

Organization for Security and Co-operation in Europe

The Secretary General

Annual Report 1997 on OSCE Activities

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OSCE, through its Mission in Dushanbe, was given the task of facilitating the implementation of the General Agreement in the areas relating to human rights and the establishment along democratic lines of political and legal institutions and processes. In order to monitor the implementation of the General Agreement and to provide the parties with expert consultants and other good offices, the guarantor States and organizations agreed to establish a Contact Group to be stationed in Dushanbe. The Mission regularly participates in its meetings.

Since the Commission for National Reconciliation (CNR) started work in September 1997, the Mission has provided assistance and advice to the CNR in its review of the amendments to the constitution and changes to laws dealing with political parties, elections and mass media. In October 1997 the first roundtable, under the auspices of the OSCE, was held on the subject of constitutional amendments. Members of the CNR, the Government and various political forces participated. Additional joint CNR-OSCE roundtables are expected to be held in the near future. With the aim of encouraging the development of political processes, the Mission has organized various conferences and seminars on topics such as Peace and Reconciliation Process in Tajikistan; Issues of Consolidation of the Tajik Nation; and Role of Youth in the Future Tajikistan. In an effort to promote awareness of OSCE principles, the Mission has established a discussion group that regularly brings together persons of various political backgrounds and professions for an exchange of ideas on current issues.

Co-operating closely with the Government in implementing its mandate, the Mission has succeeded in establishing contacts with regional and political forces in the country, thereby facilitating dialogue and building confidence. Mission members regularly visit all regions of Tajikistan in order to gain accurate impressions of the political environment throughout the country. Similarly, the Mission fosters contacts between those elements who may play significant roles in Tajikistan's political life.

The Mission continues to maintain strong contact and co-operation with the agencies of the United Nations and the other international organizations in all spheres of its work.

The Mission seeks to promote adherence to human rights norms and principles in a difficult human rights situation. In close co-operation with the United Nations High Commissioner for Refugees, the Mission, working through its field offices, is monitoring the re-integration of returning refugees and internally displaced persons, and is providing legal assistance in order to facilitate rapid resettlement. The field offices, for their part, are promoting the establishment of the rule of law and the restoration of confidence in local institutions, particularly within the judiciary system and law-enforcement bodies in the areas of the country most affected by the war.

2.1.8. Mission to Ukraine

With the significant lowering of tensions in Crimea over the past year, the Mission's focus of activity has shifted to unresolved economic and social problems which continue to bedevil the peninsula. This has largely involved placing fresh emphasis on issues associated with the return to Crimea of over 250,000 formerly deported people, the overwhelming majority of whom are Crimean Tatars. In this effort the Mission has worked closely with the HCNM and international organizations, including the UNDP, the UNHCR and the IOM, so that requests to the donor community for increased contributions to help with the re-integration of the former deportees can be well presented and solidly grounded. An international conference to finalize donor commitments is being planned for early 1998.

The Mission has also actively sought to draw attention to recently eased citizenship regulations which are designed to make possible the acquisition of Ukrainian citizenship by the approximately 100,000 Crimean Tatars who are now residing in Crimea but are still citizens of some other former Soviet republic. In this effort the Mission is working closely with the UNHCR to publicize the new citizenship law among the scattered deportee communities on the peninsula.

The legal framework for the Autonomous Republic of Crimea within the Ukrainian State, notably the Crimean Constitution, has not been entirely completed. The Mission, with expert advice from OSCE sources, continues to advise the Ukrainian and Crimean authorities and to provide suggestions for filling in the lacunae.

2.1.9. Mission to Bosnia and Herzegovina

Elections

In 1997 the OSCE Mission to Bosnia and Herzegovina continued to build on the experience gained in its supervision of the 1996 national elections. With the holding of the municipal elections, the OSCE's primary goal was to achieve a higher standard of accountability and transparency. The attainment of these goals rested on three major components:

1. The further elaboration of rules and regulations to formalize definitive criteria for establishing voter eligibility as well as the procedures relating to the registration of parties, coalitions and candidates, the polling process and the counting of votes;
2. The registration of all the voters;
3. The full and comprehensive international supervision of voter registration centres and polling stations.

Ultimately, 2.5 million voters were registered to vote during the eight-week drive carried out in early spring inside Bosnia and Herzegovina, at registra-

tion centres in the Federal Republic of Yugoslavia (Serbia and Montenegro) and in Croatia, and by mail throughout the rest of the world. Each voter was allowed to choose either his or her pre-war municipality or a current place of residence, if established criteria could be met. Final voter registers were compiled, on which each voter was assigned to vote at a specific polling station. During the 1997 municipal elections held on 13-14 September, 88 per cent of the registered voters participated. Over 2,300 international supervisors were recruited, trained and deployed to oversee operations at the polling stations and counting centres. During the elections, SFOR played an important role in providing a secure environment and logistical support to the Mission. A total of 142 municipal councils were elected in polls that, in many municipalities, demonstrated a move towards political pluralism and new trends.

Early on, it was recognized that implementation of the results would require close supervision in view of the inter-ethnic tensions that linger in the post-war environment. The OSCE was vested with the authority to ensure that newly elected municipal councils and assemblies were organized and functioning before the final certification of results.

Immediately following the municipal elections and as a result of the constitutional crisis in the Republika Srpska and of the dissolution of its National Assembly, the OSCE was placed at the helm in supervising an unanticipated election. With Decisions Nos. 186 and 190 of 18 and 26 September, the PC tasked the OSCE to supervise the elections for the Republika Srpska National Assembly which took place on 22 - 23 November 1997. Approximately 70 per cent of the electorate within the country cast their ballots in elections, in which 83 members to the National Assembly of Republika Srpska were elected.

Human rights

The Human Rights Branch continued to use its extensive network of Human Rights Officers (HROs) to monitor closely the human rights situation, to report on human rights incidents, and to investigate and intercede in cases of specific human rights violations. This year HROs have focused particularly on the human rights aspects of cases involving property issues, illegal evictions and the return of displaced persons, the rule of law, illegal detention, and compliance with the Rome Agreement on war crimes arrests, protection of minorities, and freedom of association and assembly. During the 1997 election period, the Human Rights Branch worked closely with the Monitoring Coordination Groups (MCGs) and the Election Results Implementation Commissions (ERICs) in monitoring and facilitating the elections and the implementation of their results.

The Human Rights Branch has also worked closely with the Office of the High Representative (OHR) and other parties (the International Police Task Force, the Stabilization Force, the United Nations High Commissioner for

Refugees, etc.), particularly through the Human Rights Coordination Centre (HRCC), on questions of human rights policy and implementation.

Regional stabilization

Implementation of the specific arms control agreements provided for within the General Framework Agreement for Peace in Bosnia and Herzegovina has made good progress during 1997. The Agreement on Confidence- and Security-Building Measures has led to gradually accelerating co-operation from the Parties. Article IV of Annex 1-B of the Dayton Agreement - Agreement on Subregional Arms Control - has demonstrably progressed far better than was expected, and the Parties are attaining balanced and stable force levels at the lowest possible numbers consistent with their defence needs.

The Parties in Bosnia and Herzegovina have shown restraint and moderation during what could have been a deeply contentious process. The climate of more openness, confidence and transparency and progress in the balance of forces in the subregion have been achieved thanks to the efforts and resolve of the representatives of the Parties - a considerable accomplishment for which they deserve due recognition.

The Parties have acknowledged the OSCE's role by requesting the Organization's continued participation through 1998 in key activities for which responsibility was to have been passed to the Parties by the end of 1997. Unresolved difficulties stem primarily from lack of experience and inadequate familiarity with procedure - not from obstructionism or non-compliance. The regional stabilization authorities continue to enjoy close working relationships with the key civil and military implementing agencies.

Democratization

The Democratization Branch, initially part of the Human Rights Branch, was established in November 1996 as a separate unit with the following tasks: promoting the development of civil society; holding of democratic elections to further freedom of expression, association and movement; laying the foundations of representative government; ensuring the gradual achievement of democratic goals throughout Bosnia and Herzegovina.

During 1997, programmes have been conducted in three main areas. *Confidence-building* where activities were undertaken with the aim of developing dialogue between ethnic groups and across the Inter-Entity Boundary Line. *Civil society development* programmes were carried out with the aim of increasing citizens' participation, strengthening the independent media, promoting a diversified political party environment, and contributing to sustainable work by local non-governmental organizations. Finally, projects geared to *democratic institution building* focused on assistance to educational institutions and professionals in introducing democratic values and on the promotion of an independent judiciary by providing training for legal professionals and by encouraging laws that meet international human rights standards. A Legal Aid

Program has also been launched, providing a nationwide legal aid service and, at the same time, fostering a strong and democratic legal system.

The Lisbon Summit Document of December 1996 states that the OSCE Mission to Bosnia and Herzegovina is expected to contribute to democracy-building through concrete programmes. The Democratization Branch is fulfilling those obligations through the gradual implementation of projects that foster suitable conditions for elections and, in accordance with the Sintra Declaration of May 1997, strengthen the development of democratic institutions. As such, democratization activities contribute to bringing about the necessary environment for the successful implementation of the elections results and the effective functioning of the municipal councils.

Media Development Office

The Media Development Office (MDO) is a separate office within the Democratization Branch. During this year the MDO managed and sponsored five inter-entity programmes in an effort to increase dialogue, interaction, and understanding across entity boundaries. During the last Inter-Entity Journalists' Conference, held in October, over 100 journalists from all parts of Bosnia and Herzegovina participated to discuss common concerns and problems of their profession. These journalists' conferences provide the only opportunity for media representatives from all parts of the country to meet and share their views. The Media Development Office is also continuing to manage a press distribution programme that delivers copies of newspapers and magazines across inter-entity boundaries to journalists and other influential people.

The Federation Ombudsmen

The present Federation Ombudsmen, Mrs. Branka Raguz, Mrs. Vera Jovanovic and Mr. Esad Muhibic, were appointed, in accordance with the Federation Constitution, by the CSCE (later OSCE) on 31 December 1994 for a term of not less than three years. The Federation Parliament will gain appointment authority only after the passage of a special Ombudsmen's Law, which cannot be adopted earlier than three years after the entry into force of the Constitution (i.e., after 31 May 1997). The OSCE Mission and the Ombudsmen, with the agreement of the Government, have requested technical assistance from the Council of Europe in drafting such a law. The law will include internationally accepted criteria for selection and appointment. The current Ombudsmen have expressed their wish to continue in their positions. Discussions between the OSCE Mission, the Ombudsmen and the Federation on the subject of appointments are continuing.

The first Ombudsmen to hold office enjoy widespread support and respect from the local and international human rights community, the diplomatic community and the general population.

