance of all OSCE participating States, without exception, in a transparent and less politicized manner, and to connect the review process with a subsequent decision-making process in a more effective way. The following proposals might serve these objectives:

- a) The OSCE's process of reviewing the implementation of its HD commitments should combine the activities of the HDIM and the Human Dimension Committee (HDC) in an integrated manner.
- b) To facilitate this, and to create a common base of reference, a questionnaire-based state reporting system could be introduced. This would help the HDC to prepare the HDIMs, which, in turn, would provide feedback for further consideration by the HDC.
- c) As the HDIM currently takes place in September/October, the time is frequently too short to consider its recommendations at the subsequent MC meetings. Consequently, in order to facilitate the decision-making process, the HDIM should be convened in the first half of the year.
- d) If the review process were to be improved by taking these proposed steps, shortening the duration of the HDIM should be considered without changing its comprehensive agenda and the participation of NGOs.

5.3.2 *Opening Dialogue with Muslim Communities*

The participants of the IDEAS project have discussed the issue of the OSCE's role in fostering a dialogue between the participating States and their Muslim communities. It was argued by some participants that the OSCE has

no significant role to play, while other participants supported a dialogue-facilitator role for the organization. Based on the latter interpretation, it can be argued that in some regions within the OSCE space, political Islam is questioning the established norms and regulations of the secular state and the separation of the state and religious institutions. These problems are often aggravated by social hardship, bad governance, intolerance and discrimination. In other regions, they are frequently related to the broader issues of migration from Islam-dominated regions and the integration policies of particular states. Outside the OSCE area, the uncertain evolution of the Arab Spring shows the new dimension and urgency of these issues.

While debates with and about Muslim communities are taking place in a number of states, they usually lack a wider context. This is the point where the OSCE can bring together all those who are interested in the preservation of stability, including secular and reformist Islamic forces. Even though the issue affects different states in different ways, the OSCE could address the dilemma of mistrust between secular policymakers and political Islam. Likewise, the OSCE could initiate discussions on the commonalities and discrepancies between secular and Islamic concepts of state and nation building, democracy, rule of law, human rights, women's rights and gender equality, and education.

Building on its experience and activities related to good governance, education, and specifically fighting intolerance and discrimination, the OSCE can serve as a useful facilitator by:

- a) Launching a discussion on societal confidence-building between secular governments, civil-society representatives and Islamic parties, movements and dignitaries. The goal is to overcome misunderstandings, to identify and avert sources of escalation and to prevent possible radicalization processes.
- b) Initiating discussions to explore the relationship between Muslim communities and secular states in different OSCE sub-regions. Such discussions should particularly highlight positive historical and present-day experiences with the integration of Muslim communities, and involve the OSCE Mediterranean and Asian Partners for Co-operation.
- c) Launching a discussion on lessons-learned in preventing radicalization with key stakeholders and opinion-shapers from Muslim communities and representatives of political Islam and integrating them into the day-to-day activities of the OSCE in areas including conflict prevention and conflict resolution.
- d) Conducting a roundtable with the OSCE's Mediterranean and Asian Partners for Co-operation to enhance understanding of the ongoing processes of the Arab Spring and to engage with new political and societal forces.

5.4. *Creating an OSCE Network of Academic Institutions*

The OSCE has always been open to input from and communication with civil society actors. Transnational civic networks can foster communication and identity-building, and by so doing, contribute to creating the conditions for a security community. They can help to advance the discussion on a security community within and beyond the OSCE.

An OSCE network of academic institutions was first proposed by the OSCE Secretary General, Ambassador Lamberto Zannier. Such a network can:

- a) Give advice, expertise and assistance to the OSCE and its participating States.
- b) Organize the academic debate on a security community.
- c) Serve as a platform for discussion of crucial issues, particularly in the context of the Irish Chairmanship's "Helsinki + 40" initiative.

The creation of an OSCE network of academic institutions can build on a number of existing elements, such as the "OSCE Security Days", which were held for the first time in June 2012 and included a large number of academic and think tank experts; the Euro-Atlantic Security Initiative (EASI) and the Initiative for the Development of a Euro-Atlantic and Eurasian Security Community (IDEAS).

These existing elements can be further developed, building on the three key criteria of innovation, inclusiveness and continuity.

- d) If the "OSCE Security Days" were held regularly, they could serve as a platform for exchanging ideas between the members of the network and the OSCE participating States.
- e) In order to focus discussions, an annually changing key theme could be defined following consultations between the network and OSCE institutions. In addition, the Chairmanship or the Secretariat could ask the network for expertise on specific issues.
- f) Discussions in Vienna might be complemented by local or sub-regional activities including those of the OSCE Academy in Bishkek. These discussions could be brought together under the banner of the "OSCE Security Days".
- g) The four IDEAS institutes stand ready to participate in establishing such an OSCE Network of Academic Institutions.

5.5. *Arranging Institutional Issues*

The OSCE area is characterized by a particularly high density of regional and sub-regional international organizations. In spite of some overlaps and paral-

leism, this institutional richness represents an important building-block for the establishment of a Euro-Atlantic and Eurasian security community.

As a consequence, the OSCE space is not in need of new organizations. Rather, the present and future task is to improve and streamline co-operation among the existing organizations. This should also include the emerging organizations in the Eastern part of the OSCE area such as the CSTO, the Customs Union, and the Shanghai Cooperation Organization (SCO). The objective should be full-scale co-operation among all organizations. In this way, an ever denser network of organizations could emerge, with each organization advancing the process towards a security community according to its own characteristics and capacities. To achieve inter-institutional progress, the OSCE could observe two guidelines:

- a) The potential of the emerging organizations in the Eastern part of the OSCE space should be acknowledged and they should be integrated into co-operation networks.
- b) Institutionalized co-operation bodies such as the NATO-Russia Council should be able to operate effectively under all conditions.

6. *A Call for the OSCE*

The most important comparative advantages of the OSCE are its geographic, political and substantial comprehensiveness and inclusiveness. No other international organization stretches over three continents with 56 states and integrates such a broad array of issues relating to internal and external security. Preserving this feature at a time when divergent tendencies prevail in many areas is no small success. However, the other side of this achievement is that such an organization necessarily embraces all kinds of conflicts, tensions and contradictions among its participants. This is precisely the task the OSCE has to address.

The OSCE is primarily a reflection of the state of the relations among its 56 participating States. The more divergent the positions of its participating States, the harder it is for the OSCE to act. Conversely, the better the relations among the states, the more the OSCE is able to act in a decisive and high-profile manner. As a consequence, the Organization, particularly in politically difficult times, is more an arena for holding states together and engaging them in dialogue, and less a strong player. In terms of its ability to take action, the OSCE is a rather weak organization. In terms of its ability to continue and safeguard the political process, it is not weak at all. It is therefore no surprise that the OSCE has had difficulties in becoming more active against the background of the current political conditions.

That the OSCE is still functioning demonstrates a high level of institutional perseverance on the part of the Organization and its participating

States. The permanent security dialogue in Vienna represents a collective philosophy and practice that distinguishes Europe fundamentally from all other continents. Although the OSCE's human dimension has been a bone of contention for more than a decade, its daily operations, such as conducting human dimension events or election observation missions, do function. And although there is a deadlock in arms control, the participating States nonetheless want to maintain the OSCE's arms control *acquis*. This high degree of institutional steadiness equips the OSCE to pass through the extended period of transition that we are currently experiencing.

Paradoxically, the OSCE's relative weakness offers advantages: It is *because* it is not the decisive game-changer that it enjoys the freedom to serve as a laboratory and test field for innovative ideas – the best example is the discussion of a security community. Thus, the OSCE's opportunity lies in encouraging new thinking and in testing innovative ideas in a broad communication process with civil society actors, other international organizations and Partner States. Its opportunity lies in starting political projects that strengthen convergence among states and societies and thus clear the way towards a security community.

Forms and Forums of Co-operation in the OSCE Area

Group of Eight (G8)

Organization for Economic Co-operation and Development (OECD)

Council of Europe (CoE)

North Atlantic Treaty Organization (NATO)

Euro-Atlantic Partnership Council (EAPC)

Partnership for Peace (PfP)

NATO-Russia Council

NATO-Ukraine Charter/NATO-Ukraine Commission

NATO Partners across the Globe

European Union (EU)

EU Candidate Countries

EU Association Agreements

Stabilisation and Association Agreements (SAA)

Western European Union (WEU)¹

Commonwealth of Independent States (CIS)

Baltic Assembly/Baltic Council of Ministers

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 Western European Union (WEU) was officially disbanded on 30 June 2011. The principle of mutual defence of article V of the Modified Brussels Treaty, which the WEU was charged with implementing, is now contained in article 42.7 of the Treaty on European Union, which sets out an obligation of aid and assistance against armed aggression. Cf. Western European Union, *Statement of the Presidency of the Permanent Council of the WEU on behalf of the High Contracting Parties to the Modified Brussels Treaty – Belgium, France, Germany, Greece, Italy, Luxembourg, The Netherlands, Portugal, Spain and the United Kingdom*, Brussels, 31 March 2010, at: http://www.weu.int/Declaration_E.pdf.

Southeast European Co-operative Initiative (SECI)
South Eastern European Co-operation Process (SEECP)
Black Sea Economic Co-operation (BSEC)

North American Free Trade Agreement (NAFTA)
Customs Union of Belarus, Kazakhstan and Russia

Collective Security Treaty Organization (CSTO)

Shanghai Cooperation Organisation (SCO)
Observer States to the SCO
SCO Dialogue Partners

Sources:

OECD: www.oecd.org
Council of Europe: www.coe.int
NATO: www.nato.int
EU: europa.eu
CIS: www.cis.minsk.by
Baltic Assembly/Baltic Council of Ministers: www.baltasam.org
Barents Euro-Arctic Council: www.beac.st
Nordic Council: www.norden.org
CBSS: www.cbss.org
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.odkb-csto.org
SCO: www.sectsco.org

The 57 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: 46)³

Population: 3,002,859 (OSCE ranking: 42)⁴

*GDP per capita in international dollars at PPP rates:*⁵ 7,800

GDP growth: 2 per cent (OSCE ranking: 29)⁶

Armed forces (active): 14,245 (OSCE ranking: 36)⁷

Memberships and forms of co-operation: CoE (1995), NATO (2009), EAPC, SAA (2006), Stability Pact for South Eastern Europe, CEFTA, CEI (1996), SECI, SEECP, BSEC.

2. Andorra

Date of accession: April 1996

Scale of contributions: 0.125 per cent (40)

Area: 468 km² (52)

Population: 85,082 (53)

GDP per capita in international dollars at PPP rates: 37,200

GDP growth: -1.8 per cent (53)

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: 29,743 km² (45)

Population: 2,970,495 (43)

GDP per capita in international dollars at PPP rates: 5,500

GDP growth: 4.4 per cent (15)

Armed forces (active): 48,834 (18)

1 Compiled by Jochen Rasch.

2 Of 57 states.

3 Of 57 states.

4 Of 57 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, DC, 2002. Because the data in this category comes from various years, it does not make sense to compare states or provide a ranking.

6 Of 53 states.

7 Of 55 states.

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: 2.51 per cent (13)

Area: 83,871 km² (29)

Population: 8,219,743 (24)

GDP per capita in international dollars at PPP rates: 42,400

GDP growth: 3.1 per cent (20)

Armed forces (active): 25,758 (24)

Memberships and forms of co-operation: OECD (1961), CoE (1956), EAPC, PfP (1995), EU (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: 9,493,600 (22)⁸

GDP per capita in international dollars at PPP rates: 10,300

GDP growth: 0.1 per cent (49)

Armed forces (active): 66,940 (15)

Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994), CIS (1991), BSEC.

6. Belarus

Date of accession: January 1992

Scale of contributions: 0.28 per cent (30)

Area: 207,600 km² (20)

Population: 9,643,566 (21)

GDP per capita in international dollars at PPP rates: 15,200

GDP growth: 5.3 per cent (13)

Armed forces (active): 72,940 (13)

Memberships and forms of co-operation: EAPC, PfP (1995), CIS (1991), CEI (1996), Customs Union of Belarus, Kazakhstan and Russia, CSTO, SCO Dialogue Partner.

7. Belgium

Date of accession: June 1973

Scale of contributions: 3.24 per cent (10)

Area: 30,528 km² (44)

⁸ According to the State Statistical Committee of the Republic of Azerbaijan, the population of the country was 9,235,100 in 2012. The most recent census was held in 2009. Cf. http://www.azstat.org/statinfo/demographic/en/AP/_1_1.xls.

Population: 10,438,353 (18)
GDP per capita in international dollars at PPP rates: 38,200
GDP growth: 1.9 per cent (30)
Armed forces (active): 34,336 (21)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), Stability Pact for South Eastern Europe.

8. Bosnia and Herzegovina

Date of accession: April 1992
Scale of contributions: 0.125 per cent (40)
Area: 51,197 km² (37)
Population: 3,879,296 (38)⁹
GDP per capita in international dollars at PPP rates: 8,200
GDP growth: 1.7 per cent (33)
Armed forces (active): 10,577 (40)
Memberships and forms of co-operation: CoE (2002), EAPC, PfP (2006), SAA (2008),¹⁰ 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: 110,879 km² (24)
Population: 7,037,935 (28)
GDP per capita in international dollars at PPP rates: 13,800
GDP growth: 1.7 per cent (33)
Armed forces (active): 31,315 (22)
Memberships and forms of co-operation: CoE (1992), NATO (2004), EAPC, EU (2007), Stability Pact for South Eastern Europe, CEI (1996), 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: 34,300,083 (11)
GDP per capita in international dollars at PPP rates: 41,100
GDP growth: 2.5 per cent (25)
Armed forces (active): 65,700 (16)

9 In 2013, the Federal Office of Statistics plans to carry out the first census since 1991. A pilot census was held in October 2012. Cf. <http://www.fzs.ba/Eng/population.htm>.

10 The Stabilisation and Association Agreement (SAA) has been ratified but has not yet entered into force.

Memberships and forms of co-operation: G8 (1976), OECD (1961), NATO (1949), EAPC, Observer to 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: 56,594 km² (36)

Population: 4,480,043 (37)

GDP per capita in international dollars at PPP rates: 18,400

GDP growth: 0 per cent (50)

Armed forces (active): 18,600 (34)

Memberships and forms of co-operation: CoE (1996), NATO (2009), EAPC, EU Candidate Country,¹¹ 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: 9,251 km² (50)¹²

Population: 1,138,071 (48)¹³

GDP per capita in international dollars at PPP rates: 29,400

GDP growth: 0.5 per cent (47)

Armed forces (active): 12,000 (37)¹⁴

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: 0.57 per cent (25)

Area: 78,867 km² (30)

Population: 10,177,300 (19)

GDP per capita in international dollars at PPP rates: 27,400

GDP growth: 1.7 per cent (33)

Armed forces (active): 25,421 (25)

Memberships and forms of co-operation: OECD (1995), CoE (1993), NATO (1999), EAPC, EU (2004), Stability Pact for South Eastern Europe, CEI (1990/1993).

¹¹ Croatia is set to become an EU member state on 1 July 2013.

¹² Greek sector: 5,896 km², Turkish sector: 3,355 km².

¹³ Total of Greek and Turkish sectors.

¹⁴ Turkish sector: 5,000.

14. Denmark

Date of accession: June 1973

Scale of contributions: 2.1 per cent (14)

Area: 43,094 km² (40)

Population: 5,543,453 (29)

GDP per capita in international dollars at PPP rates: 37,600

GDP growth: 1.1 per cent (41)

Armed forces (active): 18,628 (33)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), Barents Euro-Arctic 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: 45,228 km² (39)

Population: 1,274,709 (47)

GDP per capita in international dollars at PPP rates: 20,600

GDP growth: 7.6 per cent (5)

Armed forces (active): 5,750 (46)

Memberships and forms of co-operation: OECD (2010), CoE (1993), NATO (2004), EAPC, EU (2004), Baltic Assembly/Baltic Council of Ministers, CBSS (1992), Stability Pact for South Eastern Europe.

16. Finland

Date of accession: June 1973

Scale of contributions: 1.85 per cent (16)

Area: 338,145 km² (14)

Population: 5,262,930 (32)

GDP per capita in international dollars at PPP rates: 36,700

GDP growth: 2.9 per cent (24)

Armed forces (active): 22,100 (29)

Memberships and forms of co-operation: OECD (1969), CoE (1989), EAPC, PfP (1994), EU (1995), Barents Euro-Arctic Council, Nordic Council (1955), CBSS (1992), Stability Pact for South Eastern Europe.

17. France

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 643,801 km² (7)

Population: 65,630,692 (5)

GDP per capita in international dollars at PPP rates: 35,600

GDP growth: 1.7 per cent (33)

Armed forces (active): 238,591 (5)

Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to 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 (33)

Population: 4,570,934 (36)

GDP per capita in international dollars at PPP rates: 5,600

GDP growth: 7 per cent (8)

Armed forces (active): 20,655 (31)

Memberships and forms of co-operation: CoE (1999), EAPC, PfP (1994), BSEC.

19. Germany

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 357,022 km² (13)

Population: 81,305,856 (3)

GDP per capita in international dollars at PPP rates: 38,400

GDP growth: 3.1 per cent (20)

Armed forces (active): 251,465 (4)

Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1950), NATO (1955), EAPC, EU (1958), Observer to 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: 131,957 km² (23)

Population: 10,767,827 (17)

GDP per capita in international dollars at PPP rates: 26,600

GDP growth: -6.9 per cent (54)

Armed forces (active): 145,647 (8)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU (1981), Stability Pact for South Eastern Europe, SECI, SEECP, BSEC.

21. The Holy See

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 0.44 km² (57)

Population: 836 (57)

GDP per capita in international dollars at PPP rates: n/a

GDP growth: n/a

Armed forces (active): 110 (52)¹⁵

Memberships and forms of co-operation: none.

22. Hungary

Date of accession: June 1973

Scale of contributions: 0.6 per cent (23)

Area: 93,028 km² (26)

Population: 9,958,453 (20)

GDP per capita in international dollars at PPP rates: 19,800

GDP growth: 1.7 per cent (33)

Armed forces (active): 22,587 (28)

Memberships and forms of co-operation: OECD (1996), CoE (1990), NATO (1999), EAPC, EU (2004), 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 (25)

Population: 313,183 (52)

GDP per capita in international dollars at PPP rates: 38,500

GDP growth: 3.1 per cent (20)

Armed forces (active): none

Memberships and forms of co-operation: OECD (1961), CoE (1950), NATO (1949), EAPC, EU Candidate Country, 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: 70,273 km² (32)

Population: 4,722,028 (34)

GDP per capita in international dollars at PPP rates: 40,100

GDP growth: 0.7 per cent (44)

Armed forces (active): 9,650 (42)

Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PfP (1999), EU (1973), Stability Pact for South Eastern Europe.

¹⁵ Authorized strength 110 members of the Swiss Guard, see: http://www.vatican.va/roman_curia/swiss_guard/500_swiss/documents/rc_gsp_20060121_informazioni_it.html.

25. Italy

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 301,340 km² (17)

Population: 61,261,254 (7)

GDP per capita in international dollars at PPP rates: 30,900

GDP growth: 0.4 per cent (48)

Armed forces (active): 184,532 (6)

Memberships and forms of co-operation: G8 (1975), OECD (1962), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to 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: 2,724,900 km² (4)

Population: 17,522,010 (14)¹⁶

GDP per capita in international dollars at PPP rates: 13,200

GDP growth: 7.5 per cent (6)

Armed forces (active): 49,000 (17)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), Customs Union of Belarus, Kazakhstan and Russia, CSTO, SCO.

27. Kyrgyzstan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 199,951 km² (21)

Population: 5,496,737 (30)

GDP per capita in international dollars at PPP rates: 2,400

GDP growth: 5.7 per cent (11)

Armed forces (active): 10,900 (38)

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 (35)

Population: 2,191,580 (44)

GDP per capita in international dollars at PPP rates: 15,900

GDP growth: 5.5 per cent (12)

¹⁶ According to the Agency of Statistics of the Republic Kazakhstan, the country had a population of 16,856,000 on 1 October 2012. The most recent census was held in 2009. Cf. <http://www.eng.stat.kz/Pages/default.aspx>.

Armed forces (active): 4,600 (48)

Memberships and forms of co-operation: CoE (1995), NATO (2004), EAPC, EU (2004), Baltic Assembly/Baltic Council of Ministers, 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 (54)

Population: 36,713 (54)

GDP per capita in international dollars at PPP rates: 89,400¹⁷

GDP growth: -0.5 per cent¹⁸

Armed forces (active): none¹⁹

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: 65,300 km² (34)

Population: 3,525,761 (40)

GDP per capita in international dollars at PPP rates: 19,100

GDP growth: 5.9 per cent (10)

Armed forces (active): 10,640 (39)

Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, EU (2004), Baltic Assembly/Baltic Council of Ministers, 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 (51)

Population: 509,074 (50)

GDP per capita in international dollars at PPP rates: 81,100

GDP growth: 1 per cent (42)

Armed forces (active): 900 (51)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), Stability Pact for South Eastern Europe.

¹⁷ 2009 (estimated).

¹⁸ 2009 (estimated).

¹⁹ In 1868, the armed forces were dissolved, see: <http://www.liechtenstein.li/index.php?id=60&L=1>.

32. The Former Yugoslav Republic of Macedonia

Date of accession: October 1995

Scale of contributions: 0.125 per cent (40)

Area: 25,713 km² (47)

Population: 2,082,370 (45)

GDP per capita in international dollars at PPP rates: 10,500

GDP growth: 3 per cent (23)

Armed forces (active): 8,000 (44)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1995), EU Candidate Country, 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 (53)

Population: 409,836 (51)

GDP per capita in international dollars at PPP rates: 25,800

GDP growth: 2.1 per cent (28)

Armed forces (active): 1,954 (50)

Memberships and forms of co-operation: CoE (1965), EAPC, PfP (1995/2008²⁰), EU (2004), Stability Pact for South Eastern Europe.

34. Moldova

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 33,851 km² (43)

Population: 3,656,843 (39)

GDP per capita in international dollars at PPP rates: 3,400

GDP growth: 6.4 per cent (9)

Armed forces (active): 5,354 (47)

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 (56)

Population: 30,510 (56)

20 Malta joined the PfP in April 1995, but suspended its participation in October 1996. Malta re-engaged in the Partnership for Peace Programme in 2008, see: <http://www.nato.int/docu/update/2008/04-april/e0403e.html>.

GDP per capita in international dollars at PPP rates: 63,400²¹
GDP growth: 2.5 per cent (25)²²
Armed forces (active): none
Memberships and forms of co-operation: CoE (2004).

36. Mongolia

Date of accession: November 2012
Scale of contributions: 0 per cent (57)
Area: 1,564,116 km² (5)
Population: 3,179,997 (41)
GDP per capita in international dollars at PPP rates: 4,800
GDP growth: 17.5 per cent (1)
Armed forces (active): 10,000 (41)
Memberships and forms of co-operation: NATO Partners across the Globe, Observer State to the SCO.

37. Montenegro

Date of accession: June 2006
Scale of contributions: 0.05 per cent (49)
Area: 13,812 km² (49)
Population: 657,394 (49)
GDP per capita in international dollars at PPP rates: 11,700
GDP growth: 2.5 per cent (25)
Armed forces (active): 2,984 (49)
Memberships and forms of co-operation: CoE (2007), EAPC, PfP (2006), EU Candidate Country, Stability Pact for South Eastern Europe, CEFTA, CEI (2006), SECI, SEECP.

38. Netherlands

Date of accession: June 1973
Scale of contributions: 4.36 per cent (9)
Area: 41,543 km² (41)
Population: 16,730,632 (15)
GDP per capita in international dollars at PPP rates: 42,700
GDP growth: 1.3 per cent (40)
Armed forces (active): 37,368 (20)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

21 2009 (estimated).

22 2010 (estimated).

39. Norway

Date of accession: June 1973

Scale of contributions: 2.05 per cent (15)

Area: 323,802 km² (15)

Population: 4,707,270 (35)

GDP per capita in international dollars at PPP rates: 54,200

GDP growth: 1.7 per cent (33)

Armed forces (active): 24,450 (27)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU Association Agreement (1996), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

40. Poland

Date of accession: June 1973

Scale of contributions: 1.35 per cent (17)

Area: 312,685 km² (16)

Population: 38,415,284 (10)

GDP per capita in international dollars at PPP rates: 20,600

GDP growth: 4.4 per cent (15)

Armed forces (active): 100,000 (11)

Memberships and forms of co-operation: OECD (1996), CoE (1991), NATO (1999), EAPC, EU (2004), Observer to the Barents Euro-Arctic Council, CBSS (1992), Stability Pact for South Eastern Europe, CEI (1991).

41. Portugal

Date of accession: June 1973

Scale of contributions: 0.98 per cent (19)

Area: 92,090 km² (27)

Population: 10,781,459 (16)

GDP per capita in international dollars at PPP rates: 23,700

GDP growth: -1.5 per cent (52)

Armed forces (active): 42,634 (19)

Memberships and forms of co-operation: OECD (1961), CoE (1976), NATO (1949), EAPC, EU (1986), Stability Pact for South Eastern Europe.

42. Romania

Date of accession: June 1973

Scale of contributions: 0.6 per cent (23)

Area: 238,391 km² (19)

Population: 21,848,504 (13)

GDP per capita in international dollars at PPP rates: 12,600

GDP growth: 2.5 per cent (25)

Armed forces (active): 73,900 (12)

Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, EU (2007), Stability Pact for South Eastern Europe, CEI (1996), SECI, SEECP, BSEC.

43. Russian Federation

Date of accession: June 1973

Scale of contributions: 6 per cent (6)

Area: 17,098,242 km² (1)

Population: 142,517,670 (2)

GDP per capita in international dollars at PPP rates: 17,000

GDP growth: 4.3 per cent (17)

Armed forces (active): 956,000 (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, Customs Union of Belarus, Kazakhstan and Russia, CSTO, SCO.

44. San Marino

Date of accession: June 1973

Scale of contributions: 0.125 per cent (40)

Area: 61 km² (55)

Population: 32,140 (55)

GDP per capita in international dollars at PPP rates: 36,200²³

GDP growth: 0.8 per cent (43)

Armed forces (active): none

Memberships and forms of co-operation: CoE (1988).

45. Serbia

Date of accession: November 2000²⁴

Scale of contributions: 0.14 per cent (39)

Area: 77,474 km² (31)

Population: 7,276,604 (27)

GDP per capita in international dollars at PPP rates: 10,800

GDP growth: 1.8 per cent (32)

Armed forces (active): 28,184 (23)

Memberships and forms of co-operation: CoE (2003), EAPC, PfP (2006), EU Candidate Country, Stability Pact for South Eastern Europe, CEFTA, CEI (1989/2000), SECI, SEECP, BSEC.

46. Slovakia

Date of accession: January 1993

Scale of contributions: 0.28 per cent (30)

²³ 2009.

²⁴ Yugoslavia was suspended from 7 July 1992 to 10 November 2000.

Area: 49,035 km² (38)
Population: 5,483,088 (31)
GDP per capita in international dollars at PPP rates: 23,600
GDP growth: 3.3 per cent (19)
Armed forces (active): 15,799 (35)
Memberships and forms of co-operation: OECD (2000), CoE (1993), NATO (2004), EAPC, EU (2004), Stability Pact for South Eastern Europe, CEI (1990/1993).

47. Slovenia

Date of accession: March 1992
Scale of contributions: 0.22 per cent (32)
Area: 20,273 km² (48)
Population: 1,996,617 (46)
GDP per capita in international dollars at PPP rates: 29,000
GDP growth: -0.2 per cent (51)
Armed forces (active): 7,600 (45)
Memberships and forms of co-operation: OECD (2010), CoE (1993), NATO (2004), EAPC, EU (2004), Stability Pact for South Eastern Europe, CEI (1992), SECI, SEECP.

48. Spain

Date of accession: June 1973
Scale of contributions: 4.58 per cent (8)
Area: 505,370 km² (9)
Population: 47,042,984 (8)
GDP per capita in international dollars at PPP rates: 31,000
GDP growth: 0.7 per cent (44)
Armed forces (active): 143,006 (9)
Memberships and forms of co-operation: OECD (1961), CoE (1977), NATO (1982), EAPC, EU (1986), Stability Pact for South Eastern Europe.

49. Sweden

Date of accession: June 1973
Scale of contributions: 3.24 per cent (10)
Area: 450,295 km² (11)
Population: 9,103,788 (23)
GDP per capita in international dollars at PPP rates: 40,900
GDP growth: 4 per cent (18)
Armed forces (active): 20,363 (32)
Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PfP (1994), EU (1995), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), Stability Pact for South Eastern Europe.

50. Switzerland

Date of accession: June 1973

Scale of contributions: 2.81 per cent (12)

Area: 41,277 km² (42)

Population: 7,925,517 (25)

GDP per capita in international dollars at PPP rates: 43,900

GDP growth: 1.9 per cent (30)

Armed forces (active): 25,287 (26)

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.

51. Tajikistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 143,100 km² (22)

Population: 7,768,385 (26)

GDP per capita in international dollars at PPP rates: 2,100

GDP growth: 7.4 per cent (7)

Armed forces (active): 8,800 (43)

Memberships and forms of co-operation: EAPC, PfP (2002), CIS (1991), CSTO, SCO.

52. Turkey

Date of accession: June 1973

Scale of contributions: 1.01 per cent (18)

Area: 783,562 km² (6)

Population: 79,749,461 (4)

GDP per capita in international dollars at PPP rates: 14,700

GDP growth: 8.5 per cent (3)

Armed forces (active): 510,600 (3)

Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU Candidate Country, Stability Pact for South Eastern Europe, SECI, SEECP, BSEC, SCO Dialogue Partner.

53. Turkmenistan

Date of accession: January 1992

Scale of contributions: 0.05 per cent (49)

Area: 488,100 km² (10)

Population: 5,054,828 (33)

GDP per capita in international dollars at PPP rates: 7,900

GDP growth: 14.7 per cent (2)

Armed forces (active): 22,000 (30)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991).

54. Ukraine

Date of accession: January 1992

Scale of contributions: 0.68 per cent (22)

Area: 603,550 km² (8)

Population: 44,854,065 (9)

GDP per capita in international dollars at PPP rates: 7,300

GDP growth: 5.2 per cent (14)

Armed forces (active): 129,925 (10)

Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), NATO-Ukraine Charter/NATO-Ukraine Commission (1997), CIS (1991)²⁵, Observer to the Stability Pact for South Eastern Europe, CEI (1996), BSEC.

55. United Kingdom

Date of accession: June 1973

Scale of contributions: 9.35 per cent (2)

Area: 243,610 km² (18)

Population: 63,047,162 (6)

GDP per capita in international dollars at PPP rates: 36,600

GDP growth: 0.7 per cent (44)

Armed forces (active): 174,030 (7)

Memberships and forms of co-operation: G8 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe.

56. USA

Date of accession: June 1973

Scale of contributions: 11.5 per cent (1)

Area: 9,826,675 km² (3)

Population: 313,847,465 (1)

GDP per capita in international dollars at PPP rates: 49,000

GDP growth: 1.7 per cent (33)

Armed forces (active): 1,569,417 (1)

Memberships and forms of co-operation: G8 (1975), OECD (1961), NATO (1949), EAPC, Observer to the Barents Euro-Arctic Council, Stability Pact for South Eastern Europe, NAFTA.

57. Uzbekistan

Date of accession: January 1992

Scale of contributions: 0.35 per cent (29)

Area: 447,400 km² (12)

Population: 28,394,180 (12)

GDP per capita in international dollars at PPP rates: 3,300

GDP growth: 8.3 per cent (4)

²⁵ Although Ukraine was a founding state of the CIS, it has never ratified the CIS Charter.

Armed forces (active): 67,000 (14)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), CSTO, SCO.

Sources:

Date of accession:

<http://web.archive.org/web/20100826040207/http://www.osce.org/about/13131.html>

Scale of contributions:

OSCE, Decision of the Permanent Council, PC.DEC/1027 Annex, 22 December 2011. <http://www.osce.org/pc/86722>

Area:

https://www.cia.gov/library/publications/the-world-factbook/rankorder/rawdata_2147.txt

Population:

(estimated as of July 2012) https://www.cia.gov/library/publications/the-world-factbook/rankorder/rawdata_2119.txt

GDP per capita in international dollars at PPP rates:

(estimated as of 2011, unless stated to the contrary)

<https://www.cia.gov/library/publications/the-world-factbook/rankorder/2004rank.html>

GDP growth:

(estimated as of 2011, unless stated to the contrary)

<https://www.cia.gov/library/publications/the-world-factbook/rankorder/2003rank.html>

Armed forces (active):

*International Institute for Strategic Studies (ed.), *The Military Balance 2012*, London 2012*

OSCE Conferences, Meetings, and Events 2011/2012

2011

7-9 September	OSCE Office in Yerevan/Armenian Civil Service Council/European Union Project "Sigma"/UNDP: International Conference on Reforming Civil Service, Yerevan
12 September	OSCE Chairmanship/Office of Democratic Institutions and Human Rights (ODIHR): High-level meeting on "Preventing and Responding to Hate Incidents and Crimes against Christians", Rome
14-16 September	Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA): 19th OSCE Economic and Environmental Forum on the "Promotion of Common Actions and Co-operation in the OSCE Area in the Fields of Development of Sustainable Energy and Transport", Prague
21-23 September	OSCE Centre in Ashgabat/Office of the OSCE Representative on Freedom of the Media (RFOM): Training for press secretaries and government press officers, Ashgabat
26 September	ODIHR: Human Dimension Implementation Meeting, Warsaw
3-4 October	OSCE Secretariat, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Expert seminar on leveraging anti-money laundering regimes to combat human trafficking, Vienna
4-5 October	OSCE Secretariat, Action against Terrorism Unit (ATU)/Ministry of the Interior of the Kyrgyz Republic: National workshop on community policing tools to counter violent extremism and radicalization that lead to terrorism, Bishkek
7-10 October	OSCE Parliamentary Assembly: Fall Meeting, Dubrovnik
10-11 October	OSCE Secretariat, Section for External Co-operation: 2011 OSCE Mediterranean Conference, Budva
13-14 October	RFOM: First South East Europe Media Conference, Sarajevo
20-21 October	RFOM: Eighth South Caucasus Media Conference "Pluralism and Internet Governance", Tbilisi
27-28 October	OSCE Secretariat, Gender Section: UNSCR 1325 conference "Moving beyond Theory to Maximize Security in the OSCE", Sarajevo

28 October	OSCE Chairmanship/ODIHR: Meeting on “Confronting Intolerance and Discrimination against Muslims in Public Discourse”, Vienna
31 October-4 November	ODIHR: Training course on human rights and the investigation of terrorist crimes, Pristina and Skopje
10-11 November	ODIHR: Supplementary Human Dimension Meeting on Prevention of Racism, Xenophobia and Hate Crimes through Educational and Awareness-Raising Initiatives, Vienna
4-5 December	ODIHR: OSCE-Mediterranean Partner Countries’ Civil Society Conference, Vilnius
6-7 December	Lithuanian OSCE Chairmanship: 18th OSCE Ministerial Council, Vilnius
9 December	OSCE Secretariat, ATU and Strategic Police Matters Unit (SPMU), in co-operation with the Turkish National Police Academy: Panel on the role of community policing to prevent violent extremism and radicalization that lead to terrorism, Antalya
12 December	ODIHR: OSCE expert roundtable on preventing women terrorist radicalization, Vienna
12-13 December	OCEEA/Transport Division of the UNECE: Inland Transport Security Discussion Forum, OSCE-UNECE Roundtable, Vienna

2012

1 January	Ireland takes over the OSCE Chairmanship from Lithuania. Eamon Gilmore, Ireland’s Deputy Prime Minister and Minister for Foreign Affairs and Trade becomes Chairman-in-Office
26-27 January	ODIHR/ATU/ SPMU: Expert roundtable on preventing terrorism and countering violent extremism and radicalization that lead to terrorism: a community policing approach, Warsaw
6-7 February	Chairmanship/OCEEA: First Preparatory Meeting of the 20th OSCE Economic and Environmental Forum on “Anti-Money Laundering and Countering the Financing of Terrorism”, Vienna
13-14 February	OSCE/Ministry of Foreign Affairs of Thailand: OSCE-Thailand Conference on “Strengthening Security through Regional Co-operation”, Chiang Mai
14 February	ODIHR: Expert meeting on hate crime data collection practice across the OSCE region, Warsaw

23-24 February	OSCE Parliamentary Assembly: Winter Meeting, Vienna
12-13 March	Secretariat, Gender Section: Expert roundtable on the role and empowerment of women in countering violent extremism and radicalization that lead to terrorism, Vienna
16 March	OSCE Secretariat's Transnational Threats Department (TNT)/ODIHR: Launch of online forum on preventing terrorism and countering violent extremism and radicalization that lead to terrorism: a community policing approach
26-28 March	OSCE RFOM/Albany Associates: Broadcast Regulation Master Class, Istanbul
27-28 March	ODIHR: Expert group meeting on "Human Rights Protection in the Return of Trafficked Persons"; Warsaw
27-31 March	ODIHR/OSCE Border Management Staff College (BMSC): Training of border officials on the protection of human rights while countering terrorism, Dushanbe
3-4 April	ODIHR: Meeting on "Access to Justice and Effective Remedies for Victims of Trafficking: Establishing a Network of Lawyers", Warsaw
18-19 April	ODIHR: Roundtable for civil society on hate crimes data collection and confronting intolerance, Vienna
19 April	ODIHR/Parliament of Georgia: Conference on codes and standards of ethics for parliamentarians, Tbilisi
19-20 April	ODIHR: Supplementary Human Dimension Meeting on Combating Racism, Intolerance and Discrimination in Society through Sport, Vienna
23-24 April	OSCE Chairmanship/OCEEA: Second Preparatory Meeting of the 20th OSCE Economic and Environmental Forum on "Promoting Good Governance and Combating Corruption in Support of Socio-Economic Development", Dublin
8-10 May	The Personal Representative of the OSCE Chairperson-in-Office for Article IV of Annex 1B of the Dayton Peace Accords: Eighth Review Conference of Article IV, Annex 1B of the Dayton Peace Agreement, Rome
10-11 May	OSCE/UNODC: Conference on "Enhancing the Implementation of International Instruments on Terrorist Use of Explosive Substances", Vienna
12-14 May	OSCE Parliamentary Assembly Economic Conference, Batumi
14-16 May	ODIHR: Human Dimension Seminar on the rule of law framework for combating trafficking in human beings, Warsaw

21-25 May	OSCE Secretariat, ATU: Online forum on the internet as tactical facilitator for terrorists
24 May	ODIHR/European Network of Independent Living: Workshop on combating hate crimes against people with disabilities, Dublin
5-6 June	OSCE Conflict Prevention Centre (CPC)/United Nations Office for Disarmament Affairs (UNODA): Workshop on implementing UN Security Council Resolution 1540, Vilnius
18-19 June	OSCE Chairmanship: Dublin Conference on Internet Freedom, Dublin
18-20 June	OSCE CPC, in co-operation with Latvia, and with Germany and Switzerland as donors: Seminar on the OSCE Code of Conduct on Politico-Military Aspects of Security for the Baltic Sea region, Riga
24-25 June	OSCE: 2012 OSCE Security Days, Vienna
26-27 June	ODIHR: Seminar on the role of civil society in combating hate crimes against Christians, Rome
26-28 June	OSCE: Annual Security Review Conference (ASRC), Vienna
3-4 July	ODIHR: Second expert meeting on hate crime data monitoring and data collection, Warsaw
5-6 July	OSCE RFOM: Central Asia Media Conference "From Traditional to Online Media: Best Practices and Perspectives", Ashgabat
5-6 July	ODIHR: Prosecuting hate crimes. Consultation meeting and pilot training, Warsaw
5-9 July	OSCE Parliamentary Assembly: 21st Annual Session, Monaco
11 July	Forum for Security Co-operation (FSC): Discussion on implementation of the OSCE Code of Conduct on Politico-Military Aspects of Security, Vienna
12-13 July	Chairmanship/ODIHR: Supplementary Human Dimension Meeting on Democratic Elections and Election Observation, Vienna
20-25 July	OCEEA/OSCE BMSC /UNECE Transport Division: Regional training seminar on best practices at border crossings, Dushanbe
26-27 July	OSCE, ATU/Kyrgyzstan Antiterrorism Centre of the State Committee on National Security: Expert meeting of antiterrorist centres, Bishkek

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Abbreviations

ACFE	Adapted Treaty on Conventional Armed Forces in Europe
ACMF	Advisory Committee on Management and Finance
AEI	Alliance for European Integration
ANSF	Afghan National Security Forces
AIAM	Annual Implementation Assessment Meeting
ASEAN	Association of Southeast Asian Nations
ASRC	Annual Security Review Conference
ASSR	Autonomous Soviet Socialist Republic
ATU	Action against Terrorism Unit
AU	African Union
BfV	Bundesamt für Verfassungsschutz/Federal Office for the Protection of the Constitution
BiH	Bosna i Hercegovina/Bosnia and Herzegovina
BKA	Bundeskriminalamt/Federal Criminal Police Office
BMSC	Border Management Staff College
BRICS	Brazil, Russia, India, China, South Africa
BSEC	Black Sea Economic Cooperation
CACO	Central Asian Cooperation Organization
CALO	Central Asia Liaison Office
CBMs	Confidence-Building Measures
CBSS	Council of the Baltic Sea States
CCIIR	Centre for Civil Integration and Inter-Ethnic Relations
CDC	Caisse des Dépôts et Consignations
CEC	Central Election Commission
CEEA	Co-ordinator of OSCE Economic and Environmental Activities
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CENTO	Central Treaty Organization
CERD	Committee on the Elimination of Racial Discrimination
CFE Treaty	Treaty on Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy
CICA	Conference on Interaction and Confidence-Building Measures in Asia
CiO	Chairperson-in-Office
CIPDD	Caucasus Institute for Peace, Democracy and Development
CIS	Commonwealth of Independent States
CMEA	Council for Mutual Economic Assistance
CNPC	China National Petroleum Corporation
CoE	Council of Europe
COMISAF	Commander of the International Security Assistance Force

CORE	Centre for OSCE Research
CPC	Conflict Prevention Centre
CPSU	Communist Party of the Soviet Union
CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since January 1995 OSCE)
CSO	Committee of Senior Officials
CSTC-A	Combined Security Transition Command – Afghanistan
CSTO	Collective Security Treaty Organization
DCAF	Geneva Centre for the Democratic Control of Armed Forces
EAPC	Euro-Atlantic Partnership Council
EASI	Euro-Atlantic Security Initiative
EBRD	European Bank for Reconstruction and Development
EC	European Commission
ECHR	European Convention on Human Rights
ECMI	European Centre for Minority Issues
ECOSOC	UN Economic and Social Council
ECOWAS	Economic Community of West African States
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
EdRo	Yedinaya Rossiya/United Russia
EEAS	European External Action Service
EED	Economic and Environmental Dimension
EEF	Economic and Environmental Forum
EG TEX	Ermittlergruppe Terrorismus/Extremismus; Investigation Group Terrorism/Extremism
ENP	European Neighbourhood Policy
ENVSEC	Environment and Security Initiative
ESDP	European Security and Defence Policy
EU	European Union
EUA	European University Association
EUFOR	European Union Force
EULEX	European Union Rule of Law Mission in Kosovo
EUMM	European Monitoring Mission
EUPM	European Union Police Mission
EUSR	European Union Special Representative
FCNM	Framework Convention for the Protection of National Minorities
FDPs	Formerly Deported Persons
Fidesz-MPSZ	Fiatal Demokraták Szövetsége – Magyar Polgári Szövetség/Alliance of Young Democrats – Hungarian Civic Union
FRS	Fondation pour la Recherche Stratégique/Foundation for Strategic Studies

FSB	Federalnaya Sluzhba Bezopasnosti Rossiiskoi Federatsii/ Federal Security Service of the Russian Federation
FSC	Forum for Security Co-operation
FYROM	Former Yugoslav Republic of Macedonia
G3	China, the United States, and the European Union
G8	Group of Eight
G20	Group of Twenty
GDP	Gross Domestic Product
GNI	Gross National Income
GNP	Gross National Product
GUAM	Georgia, Ukraine, Azerbaijan, Moldova
GYLA	Georgian Young Lawyers Association
HCNM	High Commissioner on National Minorities
HDIM	Human Dimension Implementation Meeting
HDS	Human Dimension Seminar
HDZ BiH	Hrvatska demokratska zajednica Bosne i Hercegovine/Cro- atian Democratic Union of Bosnia and Herzegovina
HoM	Head of Mission
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICG	International Crisis Group
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICT	Information and Communications Technology
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDEAS	Initiative for the Development of a Euro-Atlantic and Eur- asian Security Community
IFOR	Implementation Force
ILO	International Labour Organization
IMEMO	Institute of World Economy and International Relations
IMF	International Monetary Fund
IMU	Islamic Movement of Uzbekistan
IOM	International Organization for Migration
IPI	International Peace Institute
IPTF	International Police Task Force
IRMA	Integrated Resource Management System
ISAF	International Security Assistance Force
IWG	Internal Working Group
Jobbik	Jobbik Magyarországért Mozgalom/The Movement for a Better Hungary
KazISS	Kazakhstan Institute for Strategic Studies
KFOR	Kosovo Force

KPRF	Kommunisticheskaya Partiya Rossiiskoi Federatsii/ Communist Party of the Russian Federation
LAS	League of Arab States
LDP	Liberalno-Demokratska Partija/Liberal Democratic Party (Serbia)
LDPR	Liberal'no-Demokraticheskaya Partiya Rossii/Liberal Democratic Party of Russia
LFA	Logical Framework Approach
LMP	Lehet Más a Politika/Politics Can Be Different
MAD	Amt für den militärischen Abschirmdienst/Military Counter- intelligence Service
MAP	Membership Action Plan
MC	Ministerial Council
MENA	Middle East and North Africa
MEP	Member of the European Parliament
MFA	Ministry of Foreign Affairs
MGIMO	Moskovsky gosudarstvennyi institut mezhdunarodnykh otnosheny (universitet)/Moscow State Institute of Inter- national Relations (University)
MIA	Ministry of Internal Affairs
MLE	Multilingual Education
MoU	Memorandum of Understanding
MP	Member of Parliament
MPC	Mediterranean Partner for Co-operation
MRA	Ministry of Refugees and Accommodation
NAC	North Atlantic Council
NACC	North Atlantic Cooperation Council
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NCTC	National Counterterrorism Center
NGOs	Non-Governmental Organizations
NPD	Nationaldemokratische Partei Deutschlands/National Demo- cratic Party of Germany
NRC	NATO-Russia Council
NSU	Nationalsozialistischer Untergrund/National Socialist Underground
NTM-A	NATO Training Mission – Afghanistan
OAS	Organization of American States
OCEEA	Office of the Co-ordinator of OSCE Economic and Environ- mental Activities
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OHR	Office of the High Representative

OIC	Organisation of Islamic Cooperation
OMiK	OSCE Mission in Kosovo
OMON	Otryad Mobilnyi Osobogo Naznacheniya/Special Purpose Mobile Unit
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
OSCE	Organization for Security and Co-operation in Europe
OSI	Open Society Institute
OSR/CTHB	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
OVI	Objectively Verifiable Indicators
PA	Parliamentary Assembly
PACE	Parliamentary Assembly of the Council of Europe
PAQ	Project Appraisal Questionnaire
PBPB	Performance-Based Programme Budgeting
PC	Permanent Council
PCU	Project Co-ordination Unit
PfP	Partnership for Peace
PHARE	Poland and Hungary Aid for the Reconstruction of the Economy
PIC	Peace Implementation Council
PISM	Polski Instytut Spraw Międzynarodowych/Polish Institute of International Affairs
PLC	Project Life Cycle
PMC	Project Management Cycle
PMD	Project Management Database
POW	Prisoner of War
PPP	Purchasing Power Parity
RAF	Rote Armee Fraktion/Red Army Faction
REC	Regional Environment Centre for Central and Eastern Europe
RECCA V	Fifth Regional Economic Cooperation Conference for Afghanistan
RFOM	Representative on Freedom of the Media
RSFSR	Russian Soviet Federative Socialist Republic
SAA	Stabilisation and Association Agreement
SALW	Small Arms and Light Weapons
SBB BiH	Savez za bolju budućnost Bosne i Hercegovine/Union for a Better Future of Bosnia and Herzegovina
SBiH	Stranka za Bosnu i Hercegovinu/Party for Bosnia and Herzegovina
SCO	Shanghai Cooperation Organisation
SDA	Stranka Demokratske Akcije/Party of Democratic Action (Bosnia and Herzegovina)

SDP	Socijaldemokratska Partija Bosne i Hercegovine/Social Democratic Party of Bosnia and Herzegovina
SDPK	Social Democratic Party of Kyrgyzstan
SDS	Srpska Demokratska Stranka/Serbian Democratic Party (Bosnia and Herzegovina)
SEATO	South East Asia Treaty Organization
SECI	Southeast European Cooperative Initiative
SEECF	South-East European Cooperation Process
SEE University/	
SEEU	The South East European University
SFOR	Stabilisation Force
SHDM	Supplementary Human Dimension Meeting
SLfV	Sächsisches Landesamt für Verfassungsschutz/Saxon Office for the Protection of the Constitution
SNSD	Savez Nezavisnih Socijaldemokrata/Alliance of Independent Social Democrats (Bosnia and Herzegovina)
SOAS	School of Oriental and African Studies
SPMU	Strategic Police Matters Unit
SR	Spravedlivaya Rossiya/A Just Russia
SSG	Security Sector Governance
SSR	Security Sector Reform
SSR	Soviet Socialist Republic
START	Strategic Arms Reduction Treaty
TANDIS	Tolerance and Non-Discrimination Information System
TEU	Treaty on European Union
TLfV	Thüringer Landesamt für Verfassungsschutz/Thuringian Office for the Protection of the Constitution
TLKA	Thüringer Landeskriminalamt/Thuringian State Criminal Police Office
TNTs	Transnational Threats
TYP	Transition Year Programme
UCLA	University of California, Los Angeles
UDHR	Universal Declaration of Human Rights
UEFA	Union of European Football Associations
UK	United Kingdom
UN/UNO	United Nations/United Nations Organization
UNAMA	United Nations Assistance Mission in Afghanistan
UNCHR	United Nations Commission on Human Rights
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization

UNHCHR/ UNOHCHR	United Nations High Commissioner for Human Rights/UN Office of the High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNMIK	United Nations Interim Administration Mission in Kosovo
UNODA	United Nations Office for Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UP	University of Pristina
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
UT	University of Tetovo
VD	Vienna Document
WCED	World Commission on Environment and Development
WEU	Western European Union
WGE	Working Group on Energy
WGMD	Working Group on Missile Defense
WGNSNW	Working Group on Non-Strategic Nuclear Weapons
WGRPC	Working Group on Reconciliation and Protracted Conflicts
WGT	Working Group on Turkey
WITS	Worldwide Incidents Tracking System
WMD	Weapons of Mass Destruction
WTO	World Trade Organization

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